

Testimony of Richard M Larrabee
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Submitted to The New York City Council Committee on Waterfronts
Hearing: Oversight - Clearing the Air: Greening New York City's Working Waterfront.
Thursday, June 17, 2010
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Chairman Nelson and Committee members, thank you for the opportunity to testify for this important hearing.

My name is Richard M. Larrabee and I am the Director of the Port Commerce Department at The Port Authority of New York and New Jersey. In this capacity, I am responsible, along with other private and public partners, for the promotion, protection, and development of the Port of New York and New Jersey, which includes facilities in Bayonne, Elizabeth, Jersey City, and Newark, New Jersey, as well as in Staten Island and Brooklyn, New York.

The Port Authority of New York and New Jersey (Port Authority) is a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of the United States Congress. The Port Authority, together with its wholly owned subsidiaries, provides the region with integrated transportation and trade services and operates facilities in connection therewith, including, but not limited to, five major regional airports (Newark, LaGuardia, JFK, Teterboro and Stewart); interstate traffic through four bridges and two tunnels, a bus terminal, a bus station, the PATH rapid transit system, the Hoboken-lower Manhattan ferry service and certain New York-New Jersey port facilities.

The Port of NY&NJ is the largest port on the East Coast, and consists of over 180 Coast Guard regulated facilities and approximately 150 other pieces of critical infrastructure. The Port Authority owns or operates just a small portion of these facilities, including six marine terminals and the NY-NJ Rail float operation.

The Port experienced substantial growth over the past two decades. However, due to the current global economic downturn, in 2008, the Port experienced flat growth in container activity for the first time since 1993. In 2009, traffic dropped by 13.4%, with our terminals handling 4,561,527 loaded and empty TEUs (20-foot equivalent units). However, the first four months of 2010 show an increase of 10% in cargo volumes from 2009, a sign, we hope, of an improving economy.

The port has a significant positive impact on the economy of the region. A 2008 analysis of the port industry prepared for the New York Shipping Association shows the port generating over 260,000 jobs and \$11.2 billion in personal income and over \$5 billion in federal, state and local tax revenues in the region. In New York State specifically, the port accounts for over 44,800 jobs, nearly \$2.3 billion in personal income, nearly \$7.5

billion in business activity, and nearly \$1.4 billion in tax revenues. Moreover, in New York City, over 31,800 jobs, nearly \$2.1 billion in personal income, nearly \$6.8 billion in business activity and nearly \$1.3 billion in tax revenues.

Brooklyn Facilities

The New York Waterfront has an illustrious history as a center for business and commerce and the Port Authority has, since its founding in 1921, played a role through its mission to strengthen the economic competitiveness of the metropolitan region. In New York City, the Port Authority owns the Brooklyn Port Authority Marine Terminals and leases the Howland Hook Marine Terminal in Staten Island from New York City.

The Brooklyn Port Authority Marine Terminals is located on 80 acres on Piers 7-12 in the Red Hook section of Brooklyn. Piers 7-10 are leased to a variety of tenants including containers, roll-on/roll-off operations, and break-bulk. The Port Authority previously also operated cargo facilities on Piers 1-6 but turned the property over to NYC for the development of Brooklyn Bridge Park.

Piers 11 & 12 are leased to our partner, the New York City Economic Development Corporation, who developed the Brooklyn Cruise Terminal (BCT) at Pier 12, a \$56 million world-class facility. The first full cruise season commenced in the spring of 2006. In 2009, the BCT handled 44 cruise vessels carrying 238,284 passengers. In 2010, the BCT is scheduled to handle 43 cruise vessels carrying approximately 232,000 passengers.

At Pier 11, the NYCEDC has entered into a long-term sublease with Phoenix Beverages for a warehousing and distribution operation.

In addition to the Brooklyn Piers described above, the Port Authority owns and operates the NYNJ Rail float barge operation, which transports cargo-filled rail cars between Greenville Yards in Jersey City, New Jersey and terminals at 51st Street in Bay Ridge, Brooklyn. The Port Authority is working to rehabilitate this operation utilizing over \$100 million in existing federal funding, obtained through Congressman Jerrold Nadler in 2005.

Staten Island Facilities

In Staten Island, Port Authority has leased the Howland Hook Marine Terminal (HHMT) from the City of New York since 1985. The agency has invested over \$350 million to make this into a world-class facility. Our tenant at this site, the New York Container Terminal, is the largest employer on Staten Island.

The Port Authority also owns the 124-acre Port Ivory property, which was purchased to allow for the expansion of the marine terminal and the development of an intermodal rail facility. The Port Ivory site also houses a warehousing and distribution center. The remainder of the Port Ivory property is currently undeveloped, and our tenant, New York

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Container Terminal is undergoing the necessary scoping processes to expand its operation by developing Berth 4, as deep-water container terminal space, which could bring a significant increase in economic activity to the City and the Port Authority.

Environmental Initiatives

At the Port Authority, we are committed to not only being drivers of commerce and trade, but also to being good stewards of the environment.

Harbor Deepening Program and MVERP

In 2001, the Port Authority entered into an agreement with the United States Government to begin the 50-foot Harbor Deepening Program. Projections for construction showed that the levels of NOx produced during the life of the construction would exceed USEPA standards for the region. As the local sponsor, the Port Authority was required to provide offsets to the air pollution that would be generated by this project. The agency worked with the Regional Air Team, a consortium of state and federal agencies, to develop initiatives to offset these emissions.

One project we developed was the Marine Vessel Emission Reduction Program. Through this program, we have replaced the main and/or auxiliary engines of 25 harbor vessels (tugs) and 8 Staten Island ferries. In 2010, this will mean an emissions offset in the harbor of 890 tons of NOx. The Harbor Deepening Program should complete construction in 2014, but the emissions reductions will remain in the harbor, a legacy of cleaner air for the Port of NY & NJ.

Clean Air Strategy

In November 2008, the Port Authority Board of Commissioners adopted a Statement of Principles that demonstrates our commitment to reducing Port-related emissions that affect air quality in the region and contribute to climate change.

We then began the process of developing a Clean Air Strategy for the Port of New York and New Jersey. We brought together our port partners – the New Jersey Department of Environmental Protection, the New York Shipping Association, the US Environmental Protection Agency Region 2, the New York State Department of Environmental Conservation, the New York City Mayor's Office of Sustainability, the New York City Economic Development Corporation, and the Cities of Newark, Bayonne, Elizabeth and Jersey City – to develop the Clean Air Strategy over the course of about a year. Working together, the Strategy Partners developed actions to reduce emissions from all port-related sources and committed to identifying resources to implement them.

The development of the Strategy included meetings with both the source-specific sector stakeholders and environmental and community stakeholders. I would like to applaud the work of all of our partners throughout this process. Their insights and commitment to identifying innovative actions for implementation was invaluable.

The Clean Air Strategy document was completed in October 2009. I invite everyone to read this document at the Port Authority's website, www.panynj.gov

The purpose of the Strategy is to reduce impacts on human health and the environment resulting from port-related air pollutant emissions and greenhouse gas emissions that impact climate change. The Clean Air Strategy identifies various actions to reduce emissions from all port-related sources -- Ocean Going Vessels and Harbor Craft, on terminal Cargo Handling Equipment, and the trucks, and rail that service the Port.

The Port is located in a region that is in non-attainment of federally mandated national ambient air quality standards for Ozone, of which Nitrogen Oxide is a key element, and fine Particulate Matter. Although the total contribution from all Port Authority Maritime sources of these pollutants, as well as several other criteria pollutants, is less than 2% of the total for all sources in the region, we are committed to reducing this contribution in an effort to help bring the region into attainment.

Specific goals for the Strategy are consistent with the goals contained in our Statement of Principles. These include annual reductions of criteria air pollutant emissions by 3% and greenhouse gas emissions by 5%.

We will track our progress through biennial air emission inventory updates and identify new initiatives to achieve our emission reduction goals. In this way, the Clean Air Strategy will be a living document that is updated every two years.

The Port Authority has begun to implement several of the identified actions. I will now describe these projects and their estimated emissions reductions goals.

Ocean Going Vessel Fuel Switch Incentive

Ocean Going Vessels – the ships carrying the cargo and passengers that come to the Port of New York – are the GREATEST port-related source of all criteria pollutants, including Nitrogen Oxide and fine Particulate Matter, two pollutants for which this region is in non-attainment of federal national ambient air quality standards. Ocean Going Vessels also are the third largest source of Carbon Monoxide and the second largest source of green house gases.

Starting on July 1, 2010, the Port Authority will launch the Ocean-going Vessel Low-sulfur Fuel Incentive Program (Program) to encourage the operators of ocean-going vessels calling at Port Authority marine terminal facilities in the Port of New York and New Jersey (Port) to utilize low-sulfur fuel in their vessels' main and auxiliary engines. The agency is investing up to \$6.36 million in this program.

Under the proposed Program, the Port Authority would reimburse operators of ocean-going vessels that call at Port Authority marine terminals up to 50 percent of the

difference in cost between the high-sulfur residual fuel they now utilize and the low-sulfur fuel they would agree to use in their main and auxiliary engines.

Participating vessels would be required to switch to low-sulfur fuel in their main engine when the vessels are 20 nautical miles from the entrance to the New York/New Jersey Harbor (Harbor) and in their auxiliary engines when the vessel is at berth.

The ocean-going vessel operators would absorb the remaining 50 percent of the cost differential to purchase the low-sulfur fuel.

To qualify for the fuel incentive, the ocean-going vessels that participate in the program also would be required to comply with vessel speed reduction measures, to reduce emissions by reducing vessel speed to no more than ten knots within 20 nautical miles of the entrance to the Harbor to the Verrazano-Narrows Bridge. Lowering vessel speeds reduces emissions, because the main engines work at a lower load, and engine emissions vary with load. Both the proposed program and the vessel speed reduction would target ocean-going vessels that call at Port Authority marine terminal facilities. Calculated emission reductions for this program are 1362 ton/year for Green House Gases; 76 tons/year of NO_x; and 67 tons per years of particulate matter.

The Port Authority will fund this program through 2012, when it is anticipated that the recent decision of the International Maritime Organization to designate North American coastal waters as an Emissions Control Area becomes effective, and will impose stringent limits on the sulfur content of fuel used by vessels operating within 200 nautical miles of U.S. coasts.

Cargo Handling Equipment

Cargo-handling equipment, such as straddle carriers (vehicles used at terminals and intermodal yards to stack and move containers) and yard hostlers (yard trucks that move cargo from one location to another), play an important role in the Port's goods movement system, and are a necessary and critical part of the Port's operations.

CHE is the second most significant source of all criteria pollutants except NO_x, for which it is the third most significant source. It is also the third largest source of Green House Gases.

Last fall, the Port Authority launched the Cargo-handling Equipment Fleet Modernization Incentive Program. This is a \$2.24 million program that will allow Port Authority tenants to seek reimbursement of 20 percent of the costs to replace approximately 125 pieces of cargo-handling equipment used at Port Authority marine terminal facilities. The new equipment will meet federal on-road air emission standards or the most recent federal off-road emission standards. The tenants will pay the remaining 80 percent of the replacement costs and remove the old equipment from the region. Calculated emission reductions levels are 68 tons/years of NO_x and 4 tons/year of Particulate Matter.

The replacement of existing cargo-handling equipment with new equipment that meets federal on-road air emission standards or the most recent federal off-road emission standards is a critical component of the Clean Air Strategy and a key to improving air quality in the region. Emission Reductions (tons/yr): NO_x – 68; PM – 4

Truck Replacement Program

The majority of cargo arriving in our port is destined for a location within 150-200 miles of the port. Thus, approximately 85% of all cargo moves off Port Authority facilities by truck.

The 2005 Comprehensive Port Improvement Plan (CPIP) demonstrated that port trucks make up less than 4% of all trucks and less than 1% of all vehicles on the regional roadways.

We recognize, however, that for the communities surrounding the port, truck emissions can have a significant local impact, since Trucks are the top emitters of CO and green house gases and the second largest emitter of Nitrogen Oxide, a pollutant for which the region is in non-attainment.

This is why the agency has invested over \$600 million to develop an on-dock rail terminal system known as ExpressRail. In New York, ExpressRail can be found at the Howland Hook facility. The first phase of ExpressRail Staten Island was completed by the Port Authority in 2007, and moved 45,000 containers during its first full year of operation, removing nearly 100,000 trucks from local bridges and highways.

In August 2008, the Port Authority performed a Drayage Truck Characterization Survey (Survey) that evaluated the profiles of drayage trucks visiting the Port's marine terminal facilities. The Survey estimated that approximately 700 drayage trucks built prior to 1994 service the Port's marine terminal facilities five or more times per week. The survey also found that approximately two-thirds of the drivers are independent owner/operators, while the remainder drive trucks owned by another entity.

As part of the Clean Air Strategy, the Port Authority, working with the Natural Resources Defense Council (NRDC), convened a Truck Working Group, which included representatives from government -- including the EPA Region 2, New York and New Jersey state regulatory agencies and NYC Mayors Office of Sustainability, industry representatives -- including New York Shipping Association and the American Trucking Association, the Teamsters as representatives for labor unions, and environmental and community groups such as the Coalition for Healthy Ports, to discuss and research the various options for a program to phase out older trucks.

In March 2010, the Port Authority, with the help of an EPA grant through the American Recovery and Reinvestment Act-National Clean Diesel Funding Assistance Program for

\$7million, launched an incentive program to replace up to 636 pre-1994 trucks that serve the port on a frequent basis. The Port Authority is providing \$28 million to fund this program.

The Regional Truck Replacement Program (TRP) will provide motor carriers and independent owner operators servicing the Port Authority's marine terminals the opportunity to apply for grants and acquire financing to replace their older drayage trucks with cleaner, safer and more fuel efficient models. Applicants that are eligible to participate will receive a grant that will cover up to 25 percent of the purchase price of a newer truck and may also qualify for low-interest financing at 5.25%.

The TRP aims to replace trucks that have engines Model Year 1993 or older with newer trucks Model Year 2004 to 2008, equipped with Model Year 2004 or 2007 EPA emissions-compliant engines. Anticipated emissions reductions are 1,675 tons/year of Green House Gas; 118 tons/year of NOx; and 14 tons/years of particulate matter.

To reduce diesel truck emissions as well as improve health and safety, the Port Authority will also implement a plan to phase out older trucks serving its marine terminals in New York and New Jersey. Starting January 1, 2011, port drayage trucks equipped with engines Model Year 1993 and older will be denied access to the Port Authority's marine terminals. In addition, starting January 1, 2017, only trucks equipped with engines that meet or exceed engine Model Year 2007 federal emission standards will be allowed access to the Port Authority's marine terminals.

You can obtain further information regarding this program by visiting www.replacemytruck.org or in Spanish at www.cambiamicamion.org

Brooklyn Cruise Terminal

The final program I want to share with you is a plan for shore power at the Brooklyn Cruise Terminal.

The Port Authority was successful in receiving a grant from our partners at EPA of \$2.858 million for this project. If the project moves forward, the Port Authority is committed to invest \$15 million, pending approval by our Board, in the necessary infrastructure to allow the Cruise vessels to 'plug in' while at berth, loading or discharging passengers.

Carnival Cruise Line has agreed to convert the vessels that visit Brooklyn to receive this power at a cost of over \$1 million per vessel.

For several months we have been working with our partners at NYC Economic Development Corporation and NY Power Authority to identify the most appropriate rate for the shore power, given the special characteristics of the power requirement – high

demand, short duration and capable of being interrupted when there is high regional demand- and also a rate that is economically viable for the Cruise Line.

We will continue to work to achieve an agreement on the tariff rate that will ensure a long-term commitment by the Cruise Line that their vessels will use the shore power system during port calls at the Brooklyn Cruise Terminal. As soon as an agreement is reached, the Port Authority will seek Board Authorization for the project so that construction phase can commence.

If instituted, this program has a calculated emissions reduction over 45 vessel calls, of: GHG -1,394; NOx - 89.3; PM - 6.1 tons/year

Closing

The programs I have described today and the further information I have provided in my written testimony are but a small portion of the initiatives identified by the Clean Air Strategy. In addition, I did not mention any of the environmental initiatives the Port Authority is implementing at its other facilities, such as LED lighting on the George Washington Bridge.

The projects are just the beginning.

We continue to seek additional funding sources to institute further phases of these projects as well as other Clean Air Strategy actions.

In addition, the agency will continue to pursue and support policy changes at the agency level, as well as through collaboration with our legislative partners at the state and federal level, where there are ongoing discussions.

The New York Waterfront continues to be a vibrant and very busy place. The Port Authority is committed to ensuring growth in a sustainable fashion at all of its facilities and looks forward to continuing to work with our partners in the City and at all levels of government and community involvement to make our port the greenest on the East Coast.

Thank you again for the opportunity to submit testimony for this important hearing.

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NATURAL RESOURCES DEFENSE COUNCIL

**Statement of the
Natural Resources Defense Council
By
Richard Kassel,
Senior Attorney
Before the
New York City Council
Waterfronts Committee
June 17, 2010**

My name is Richard Kassel, and I am pleased to testify on behalf of the Natural Resources Defense Council (NRDC) and our 1.3 million members and online activists.

Since 1993, NRDC's Dump Dirty Diesels Campaign has worked in New York, California and at the federal level to reduce diesel pollution. In 2004, NRDC released "Harboring Pollution," which documented the health impacts of the trucks, ships, trains and cargo-handling equipment used to move goods. Since then, NRDC advocates have played central roles in the development of the Clean Truck Programs at the Ports of Los Angeles, Long Beach, New York and New Jersey; new EPA rules governing port pollution sources; and new international rules that will reduce pollution from ocean-going ships approaching our ports.

In my remarks, I will briefly cover the following issues:

1. The need for more environmentally sustainable ports and goods movement strategies in New York City and the surrounding region.
2. The recently-released Truck Replacement Program of the Port Authority of New York and New Jersey.
3. The proposed provision of "shore power" at the Brooklyn Cruise Terminal.
4. The need for federal legislation to protect port clean-up plans.

The need for more environmentally sustainable ports and goods movement strategies in New York City and the surrounding region.

In our work on ports issues, we have consistently found that the network of ships, trucks, trains, and other vehicles and equipment that carry our TVs, clothes, and other consumer goods produces huge quantities of particulate and other toxic air pollution that is linked to increased asthma emergencies, cancer, heart and lung disease, and premature deaths, as well as nitrogen oxides emissions that are a key component of our chronic smog problems.

As a society, we want what we want, when we want it. But few people want the pollution that comes with our current system of goods movement.

Here in New York City, we are surrounded by the busiest port complex on the east coast, and one of the ten busiest port complexes in the world. Our ports are critically important hubs of economic activity, and our region's economic health demands that they continue to play that role.

NRDC believes strongly that the long-term strategies for port development must include a comprehensive approach to reducing air emissions from goods movement. The Port Authority's 2009 Clean Air Strategy is an important first step towards this end. The Clean Air Strategy

includes voluntary and mandatory strategies for ocean-going vessels, cargo-handling equipment, trucks, and other sources of port-related pollution. It is, of course, only a first step, and the key to its long-term success will be in its implementation and follow-through.

In addition, it is important to note that there is a great deal of goods movement that has nothing to do with the port in any direct sense, and is therefore not captured by the Clean Air Strategy. Here are just a few examples: Thousands of trucks deliver packages to homes and offices in the city every day, and never come close to any marine terminal; thanks to long-outdated toll policies on the Verrazano Narrows Bridge, far too many trucks sit in traffic along the Gowanus Corridor in Brooklyn and Canal Street in Lower Manhattan; and with no effective cross-Harbor and cross-Hudson rail links, tractor-trailer trucks crawl along the Cross-Bronx Expressway every day, carrying containers to New England that could be delivered more efficiently by rail if the infrastructure existed to do so.

We encourage the Waterfronts Committee to explore measures that will reduce port impacts in the city, and to find ways to support and supplement the implementation of the Clean Air Strategy. But we also encourage the Committee to work with the Port Authority, the Bloomberg administration, and other relevant stakeholders to develop additional strategies that will reduce goods movement impacts throughout the city. Indeed, as the Bloomberg administration updates PlaNYC 2030 over the coming year, NRDC will be encouraging the city to incorporate sustainable goods movement policies into the plan's next iteration that will address the port and non-port issues that I have noted above.

The recently-released Truck Replacement Program of the Port Authority of New York and New Jersey.

Over the past year, I co-chaired the Port Authority's Clean Truck Work Group, which developed the Port Authority's recently-released Truck Replacement Program (TRP). The TRP provides key incentives to accelerate and incentivize the clean-up of all of the older, dirty diesel trucks that are currently serving the port's marine terminal, as required by the Port Authority's Clean Air Strategy.

As you have learned already, these two programs contain two key goals: first, by January 1, 2011, the oldest, dirtiest diesel trucks (i.e., trucks built before 1994) will no longer be able to service the port; and second, by January 1, 2017, only trucks certified to EPA's 2007 or 2010 emission standards will be able to service the port. These EPA standards are the most stringent standards in the world, and are 90-95 percent cleaner than pre-2007 engines.

In the near term, the TRP will provide \$28 million in critical financial incentives¹ to replace more than 600 aging, pre-1994 trucks that regularly service the Port of NY/NJ, starting next year. These trucks will be replaced with trucks that have engines built in 2004 or newer. This

¹ The program provides \$28 million in joint financial assistance from EPA stimulus funds and the Port Authority to help drivers switch from their dirty, pre-1994 trucks to cleaner, more efficient vehicles. Specifically, trucks drivers will be eligible for a 25 percent grant toward the total purchase price of a replacement truck as well as low-interest financing (5.25 percent over five years) for up to 75 percent of the total purchase price. Many of these truck owners have limited or no access to adequate financing on their own, making this incentive especially important.

move will cut soot pollution from the old trucks by two-thirds and smog-forming pollution in half, and will provide a bridge to the cleaner post-2007 trucks that will be required in 2017.

NRDC is a strong supporter of the TRP as a key step towards cleaning up the port's trucks. The Port Authority is now firmly on the path towards cleaner trucks, and has sent a strong signal, backed by the support of a diverse group of stakeholders involved in the development of the TRP, that the days of our port being the landing spot for the region's dirtiest trucks will soon be over.

In the long run, however, the successful implementation of this program will require addressing the economic issues that have led to a drayage fleet with so many old, dirty trucks. We recognize that the TRP does not include some of the key provisions of the Los Angeles Clean Truck Program, specifically fees assessed on some port cargo to subsidize newer, cleaner trucks and a concession agreement to create a contractual relationship between the port and the licensed motor carriers (LMCs) that effectively enforces the age-based truck ban.

Consequently, we expect that additional financial and operational incentives and programs will be necessary to ensure the long-term, successful implementation of both stages of the TRP. As co-chair of the Clean Truck Work Group, I am personally committed to ensuring that future steps address both the environmental and economic issues underlying the truck components of the Clean Air Strategy and the TRP in a successful manner.

The proposed provision of "shore power" at the Brooklyn Cruise Terminal.

As the Committee knows, there has been a great deal of discussion about a plan to provide shore-based electrical power to cruise ships docked at the Brooklyn Cruise Terminal.

The concept of shore power is simple: a docked ship can burn as much as seven tons of dirty bunker fuel daily to run its electrical generators. This bunker fuel contains as much sulfur as 3,000 diesel trucks or buses. Plugging into shore-based electrical power will be dramatically cleaner and more efficient than burning onboard bunker fuel. Indeed, the Port Authority has said that shore power would eliminate 98 of the estimated 100 tons of pollution from cruise ships at the terminal every year and create an estimated \$9 million/year in monetized health benefits.

Unfortunately, the Public Service Commission has not yet set the electrical rate (called a "tariff") for the power to be supplied by Con Edison. For this project to work, the rate must be competitive with the currently cheaper alternative of simply idling their extremely dirty engines on dirty bunker fuel.

Simply stated, shore power at the Brooklyn Cruise Terminal is a no-brainer for any sustainability effort at the port. It would provide cleaner air to the Red Hook, Sunset Park and other communities that are downwind of this facility. Equally important, it would show other ports that this approach to reducing ship emissions is viable, so would provide benefits beyond our city. It's time for the PSC to set the tariff that establishes the electricity rate, and for this project to move forward.

The Need for Federal Legislation to Protect Port Clean-up Plans.

NRDC believes that current federal law enables ports to move ahead with truck clean-up plans, whether those plans are based on the concession model of Los Angeles, the registration model of

Long Beach, or the TRP at the Port of New York and New Jersey. Nevertheless, ongoing litigation is challenging that view.

We believe that amending the operative law, i.e., the Federal Aviation Administration Authorization Act (FAAAA), would clarify that port programs to protect the environment are not preempted by the FAAAA. The proposed amendment would not require any ports to implement any particular program—or any program at all. What the proposed amendment would do is simply protect port authorities across the nation that want to mitigate environmental and safety threats posed by port trucking if and when the port decides to act.

NRDC strongly urges the Committee—and the full Council—to adopt a resolution that clearly urges Congress to amend the FAAAA to specifically enable ports to create such mitigation programs if and when they choose to do so.

Conclusion

There are many other issues related to creating a “green port” for New York City. In my brief testimony today, I have tried to address some of the most pertinent, most timely issues. I am happy to answer your questions or provide more details on these and other port issues.

Thank you again for the opportunity to testify today.



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

U.S. REPRESENTATIVE JERROLD NADLER (D-NY)
Testimony at NYC Council Hearing on
Cleaning the Air: Greening New York City's Working Waterfront
June 17, 2010

Thank you, Councilman Lander, for holding this hearing today regarding Green Ports and air quality and for inviting me to join you here today. As you may know, I have been a passionate advocate and a supporter of the Port of New York and New Jersey for more than thirty years. I fundamentally believe that an active port is imperative for the economic vitality of the city and region, and that our port must retain its position of dominance on the eastern seaboard of the United States. And, as many of you know I strongly believe that Brooklyn must be a part of that port. But this is not a fight between New York and New Jersey. Our competition is instead Halifax, Baltimore and Norfolk. The Port of New York and New Jersey must expand to ensure that we become the hub port on the eastern seaboard. We must have the Pier 4 berth extension in Howland Hook in Staten Island and invest in our port facilities in New Jersey, and we must plan now to build a major container port in Brooklyn and invest in landside access to it. The economic future of our region depends on the continued growth and development of the port of New York and New Jersey.

But the expansion of the port must be done in an environmentally responsible manner. With an estimated 87 million Americans living in port adjacent communities which fail to meet federal air quality standards, the pollution generated by ports and port trucking is an issue that warrants our attention. In the New York region, virtually everything is transported by truck. We have some of the highest asthma death rates in the world, and we are a non-attainment area under the Clean Air Act. We also as I mentioned have one of the major hub ports on the East Coast and despite the fact that the economy has taken a downturn, freight movement is still expected to more than double by 2020. And with the upcoming expansion of the Panama Canal, Asian goods will be shipped directly to the East Coast ports.

As I mentioned, we are going to have to expand port facilities throughout NY Harbor, to avoid an artificial lid on economic growth and congestion that will increase the cost of doing business for everybody, from the shipper to the consumer. That is why I believe that we must have effective environmental programs in place, like the Port of LA's Clean Truck Program, if we are to accommodate an increase in goods movement without adversely impacting the surrounding community.

The Port of Los Angeles began a Clean Truck Program initiative to address the highly polluting truck drayage system. In just one year, the program has reportedly replaced nearly 6,000 dirty diesel trucks with clean diesel and alternative energy vehicles; eliminating 30 tons of diesel particulate matter which will reduce diesel particulate pollution by an estimated 70 percent. This is equivalent to removing 200,000 automobiles from the road. We are unaware of another truck emissions reductions program which has had such remarkable success in such a short time period.

Unfortunately, the program has been challenged in federal court. The current motor carrier statute enacted as part of the Federal Aviation Administration Authorization Act of 1994 (FAAAA) allows state and local entities to regulate trucking companies only for "safety" related programs, and an injunction has been issued to temporarily block the City's ability to directly enforce through concession agreements a ban on motor carriers from bringing dirty trucks into the Port. The court injunction also prevents the Port from enforcing economic requirements that will ensure expensive new clean trucks will be properly maintained by ending the practice of improperly designating employees as "independent contractors."

This requirement was determined to be the best way to ensure that the cost of compliance with environmental regulations was borne by trucking companies instead of drivers. The consequence has been devastating on workers who are seeing their incomes fall by nearly half because trucking companies continue to misclassify their drivers as "independent contractors" and require them to pay for the operation and maintenance of new vehicles. This in turn threatens the efficacy of the regulations and the tremendous environmental progress made by the Clean Truck Program.

This is not only a California issue, but a national one. Ports around the country – like the port terminals in New York and New Jersey, Oakland, Seattle and Miami – are grappling with similar obstacles presented by port trucking, but are unable to implement a comprehensive program given the legal uncertainty and injunction against the program in Los Angeles. The Port Authority of New York & New Jersey also recently adopted a program to phase out older trucks and provide grants to help purchase newer cleaner trucks, but it is not enough. Earlier this year the Port Authority sent me a letter requesting an amendment to the federal motor carrier statute so that it can take measures to more effectively improve air quality. Based on these recent events, I believe that federal law needs to be updated to ensure that ports can enact and enforce Clean Truck programs. I am currently drafting legislation to amend the federal motor carrier statute so that ports can enact and enforce Clean Truck Programs similar to that of the Port of Los Angeles if they choose to do so. I am working with Chairman Oberstar and the entire Transportation & Infrastructure Committee on this important legislation and stand ready to work with all Federal, State and local governments to allow ports to establish sustainable green growth programs that work for business, local communities and workers.

I again, thank you for this hearing and look forward to the assistance of the Council to help pass in Congress an amendment to the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994 (FAAAA) to allow ports to implement a clean truck program.



Metropolitan Waterfront Alliance

Testimony of Roland Lewis, President and CEO
on **Clearing the Air: Greening New York City's Working Waterfront**

Before the Committee on Waterfronts

June 17, 2010

Good afternoon. My name is Roland Lewis and I am President of the Metropolitan Waterfront Alliance, a coalition of 420 groups working together to transform the New York Harbor and its waterways into a world class resource for work, play, transit and education. I'd like to thank the Committee and especially Chairman Nelson for bringing us all here to discuss greening the port.

The working waterfront is critically important for our region because it supports thousands of jobs and generates billions of dollars in economic activity. Today, the Port of New York and New Jersey is the largest port complex on the East Coast. Waterborne transportation is one of the most energy efficient and environmentally friendly ways to move goods around the region. With added maritime jobs comes better public health, because the maritime industry removes more than 3.1 million trucks from New York City's roads every year. That can mean much cleaner air for all of us. NYC is the only major metropolitan city that is not connected by rail. We applaud the City's effort to modernize the rail freight network, which will enable critical rail connections and encourage more environmentally friendly transportation options.

Our city currently suffers from an epidemic of asthma especially among children. A recent Columbia University study done in conjunction with the Harlem Children's Zone found that one in four Harlem children suffers from asthma. Another recent NYU study found a direct correlation between truck traffic and asthma rates. Waterborne movement of goods can be a key part of solving this problem as long as we continue to push for programs such as LA's Clean Truck Program aimed at dramatically reducing emissions and associated health risks while allowing port development to thrive. To really make the most of our waterways as transportation resources, we need to a) invest in clean fuels and clean fuel technology for our ferries and tugboats, b) reduce the effects of port trucking, c) require "cold-ironing," and d) enhance habitat in the water and on the water's edge.

Currently, the US Army Corps of Engineers is helping to re-power a number of tugboats serving this Port to help reduce the levels of air emissions that these working vessels create. There are literally hundreds of tugboats based and in operation in this Port and we should allow all of these businesses access to cleaner fuels, for example, by creating grant programs just as we do for private vehicle fleets such as school buses. The Council and the Mayor have taken a great step forward for cleaner air by providing the Staten Island Ferry with Ultra Low Sulfur Diesel and Biodiesel. We should make these fuels more accessible and cost-effective for smaller maritime businesses too. Ultimately, every ton of cargo and every passenger commuter that moves by water is reducing the stress and congestion on our land-based transit and highway system, and therefore they are creating a public benefit that is worthy of public support.

To help green the port, alternative fuel needs to be produced and offered for sale in more places, the delivery of alternative fuel, where reasonable, should be made via the waterways, and the federal tax credit for bio-diesel that expired on December 31, 2009 needs to be reinstated.

We must take this opportunity to learn from other major ports. San Pedro Bay Ports Clean Air Action Plan,¹ developed by the San Pedro Bay ports of Los Angeles and Long Beach, is the most aggressive strategy to significantly reduce the health risks posed by air pollution from port-related sources. It progressively invested hundreds of millions of dollars by the ports and private sector businesses to replace diesel trucks with a new generation of clean or retrofitted vehicles prior to any federal or state requirements. As part of the Plan, all major container cargo and cruise ship terminals at the ports would be equipped with shore-side electricity within five to ten years so that vessels can shut down their diesel-powered engines while at berth. Also within the next five years, all cargo-handling equipment would be replaced or retrofitted to meet or fall below emission standards for new equipment called for in the toughest U.S. Environmental Protection Agency regulations. Ships also would be required to reduce their speeds when entering or leaving the harbor region, use low-sulfur fuels, and employ other emissions reduction measures and technologies.

¹ <http://www.cleanairactionplan.org/reports/studies.asp>

In the next ten years, the Port Authority's Clean Air Strategy plans to reduce greenhouse gas emissions from port activities by 30% in criteria pollutants and 50% in greenhouse gas emissions from baseline 2006 levels. However, LA expects to meet its 2012 goal of 80% emissions reductions from overall drayage operations ahead of schedule. We applaud the Port Authority and New York City's goals however we encourage them to reach the level of abatement that our colleagues in LA have aggressively taken on, and we encourage New York City to substantially aid in this work. MWA strongly supports Congressman Nadler's effort to pass federal legislation to allow the Port Authority to develop a similar comprehensive program like the LA. We need a comprehensive clean-air plan modeled after the Port of Los Angeles policy.

In addition to ports' efforts to reduce emissions, we have to remember the importance of enhancing and maintaining the ecological health under the water. Ecological restoration and port activity are not mutually exclusive. Bulkheads have great potential for providing massive amount of in-water habitat to foster biodiversity. An ongoing study at Pier 40 on the Hudson River suggests that pier piles are preferred habitat for fishes. The addition of structural elements such as gabions, reef balls and rebar enclosures to pier piles can provide physical habitat diversity, which in turn can produce a more complex aquatic community. Dutch scientists have successfully designed hulafix, which are bands of hanging ropes that are wrapped around piles to provide improved habitat for fish. Part of any greening the Port activities should therefore include preservation and aquatic habitat enhancement.

We would like to invite everyone in the room to Metropolitan Waterfront Alliance's Working Waterfront Task Force meeting on Wednesday June 23rd at 9:30am to discuss and formulate updates to New York City's Comprehensive Waterfront Plan with a special focus on regulatory, and tax incentives needed to protect the economic health of the maritime industry. The results of the MWA Working Waterfront Task Force meeting will be submitting to City to help ensure that policy decisions and input shaping the updated Comprehensive Waterfront Plan reflect the wide spectrum of all waterfront uses, priorities, and policies.

Overall, MWA believes that increased water transit for people and goods is critical to solving the city's air quality problems. We very much appreciate the Council for drawing attention to these issues and also for recognizing that waterfront and water-dependent businesses can be a part of the solution. Thank you for the opportunity to testify today and I'd be happy to answer any questions you might have.

**Testimony from Christina Montorio, Representative, Teamsters' Port Division
New York City Council Waterfronts Committee
June 17th, 2010**

Thank you Chairman Nelson, Councilman Lander and members of the Waterfront Committee for inviting me here to speak today. My name is Christina Montorio and I am a Representative of the Teamsters Port Division and a founding member of the Coalition for Healthy Ports - a coalition of labor unions, environmental organizations, and community advocates fighting for clean air and good jobs at our country's ports.

I am here today to talk about the port trucking industry and to ask for your support for an LA-style Clean Trucks Program for the NYNJ region and to encourage you to call on Congress to pass federal legislation that will make clear port authorities ability to enact programs like these.

Port adjacent communities around the nation are suffering from a pollution crisis caused by an estimated 7,000 heavy duty diesel trucks hauling goods in and out of our region's ports. In the New York City metropolitan region, the impacts of diesel pollution are jaw-dropping. The Clean Air Task Force estimates that there will be nearly 1,400 premature deaths this year directly attributable to diesel pollution. In addition, the Clean Air Task Force estimates nearly 3,000 heart attacks, nearly 50,000 asthma attacks and 220,000 lost work days – all a result of the intensity of diesel pollution in our region.

This air quality crisis in port adjacent regions like New York City, is an unintended consequence of a system which misclassifies port drivers as independent contractors and forces individual low-income workers to bear the cost of owning and maintaining expensive equipment. As Daniel Ortiz and Victor Martinez will tell you, making a living as a port truck driver has become increasingly difficult over the years. Trucking brokers classify Daniel and Victor, and the majority of the 7,000 port drivers, as independent contractors. This has helped trucking brokers to keep their own costs low; while passing the costs of fuel, tolls, truck purchase and maintenance and all the other expenses of doing business onto the drivers.

Because drivers are paid so little, they drive the oldest, most highly polluting trucks in the industry. As Daniel and Victor will tell you, they would like to drive clean trucks that aren't spewing toxic fumes as they drive down public highways. But the question is if drivers can't afford life's necessities like health insurance, how can they be expected to fund the huge costs associated with cleaning the air?

As Amy Traub from the Drum Major Institute will tell you, a policy solution exists that will address both the economic and environmental injustice of the current system. The EPA Award winning LA Clean Truck Program offers a sustainable solution to the broken port trucking industry by putting the cost of newer trucks where it belongs -- on the capitalized companies who establish the drayage rates with their clients.

Unfortunately port authorities' ability to enact programs like this has been called into question by a lawsuit from the Virginia based lobbying firm the American Trucking Associations. That lawsuit has stymied the landmark success of the LA Clean Truck Program by allowing trucking companies to put the costs of new trucks back onto the drivers, pushing many workers into financial ruin.

We can do better. We ask that the Council will pass a resolution supporting a comprehensive Clean Trucks Program for the NYNJ region and urging Congress to pass federal legislation that will make clear the Port Authority's legal ability to do so.

And with that, I'd like to introduce you to Daniel Ortiz, a port driver who makes regular stops in the greater NY area.

Testimony before the New York City Council Waterfronts Committee

**Amy Traub
Director of Research, the Drum Major Institute for Public Policy
June 17, 2010**

My name is Amy Traub and I am Director of Research at the Drum Major Institute for Public Policy, a non-partisan think tank based here in New York City. One of our primary projects at DMI is to highlight public policies that have been successful at improving people's lives and should be replicated in New York and elsewhere. The Clean Truck program at the Port of Los Angeles is one of the most promising and effective policies we've found.

The Clean Truck Program improves air quality and reduces global warming emissions and also has the potential to improve the quality of port trucking jobs, turning what are now low-income jobs back into the middle-class jobs they once were.

On the environmental front what Los Angeles accomplished is pretty astounding: since they launched the Clean Truck program in October 2008 they've replaced more than 6,600 dirty, diesel polluting trucks that served the port with cleaner models. That will remove 30 tons of diesel particulate matter from the Southern California air every year, cutting port trucking emissions 80 percent. The improved air quality will enhance public health, reducing cases of asthma, heart attacks and other medical problems – one study estimates that the region could save as much as \$5.9 billion in medical costs and productivity increases by 2025.¹

When the Drum Major Institute convened a conversation with Los Angeles official Sean Arian a couple of years ago, he highlighted some additional gains from the program, including improved port security and new opportunities to expand port operations and create new jobs. I've included a transcript of that conversation for you along with the copies of my testimony.

But now Los Angeles, and the nation's other ports, including the ports of New York and New Jersey face a challenge: in the long run you can't maintain the environmental benefits from this program without also addressing the broken employment model in the port trucking industry.

You heard from Daniel Ortiz about the untenable financial situation he faces. That's a typical situation: a study from Rutgers University finds that the 7,000 port truckers in

¹ Husing, John E., Peter Crosby and Thomas Brightbill, "San Pedro Bay Ports Clean Air Action Plan: Economic Analysis, Proposed Clean Truck Program."

New York and New Jersey earn just \$28,000 a year on average.² Before Los Angeles launched its Clean Truck Program, the Port commissioned an analysis that concluded the system wouldn't work if it relied on independent truck drivers in this kind of financial position to maintain the trucks: their margins are just too narrow.³ Already, we're hearing reports of truckers in California going deeper and deeper into debt to finance required environmental upgrades and maintenance.⁴ To keep the trucks maintained and to sustain the environmental benefits, you either have to keep adding more taxpayer subsidies on the program or – L.A.'s original idea – you make the powerful, profitable players in the industry responsible for the trucks and their upkeep.

In the process, there's the opportunity to make companies responsible for their drivers too, giving port truckers the same protections to things like fair wages and hours, and occupational health and safety that other working people have. The original plan in Los Angeles hinged on turning port trucking jobs back into the type of solid, middle-class jobs they were before the industry was deregulated in the 1980s.

As you know, portions of the Los Angeles Clean Truck Program have been enjoined by the American Trucking Associations preventing the Port of Los Angeles from enforcing the provision that trucking companies treat drivers as employees. Now they face precisely the problem their study predicted: long-term sustainability of these significant environmental gains hinges on the economics of thousands of individual low-income port truck drivers. It's difficult to believe that these gains can be sustained when drivers cannot afford to maintain their trucks and provide basic needs for their families. That's why the federal law must be updated so that it's not the taxpayers and the truckers paying to clean the air – but rather companies that profit most from the operation of our ports.

I urge the New York City Council to adopt a resolution supporting federal efforts to clarify the law governing port trucking. An amendment to federal law would give the Port Authority of New York and New Jersey the clear authority to follow and build on models like the LA Clean Truck Program and effectively address the issues associated with the current port trucking system.

Thank you.

² Bensman, David and Yael Bromberg, "Report on Port Truckers' Survey at the New Jersey Ports," Rutgers University, 2009.

³ "San Pedro Bay Ports Clean Truck Program: CTP options analysis," The Boston Consulting Group, 2008.

⁴ See for example: Burt, Cecily "Filters Proving Costly to Truckers," Oakland Tribune, April 26, 2010.

FOR THE RECORD

Regional ^{NJ CT NY} Plan Association



BROOKLYN
GREENWAY
INITIATIVE

**New York City Council
Committee on Waterfronts**

RE: Green Ports

June 17, 2010

**Statement by
Robert Pirani**

Brooklyn Greenway Initiative and Regional Plan Association

Thank you for this opportunity to share our thoughts on important waterfront issues and opportunities confronting the Council.

My name is Robert Pirani. I am Vice President for Environmental Programs for Regional Plan Association, a not-for-profit planning, research and advocacy organization. I am also here representing the Brooklyn Greenway Initiative, where I serve as Chair of the Board of Directors.

We believe that bringing people and greenery to the edge of our working maritime facilities can both enhance the quality of waterfront communities and support these important industries and their employees.

The Brooklyn Waterfront Greenway is a unique opportunity to realize this goal through the construction of the 14-mile long Class 1 pedestrian and bike facility from Greenport to Bay Ridge. The Greenway – now subject of a Master Plan being created by the New York City Department of Transportation - will be physically separated from traffic and designed using the most advanced knowledge of how to minimize and manage conflicts between vehicles, pedestrians, bikes and port and industrial facilities.

The Brooklyn Waterfront Greenway embodies multiple aspirations of the ports' neighborhoods including:

1. A sustainable transportation route along the waterfront where there are few transit options. This commuting and public health resource will improve accessibility for employees of waterfront businesses and facilities by connecting Brooklyn's numerous waterfront communities with the most direct, efficient and safe route;

2. Street trees and other plantings that enhance environmental quality to areas where with large expanses of impervious surfaces, providing air quality benefits and reducing summer mitigating heat island impacts;
3. An unprecedented opportunity to lay the backbone of new stormwater design infrastructure that will remove substantial volume of stormwater from the combined sewer system;
4. Public spaces that connect waterfront communities and celebrates maritime industry, ensuring that the public understand the dynamics of this important sector of the economy.

We hope that the City Council will continue to support the Greenway as it moves from planning to design, construction, and stewardship. Indeed we believe that continuous waterfront greenways should be created throughout the City as part of the comprehensive waterfront plan now being developed by City Planning and EDC.

I want to focus on one aspect where action by the City and Council is needed right now.

Over the 12 years that BGI and RPA have planned the greenway, the City's Economic Development Corporation, the Port Authority, The Brooklyn Navy Yard and some private property owners have agreed to allow land under their jurisdiction to be used for greenway right of way. With NYC DOT commencing design this fall, it is necessary to reduce these understandings to formal Memoranda of Understanding in the next three months.

BGI has been tasked with documenting the right of way assemblage and will submit MOU's to EDC, the Port Authority and the Navy Yard for review and approval in the next weeks. We seek the support of the City Council and the Agencies to assure that the MOUs are finalized and executed by September of this year.

Thank you. I am happy to answer any questions the Council might have.



Pratt Center

for Community Development

Testimony to the Subcommittee on Landmarks, Public Siting and Maritime Uses New York City Council

Hearing on Clearing the Air: Greening New York City's Working Waterfront

**Elena Conte, Organizer for Public Policy Campaigns
June 17, 2010**

Thank you for the opportunity to testify today on behalf of the Pratt Center for Community Development, an university-based non-profit organization which works to create a more just, equitable and sustainable New York, by assisting low and moderate income communities in planning for and realizing their futures.

New York City's working waterfront forms a vital part of our city's economy, and is essential for maintaining quality blue-collar jobs, diversifying our economy and accomplishing regional environmental goals. These functions cannot be divorced from a commitment to ensuring a safe and healthy local environment as well. Addressing air-quality issues at port-related facilities is an important part of solving a pressing regional issue concerning freight movement.

Today, we're asking the Council

- to support a federal amendment to the Motor Carrier Act that would allow for PANYNJ to design programs to meet higher environmental standards
- to take proactive steps to ensure that freight movement issues are included and addressed holistically in the upcoming revised version of PlaNYC and in the comprehensive waterfront revitalization plan
- to support the speedy identification and implementation of a preferred solution to the limited connectivity of the freight network east of the Hudson that will be studied by the PANYNJ's cross harbor freight movement project
- to build upon the work of and to continue to collaborate with constituencies in waterfront environmental justice communities on the north shore of Staten Island, Sunset Park and Red Hook in Brooklyn and in the South Bronx that have identified priorities and opportunities for environmental improvements and for the creation of green-collar jobs with local hiring preferences.

The problem:

Although freight movement is an issue that impacts our society in dramatic and important ways, it has suffered from a chronic lack of attention and repeated piecemeal solutions. Even the stakeholders that are most engaged in the topic – industry, public agencies and directly impacted communities – have rarely, holistically tackled with the complex and intertwined issues that freight movement affects. In this way, it is much like the proverbial elephant being described by a series of people examining it in the dark, each touching a tiny portion of animal, and offering a description of the whole from its limited perspective. One, feeling the tusk, describes the animal as hard and sharp; another, feeling the side, describes it as a wall; the third, feeling the trunk, likens it to a snake, and so forth, each missing the totality of the issue and arguing fiercely about the nature of the beast.

Yet freight movement impacts regional and local environmental quality, public health and the attendant social impacts and costs to taxpayers, the number and quality of jobs in our city's economy, the strength of our economy, physical safety, national security and quality of life, through issues such as the cost of living and road congestion.

The silo-ed approach that pits interests against each other rather than focuses on accomplishing simultaneous shared goals cannot continue if we are to accomplish the planning for infrastructure and communities that future freight and population growth demand of us. The addition of 1 million people in NYC alone by 2020 coupled with the 50% increase in port traffic and 70% increase in overall goods that are forecast over the same period require a new paradigm. And while the forecasts are stark, we should not delude ourselves into thinking that we must plan because the problems are coming *down the line*; currently, port-adjacent and environmental justice communities are experiencing hazardous environmental and labor conditions from diesel exposure at levels that are proven to cause asthma and cancer.

According to county-level calculations performed by the Clean Air Task Force, in the Bronx, which experiences the brunt of port traffic coming from NJ to the east of Hudson region, and Brooklyn and Staten Island, where the port facilities on the NY side are located, combined, the expected premature deaths from diesel exposure in 2010 alone will exceed 700 people. And for those who are dying more slowly, just shy of 90,000 days of work will be missed across these boroughs, due to illness from the same exposure.¹

The process and goals of the Clean Truck Program initiated by the Port of Los Angeles represents nothing less than the best, most cutting-edge model of collaboration to move toward a collective solution to the issues that poorly planned and implemented freight movement practices engender. It is exactly this type of coalition-building that our region must embrace if it is to adapt quickly enough to temper the existing public health crises, environmental burdens and impediments to economic growth.

Moving towards solutions:

To realize this goal, in the short term, it is urgent that local port authorities are empowered to take proactive steps to address environmental impacts, by being authorized at the federal level to enter into concession agreements that implement environmental standards that exceed existing minimums. Port authorities must be allowed to structure programs that are fair and designed to succeed, and that do not place the sole financial cost of these improvements on low-wage workers who are ill-equipped to shoulder such a cost, while other parties escape financial responsibility for the externalities of their business.

It's urgent that the City of New York send a clear and strong message that we want and are ready to take these overdue steps forward, and that impediments created by legal uncertainty are removed. We call upon the City Council to support this effort through a formal resolution, urging for the update of the federal Motor Carrier Act that is supported by the Coalition for Clean and Safe Ports and many in the New York Congressional delegation.

To realize these goals in the mid- to long-term, we must aggressively tackle the single largest cause of the region's dependence on truck traffic – insufficient freight connections across New York harbor. The limited connectivity dramatically hinders multi-modal freight movement to and

¹ Clean Air Task Force <http://www.catf.us/diesel/dieselhealth/msa.php?site=0&m=35620>

within the east of Hudson region preventing greater fuel efficiencies and a reduction in vehicle miles traveled. As a result, 92% of goods in the region travel by truck, compared with a national average of 60%. This is one example where the belief that "it's worse in New York" is affirmed by the facts.

Currently, the Port Authority of New York and New Jersey (PANYNJ) proposes to prepare an Environmental Impact Statement (EIS) to evaluate alternatives to enhance the movement of freight across New York Harbor. A previous study looking at cross harbor goods movement revealed that resolving the connections issue would remove 1 million long-haul truck trips from the region's roads annually, while removing more than 120,000 tons of pollution. It also indicated that 20% of the containers that arrive through PANYNJ facilities have a destination in the east of Hudson region, and with the implementation of a cross harbor solution, these would not have to travel by truck.²

There are active and engaged constituencies in waterfront environmental justice neighborhoods in Staten Island, Brooklyn and the Bronx that have been doing innovative and holistic planning and working with government to advance their goals. There is a strong foundation of work on which to build around green job creation and reducing environmental impacts. Yet there is the pervasive sense that when other economic priorities compete against community goals to preserve and expand water and rail-dependent industry, and to do it in an environmentally sensitive way, community priorities always lose. The City's vision has not been comprehensive and its commitment is shaky. This is most clearly represented by the failure of PlaNYC to address freight in any meaningful way. As a second version of the PlaNYC is being crafted and as the citywide comprehensive waterfront revitalization planning process continues is crafted, there is the opportunity for the Council to influence the Administration to demonstrate real commitment.

In sum, this proposed cross harbor EIS, along with the PANYNJ's Regional Goods Movement study that is simultaneously underway, are essential steps forward; PlaNYC 2.0 and the waterfront revitalization process are important opportunities that cannot be missed; their success will require close coordination, and an increased public consciousness of the depth of this problem along with the urgency of implementing a cross harbor solution

We call on you to help your constituents make the connections between so many of their issues and freight, by helping to turn on the light so we can see the whole elephant, so we can make sure that it is healthy, safe and helps us reach the goals that we all share.

The points contained in this testimony represent key aspects of solving these issues, but the range of actions that the City of New York could take to proactively tackle freight movement is both broad and detailed. We look forward to working with the committee and the Council in greater depth to advance a comprehensive set of policies and programs in this arena.

Thank you for your time and attention to the issue.

For further information, please contact Elena Conte, Organizer for Public Policy Campaigns, 718-399-4416, econte@pratt.edu

NOTE: This testimony was prepared by the Pratt Center for Community Development. It does not necessarily reflect the official position of Pratt Institute.

² Draft Environmental Impact Statement prepared by NYCEDC 2004.

TRI-STATE TRANSPORTATION CAMPAIGN



Mobilizing the Region

Testimony of Kyle Wiswall

General Counsel and Staff Attorney of the Tri-State Transportation Campaign
before the New York City Council's Waterfront Committee

Re: Greening the Ports

June 17, 2010

Good afternoon. Thank you for the opportunity to testify. My name is Kyle Wiswall and I am the general counsel of the Tri-State Transportation Campaign, a non-profit transportation advocacy group working for a more sustainable transportation network in New York, New Jersey and Connecticut.

Tri-State supports increased use of the ports in New York City as a cleaner alternative to our over-reliance on dangerous and polluting truck traffic. Freight movement over water is growing as short sea shipping in the region increases and will grow further when New York City's Solid Waste Management Plan's (SWMP) Marine Transfer Stations come online. We encourage the City to move forward with the SWMP's implementation and to take measures to encourage the continued growth of short-sea shipping in and out of our ports.

While these measures will reduce regional air emissions, we also need to protect and improve local impacts around busy ports.

Some measures that can be taken include:

- The installation of traffic calming and streetscape features that keep trucks on route between the ports and their destinations, preventing detours through adjacent neighborhoods. Traffic-calming measures can include items such as narrowing streets, reducing speed limits, installing medians and roundabouts, designating pedestrian crosswalks, providing landscaping, marking bicycle lanes, timing traffic signals and improving signs. An example to follow is the Cramer Hill Truck Traffic plan in Camden, NJ. The four-phase plan includes traffic calming, signage to direct trucks to a preferred route and intersection improvements on that route to better accommodate trucks. In addition, the New York State DOT is near to completing a large traffic calming initiative aimed at controlling large truck traffic in the Finger Lakes region.
- The use of shoreside power for ships. Cold-ironing a cargo vessel for one day cuts emissions in an amount equivalent to removing 33,000 cars from the road for that day. Even after power

generation on land is accounted for, emissions are cut by 90%.¹ Tri-State has advocated for similar, smaller systems for trucks at rest-stops.

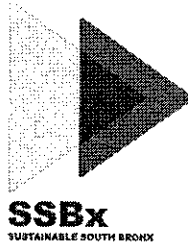
- Converting port cargo handling equipment from diesel fuel to electricity.
- Implementing programs to assist truck operators doing business in the ports to upgrade their older trucks to cleaner, more efficient models. This past March, the Port Authority announced a truck phase-out plan accompanied by a grant program to assist operators in upgrading their equipment. The PA's plan gradually phases out all business with trucks not in compliance with 2007 federal emissions standards.
- Exploring the use of truck tolling at the ports to incentivize off-peak cargo transfers timed to reduce or avoid congestion and idling. (See the PierPass program in the ports of Los Angeles and Long Beach.)

Beyond the efforts of the committee today, we hope that the City will include improvements like those contemplated here as the update of PlaNYC moves forward. The update must better address regional freight movement and green freight movement as NYC grows in population.

We are looking forward to working with the City further toward achieving the common goal of a cleaner, healthier and more efficient New York City.

Thank you.

¹ Shoreside Power Fact Sheet *available at* <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=5878>.



June 17, 2010

**Testimony Presented to the New York City Council's Committee on Waterfronts
Regarding the Greening New York City's Working Waterfront**

Thank you for allowing me the opportunity to speak today. My name is Sheila Somashekhar, and I am Greenway and Green Building Coordinator for Sustainable South Bronx. Sustainable South Bronx (SSBx) works with the South Bronx and other under-served urban communities as they transform themselves into great sustainable places to live. We do this by providing a collaborative model that addresses environmental, economic and social concerns through policy change, green job training, environmental education, and community greening programs.

Our organization is rooted in the Hunts Point community, a highly industrialized waterfront community whose waterfront is significantly underutilized. The Hunts Point peninsula's waterfront is currently dominated by the New York Organic Fertilizer Company, the Hunts Point Wastewater Treatment Plant and the Country's largest food distribution center, the Hunts Point Terminal Markets. Each of these highly polluting entities are heavily truck dependent and are major contributors to the 60,000 trucks that pass through our streets every week. These trucks dominate our roadways and create significant physical and mental barriers to walkability in Hunts Point. These barriers include the trucks themselves, which impede pedestrian safety, and their constant noise, as well as the asthma triggers of fine particulates and diesel exhaust.

The Hunts Point community's vision as laid out in the City's 2004 Hunts Point Vision Plan emphasizes an accessible waterfront and a thriving business district. In the past, industries have blocked community access to the waterfront. However, the community has made inroads to waterfront access and we currently enjoy access to the Bronx River via Hunts Point Riverside Park and spectacular views of the East River at Baretto Point Park. We firmly believe that a working waterfront can also be a recreational destination point, which improves public health in a community with some of the highest rates of asthma and obesity in the City.

The largest community push for waterfront access began in 2001, when SSBx's founder, Majora Carter, while working at The Point CDC, secured a federal transportation grant to increase the amount of open green space within Hunts Point. That grant served as the seed money for a multi-year participatory planning and design process for the South Bronx Greenway. Just this spring, the City started construction of these 11 miles of improved sidewalks, bike lanes and planted medians, which upon completion will provide green connections to and all along the waterfront. But will this be enough to outweigh the impacts of truck traffic on public health and pedestrian safety?

By definition, Hunts Point is not a port; we lack the waterfront infrastructure. But the neighborhood is a center for regional food importation and distribution. Our industries service



the region and are well positioned along the water, yet they are not taking full advantage of the intermodal transportation opportunities that a working waterfront allows.

In planning for the future of our waterfront, it is important not only to recognize the localized impacts of regional industries but also the regional opportunities to alleviate local impacts. Our vision for a working waterfront would support and enable the mixed use of barge, truck and rail for food distribution, thereby alleviating the localized impact of thousands of trucks in Hunts Point and servicing our entire region more efficiently with decreased fuel consumption and greenhouse gas emissions.

Recognizing that a truly clean and sustainable intermodal transportation system is a long term vision which would require investment in infrastructure at the National level, in the short term, we ask for major emissions reduction efforts in existing truck fleets and a real opportunity for conversion of fleets to clean burning fuels. We support the passage of Federal legislation that would allow the Port Authority of New York & New Jersey to implement environmental standards above and beyond current federal requirements. And we support our brothers and sisters within the Coalition for Healthy Ports who seek to address poverty and pollution at New York and New Jersey Ports.

A comprehensive effort to green the truck fleets that frequent our regional ports and service our industries would no doubt result in cleaner air for all truck route communities, including Hunts Point. A short term initiative for cleaner trucks and a long term commitment to reduce our dependence on trucks will go a long way to supporting the use and success of the South Bronx Greenway, which represents a decade of investment by the community and the City's Economic Development Corporation.

As the City Council considers Greening the New York City Waterfront, we strongly urge that attention is paid to following community needs:

- Safe recreational access to the waterfront
- A sustainable mixed use waterfront that can support existing industries as well as improve local public health
- A long term commitment to the reduction of truck traffic by intermodal transportation infrastructure
- A regional commitment to greening truck fleets

The City has embarked upon a comprehensive Waterfront Planning Process to reinvigorate our waterfronts. We believe this planning process and the community interests expressed therein for reclamation of our waterfronts, provides a framework for Council to consider in greening our working waterfronts.

Thank you for the opportunity to give testimony on this important issue.

June 17, 2010

Testimony to New York City Council Committee on Waterfronts

Dear Committee Members,

Until the NYC Economic Development Corporation started planning and building the Brooklyn Cruise Terminal in Red Hook in 2005, I, and most (if not all) of my neighbors, were unaware of the harmful effects of port pollution including the pollution that would be emanating from the ships that would soon be idling at the end of my young family's residential street. It wasn't till after doing a little research that I discovered that cruise ships - and other large ocean going vessels, including container and cargo ships - generally idle in port and commonly use an extremely dirty form of diesel that has sulfur levels one thousand times or more higher than regular diesel. The pollution that emanates from these ships is described by the U.S. Environmental Protection Agency as a "likely carcinogen" that is "harmful to the public generally, and especially to our children, the elderly, people with lung disease, those who exercise outside, and low-income and minority communities located near ports."

At this time, in 2005, as the terminal was being built, I also discovered that there was technology, already used in other parts of the world and being implemented on the West Coast, to allow these ships to "turn off" their polluting engines while in port - a process called "cold ironing" - by hooking up the ship to the electricity grid on land - "shore power". To my dismay, after writing to the Mayor's Office and others, I was told that this practice, however, was not being considered at the \$56 million "state of the art" cruise terminal or elsewhere in the city. The ships would be "idling" while in port - the equivalent of 12,000 + cars idling at the end of our street, per ship, per day in port - and while the cruisers on the Queen Mary 2 were sipping their flutes of champagne, the kids of Red Hook and beyond would be - unknowingly - sucking in their ship's carcinogenic fumes. The EDC and Port Authority seemed happy enough to live with this "trade-off". It was all in the name of "economic development", right? - and no one seemed to be complaining.

After the Cruise Terminal opened in 2006, providing nothing for the community except for the added pollution, I wrote more letters, asking for some coverage of the subject, to the Brooklyn Papers and elsewhere. No story materialized. The following couple of years were devoid of stories on port pollution in the local press, the New York Times, or elsewhere, and we had no champion in government either - it wasn't part of the Mayor's espoused "green agenda". Not one local politician cared to talk about this subject.

It wasn't till after the EDC's announcement in the first week of 2009 of their contentious plan for Phoenix Beverages' relocation to the Red Hook waterfront at the Atlantic Basin and Pier 11, and, by proxy, the expansion of the operations of the container port, including 200 more truck trips a day through our neighborhood, that the issue of the impact of port pollution came to the fore. Questions were being asked. How could the EDC be trusted with their assurances – now, in 2010, shown to be false – that Phoenix would be using less polluting trucks that would stay off residential streets? How could their assurances that the environmental concerns regarding the expanded operation of the port were being addressed – especially when there was no legal obligation (despite, to my mind, the moral obligation) for an Environmental Impact Study? How could they be trusted when they had been so negligent on those matters regarding their last big project in our neighborhood - the Brooklyn Cruise Terminal? It seemed like the EDC and Port Authority was again brushing environmental and health concerns under the carpet (as well as residents' concerns about the overall merits of this plan) - as long as their "bottom line" goals were being met. Further infuriating our community was the fact that this was being imposed on a neighborhood already carrying the burden of truck and transportation company pollution, heavy traffic congestion, the pollution from the BQE and other sources – a neighborhood that has had to, and continues to, fight off garbage dumps, chemical and cement plants and other noxious uses - a neighborhood which has over ten thousand people in public housing and a community where there are high incidences of cancer and childhood asthma rates at 40%!

It was in the wake of these protestations that the Port Authority came to Red Hook's PS15 in early 2009 to announce it was planning to implement the use of "shore power" at the Brooklyn Cruise Terminal. They were allocating, at that time, \$3 million for the needed infrastructure, and the operators of the cruises - Carnival - were "on board" and were committed to retrofitting their ships to allow them to use the "shore power". The supply of an "economically viable" power rate from Con Edison was the missing piece to make all of this work, we were told. Port Authority General Manager William Nurthen, made the presentation and was asked why it had taken the PA three years to get to this place. His response was that he'd only known about "cold ironing" for "a couple of years" - a stunning statement from a representative of an entity that is called the "Port Authority". I thought to myself - was it believable that I had known about this technology before them?

It was after this that I started discovering that the other ships that were using the Red Hook Container Terminal were a concern as well. As I said, the health effects of "port emissions", the generic term for all the pollution created by the activities of the ports – including ships, trucks, cranes and other machinery – were not widely known in our community. I did find out that there was awareness and significant measures being taken on the West Coast to mitigate the pollution being created by their ports, and, in recent years, the Ports of Long Beach and LA, the largest in the country, had taken serious strides towards reducing the harmful effects of port pollution on their nearby residents. The use of "shore power" was being implemented at container terminals, and with cruise ships, too. There was a "clean truck" program being created, whereby truckers were given incentives to swap out their older, polluting container-hauling trucks with newer, cleaner ones, and cranes and other machinery were being converted from diesel to electricity. This was also happening in various other ports on the West Coast and

elsewhere. The lack of awareness in our neighborhood and action in our city prompted me to start my own blog on the subject – “A View From The Hook”.

As evidence of this inaction, despite the fact that the NYCEDC was now proposing a plan that would result in the expansion of the activities of Red Hook’s container terminal with the relocation of Phoenix Beverages to that site, and the Port Authority was expecting an increase in shipping volume throughout the city, little of these pollution mitigating measures, if any, were being planned in our New York ports, despite them being the third largest in the country.

In the last year or so, in response to the growing awareness of the impact of port pollution, there have been some small but meaningful moves towards cleaning the operations of the Ports of New York and New Jersey. There has been the early beginnings of a port wide “clean truck program”, similar to the L.A. one, which has been championed by the Coalition for Healthy Ports, an alliance of unions, environmental organizations and representatives in community and government, including Rep. Jerry Nadler.

Also, as I mentioned, the Brooklyn Cruise Terminal (BCT), as a result of the concerns of residents, has been slated as the location for the creation of the first “shore power” / “cold ironing” port on the East Coast and the Port Authority has now committed roughly \$8 (?) million, supplemented by a \$3 million grant from the EPA, to build the appropriate infrastructure. However, the creation of a “shore power tariff” – the electricity rate, supplied by Con Edison, to make this practice economically viable in Red Hook (or anywhere in the city) - has yet to be established, with the case, 14 months later, still running its circuitous and befuddling course through the Public Service Commission (PSC).

The feet dragging in setting a “shore power tariff” is despite the testimony of the E.P.A. which has called ship emissions “a likely carcinogen” and has said that the “use of shore power at the Brooklyn Cruise Terminal would annually eliminate 100 tons of NOx, 100 tons of SOx and 6 tons of particulates”. They also state that “such air emissions are harmful to the public generally, and especially to our children, the elderly, people with lung disease, those who exercise outside, and low-income and minority communities located near ports.” A letter from the Port Authority lists other harmful effects including “lung damage”, “cough, chest pain, asthma”, “chest tightness”, “bronchitis”, “reduce(d) lung function growth in children”, “increase(d) risk of cancer and cardiovascular disease” and “premature death”. Additionally, in its testimony, the Port Authority cites a study that “estimate(s) that the annual health benefits emissions reductions arising from a switch from on board generation to shore power at the BCT, adjusted for Kings County, approaches \$9 Million”

In other words, the monetized yearly health cost to our residents of the ships visiting the Brooklyn Cruise Terminal, alone, approaches \$9 million. One can only imagine what the cost of the activities of this city’s entire ports complex (the 3rd largest in the country) is on our residents, especially considering a recent comprehensive study that showed the estimated monetized health cost of the operations of the Port of Charleston, NC, (the 10th largest in the country) on their residents to be \$81 million per year.

The eventual implementation of “cold ironing” at the Brooklyn Cruise Terminal in Red Hook will come many years and many hundreds of harmful tons of sulfur, nitrogen and particulates – inhaled by our children – and millions of dollars of health costs, too late. But it will be a worthy improvement that will eventually result in great health benefits for our residents and those of Brooklyn. However, it’s only the beginning. Like the fledgling “clean truck program”, these pollution-mitigating practices need to be implemented citywide. As is the case with the clean truck program, we need advocates in government and elsewhere to speak on behalf of the residents who, up until now, have been ignored, or worse, seen as “collateral damage” - victims of the city’s pursuit of “economic development”. Where were the politicians asking questions about cruise ship pollution in 2005? – I didn’t see them. Where were the politicians calling for Environmental Impact Statements and pollution mitigating practices when the EDC was planning the expansion of the operations of the Container Terminal in Red Hook in 2008? Where were the advocates for environmental justice? I didn’t see them. Today - where are the advocates for city-wide “cold ironing” infrastructure, for instance, especially in an environment where not only the health and environmental impacts are being acknowledged, but where there is a real urgency to find ways to reduce our country and the world’s reliance on oil? – I don’t see them

When the political will comes to finally deal with these issues, I’m aware that choices and assessments will need to be made about where these expensive new investments will have the most impact first and what is appropriate in which location. Perhaps the practicality of a container port’s location, as is the case with Red Hook, abutting a dense and already burdened residential population, with no rail connection will have to be ultimately assessed. Regardless, we need to practically and efficiently establish these life-saving measures to eventually, and hopefully quickly, “green” all of our ports. We have to get going on this so we can finally take these dangerous yet totally avoidable pollutants out of our harbor city’s air.

Then, Red Hook residents and the residents of our entire city will finally be able to breathe easy.

Yours sincerely,

Adam Armstrong and family
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Brooklyn, NY
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**NEW YORK CITY COUNCIL HEARING ON GREEN PORTS
June 17, 2010**

Testimony by Soledad Gaztambide-Arandes, Policy Analyst, UPROSE

Good afternoon and thank you for the opportunity to present before you today. I am here representing UPROSE, Brooklyn's oldest Latino community-based organization. Based in Sunset Park, Brooklyn, we aim to ensure and heighten community awareness and involvement, develop participatory community planning practices, and promote sustainable development with justice and governmental accountability through broad and converging environmental, sustainable development, and youth justice campaigns.

Sunset Park is a working-class highly diverse community with immigrants from the Spanish-speaking Caribbean, Mexico, China, the Middle East, and beyond. Latino and Asian residents constitute roughly 50% and 25% of the total population respectively. Half the residents in Sunset Park are foreign born and over forty percent of individuals over the age of five are not proficient in English. The poverty rate in Sunset Park is higher than the overall poverty rates of both Brooklyn and greater New York City.

The history of Sunset Park is very much tied to its working waterfront that for decades has employed our residents and still permits us to be one of the largest walk-to-work communities in NYC. But unfortunately, the community also suffers from the negative health effects of having a concentration of polluting infrastructure. It is an area burdened with the heavily congested and inadequate Gowanus Expressway, a bus depot, numerous truck routes, a private waste transfer station, three power plants containing a total of 48 peakers, a sludge treatment plant, a high concentration of brownfields and dozens of facilities on the Toxic Release Inventory (TRI) all producing toxic emissions. It is also a community that lacks environmental amenities. The amount of open space available for recreation is extremely limited at less than ¼ of an acre for every 1,000 residents. Despite being a waterfront community, the Sunset Park waterfront in its present state is not accessible to the public. Heavy traffic, industrial operations and minimal open space affect air quality and have a very real impact on the health of this community.

Sunset Park has one of the few remaining working waterfronts in New York City. Currently underutilized (or misused) there are many plans for its redevelopment and revitalization. These plans have been produced by both community and city agencies. The Sunset Park community documented its support of an active industrial waterfront in its 197a plan. In this plan the community acknowledged the need for more public, recreational and green spaces as well as waterfront access. These demands resulted in the remediation of a superfund site to be converted in the Bush Terminal Piers Park. They put together a concept plan for a multiuse pedestrian and bicycle path. The Sunset Park Blueway-Greenway is unique in its inclusion of not only a continuous path but also inland connector streets that would ensure safe access to the waterfront. EDC, who owns/manages most of Sunset Park's waterfront, recently completed their Sunset Park Waterfront Vision Plan which in theory seeks to create a 'sustainable urban industrial district'. The Department of City Planning is currently preparing the Vision 2020 Comprehensive Waterfront Plan. These are all important policy documents and hopefully won't be a series of missed opportunities.

Sunset Park's waterfront is a challenge with tons of potential. At a regional level the efficient use of our ports could reduce truck miles traveled potentially proving a more sustainable way of transporting goods. Relying more on rail and barge could help decrease overall transportation related emissions. Waterfront dependent uses, both industrial and public access are in general a better use for this valuable land. If this is going to be a positive opportunity we need to ensure that new developments:

- Don't impose additional environmental burdens
- Create local jobs that are not harmful to workers health and promote global 'green' practices
- Is designed properly for the impacts of climate change on the waterfront

It's easy to pay lip service to local needs and the communities' wellbeing by preparing lofty plans which include the general ideals. We expect a serious commitment to these goals and an assurance that city agencies will actually review their regulations to ensure that these commitments are met. The details that make a difference to us are the ones lost in the name of economic development. These details can end up being mere suggestions instead of requisites.

For example, the Dept of City Planning Waterfront Plan designated six areas as Significant Maritime Industrial Areas or SMIA's. The policy goal of this designation is to promote water-dependant industrial uses. All six of these are located in Environmental Justice Communities. With this designation agencies gain a lot of discretionary power yet communities are not ensured neither protection nor benefits. In the process of revisiting waterfront policy goals we would like to ensure that this designation is not a vehicle for concentrating polluting infrastructure in already burdened communities.

Some potential reforms for SMIA designations include:

- Requiring consistency reviews in all neighborhoods
- Evaluating neighborhood impact of proposed activities including cumulative impacts of private, state and city facilities.
- Including protections for working waterfronts such as requiring beneficial community enhancing measures whenever a polluting action is allowed
- Requiring all coastal area development projects to be consistent with the WRP *and with* local 197-a Plans.

Port activities have serious health impacts to the host communities. Major polluters in port areas are: oceangoing vessels, heavy-duty trucks, cargo-handling equipment, locomotives/trains and harbor crafts. All of these produce toxic air emissions and discharges to water. To reduce the resulting health risk factors there needs to be a concerted effort to:

- Decrease diesel emissions and other toxic emissions by promoting retrofits, use of clean fuels and electric or alternative fuel vehicles and equipment.
 - Cargo-handling equipment: Use ultra-low sulfur diesel, biodiesel, and other cleaner-burning fuels in cargo-handling equipment.
 - Rail: Installing anti-idling devices on rail-switching engines, as well as partnering on other innovative technological advances. Promote efficiency and invest in both rail and ports to reduce truck traffic.

- Ships: Use low-sulfur distillate fuels at berth. Add “green design” environmental features to ships, including diesel-electric motors that save up to 30 percent in fuel and significantly reduce emissions.
- Implement the use of shore-side power
- Promote or require the use of:
 - Energy and water conservation
 - Green buildings/facilities
 - Renewable sources of energy
 - Best practices in stormwater management
- Protect facilities and investments and avoid emergencies and environmental disasters by planning for climate change including sea level rise and or extreme weather events
- Avoid the contamination of soil, groundwater and surface waters by taking measures to control spills of fuels and oils from parked vehicles entering waterway; paved areas through stormwater flows or hosing down the decks of vessels.
- Create a local workforce centered on green ports. Partner with community organizations to reach out to local workforce and create relevant job training opportunities.
- Green Jobs / Green Business - The production of some ‘green products’ sometimes may involve ‘non-green processes’. It is important to include life-cycle analysis of the production processes. Some businesses that may not appear to be what is commonly thought of as ‘green’ may be more beneficial for their workers and for the surrounding areas.
- Ensure public access opportunities
- Use new technologies and innovations in logistics processes (traffic management controls, congestion mitigation)

Port activity is intricately tied to the trucking industry, one of the main contributors to diesel pollution. Diesel pollution in the city causes hundreds of premature deaths, thousands of asthma attacks and days of lost work due to sickness. It is not enough to set targets to turn over older, less efficient truck engines or restrict operations of trucks that do not meet certain standards. These are important steps but we cannot support policies that will impose an unfair burden on the truck drivers who are currently struggling to provide basic needs for their families. We believe that an amendment to federal law is absolutely necessary in order for New York to put into place comprehensive programs that can tackle the economic and environmental issues that have been created by the port trucking industry. Without an amendment, and without the support of the New York City Council to push Washington, DC for an amendment, our hands are tied from considering a comprehensive solution to this problem.

Finally, we recommend the implementation of an Environmental Management Systems (EMS) for Ports where issues such as water quality, air quality, waste management, noise, dredging, contaminated soils and energy consumption are analyzed considering the interplay between current legislation, problems, strategies and performance indicators related to maritime shipping and port operations. The purpose is to continually improve efficiency by planning, implementing, checking and modifying if needed. There are several examples of where this approach has been used in other port areas in the United States.

Please count on us for further information and know that we are a resource willing to help achieve shared goals.

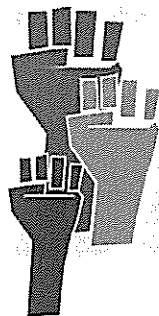


History, Mission & Goals

Founded in 1964, UPROSE is Brooklyn's oldest Latino community-based organization. In 1996 our mission shifted to organizing, advocacy and developing indigenous leadership through activism. We aim to ensure and heighten community awareness and involvement, develop participatory community planning practices, and promote sustainable development with justice and governmental accountability. We are an intergenerational organization with a multiracial, multinational membership base. Since 1998, UPROSE has trained and supported hundreds of community youth dedicated to educating and mobilizing the community around environmental justice issues. Today we have a membership base of over 300 individuals.

Environmental Justice Program Goals

- To increase open space and areas of outdoor recreation in Sunset Park
- To decrease pollution and environmental hazards in the community
- To promote environmental health and awareness of environmental issues facing the community
- To ensure and facilitate community-inclusive practices & policies in environmental decision-making
- To develop indigenous leadership to provide continued support of principles & practices of environmental justice in Sunset Park



Our Community

Sunset Park

The community we serve, Sunset Park, is a working-class, waterfront community in southwest Brooklyn. It is highly diverse with immigrants from the Spanish-speaking Caribbean, Mexico, China, the Middle East, and beyond. The largest groups of color in Sunset Park are its Latino and Asian residents, which constitute roughly 50% and 25% of the total population respectively. Half the residents in Sunset Park are foreign born.

Sunset Park is a community with a disproportionate amount of environmental and health burdens. It is home to a bus depot, numerous truck routes, the overtaxed Gowanus Expressway, two New York Power Authority electrical turbine engines, three antiquated power plants, a sludge treatment plant and dozens of brownfield sites. The amount of open space available for recreation is extremely limited at less than ¼ of an acre for every 1,000 residents. Despite being a waterfront community, the Sunset Park waterfront in its present state is not accessible to the public.



Greenway-Blueway

Sunset Park Greenway-Blueway

UPROSE facilitated the creation of a community “Greenway-Blueway” design for Sunset Park. The Greenway-Blueway is a plan that coordinates an extended green space (greenway) within the community to lead to/correspond with a planned waterfront park (blueway). The waterfront park will cover an area—from 43rd-50th Streets—of the waterfront that is currently inaccessible to the public. Over the course of over two miles, the greenway will add approximately 25 much-needed acres of green space to the community; it is designed in a way that facilitates access to the waterfront park. Since the Greenway-Blueway design is completed, we are now focusing on logistics and details of implementation.

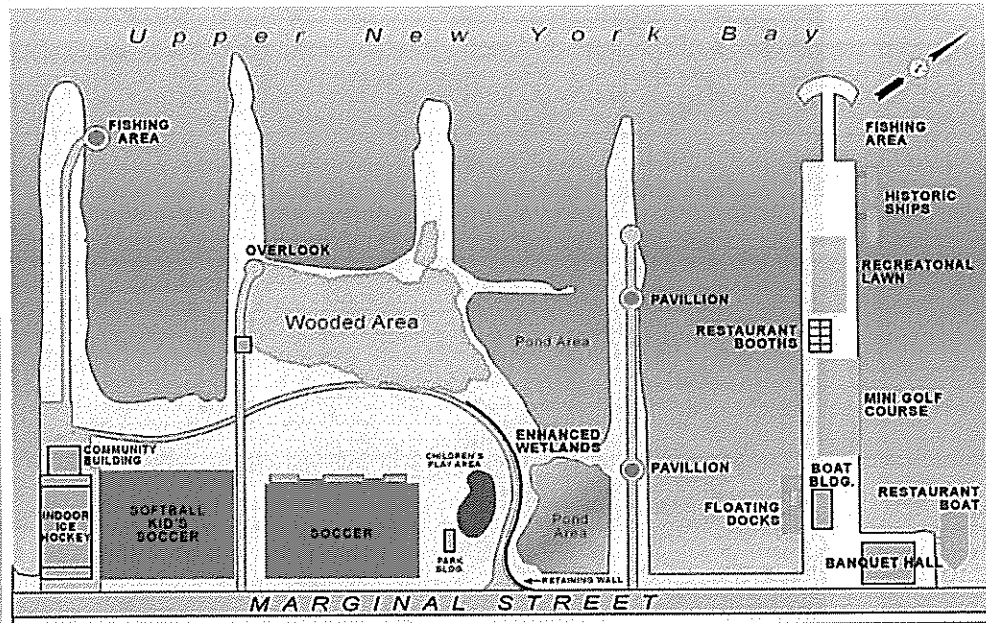
UPROSE is now following closely progress on the Brooklyn Waterfront Greenway--a larger effort to introduce a 14 mile greenway that will stretch from Williamsburg to Sunset Park in Brooklyn along the waterfront. We are working to ensure that community priorities laid out in our Greenway-Blueway plan are incorporated into the master plan for the larger Brooklyn Waterfront Greenway.



Waterfront Park

Waterfront Park

Community residents in Sunset Park live on a waterfront that they have little access to and the children in this community often travel to Red Hook and Bay Ridge for recreation because of a lack of recreational space in Sunset Park. In response to community pressure, New York City's Economic Development Corporation (EDC) has promised to build a new park on the Sunset Park waterfront to be located at Bush Terminal Piers 1-5 on Marginal Avenue between 43rd and 50th Street. This park will play a crucial role in several redevelopment efforts already underway and will serve as a cornerstone of efforts to build a Greenway-Blueway in the neighborhood. UPROSE is working with these agencies to ensure that the community residents are included in this decision-making process.

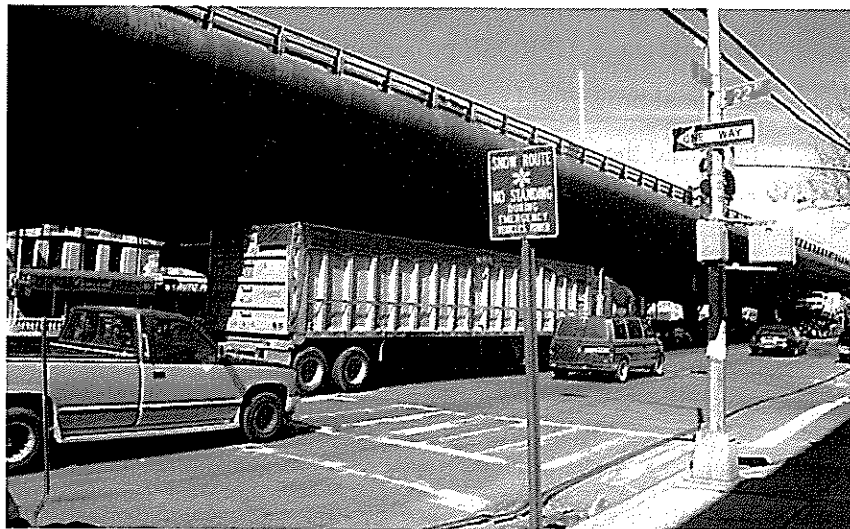


GOWANUS

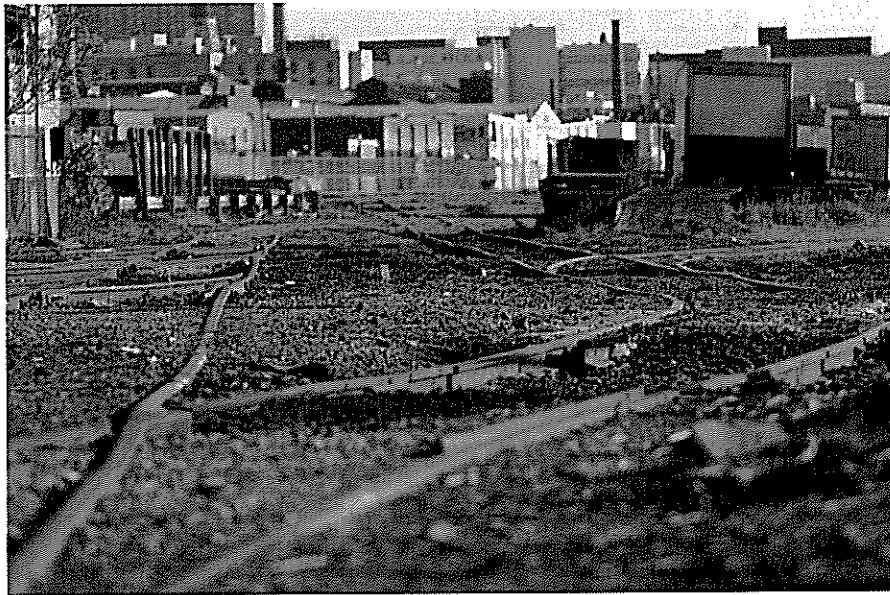


Gowanus Stakeholders Group

UPROSE is a member of The Gowanus Stakeholders Group, a coalition of community leaders and organizations advocating for the construction of a tunnel to replace the burdensome overhead highway that runs through Southwest Brooklyn. The Gowanus Expressway, which opened in 1941 and was widened in the early 1960s, carries over 200,000 vehicles on a weekday. Traffic on the roadway generates high levels of pollution, with the result that pulmonary/respiratory disease in surrounding areas is far above the New York City average. The Gowanus Expressway is obsolete and unsafe; it affects public safety by bringing large amounts of traffic onto local streets, and inefficiently channels traffic to and from businesses in the area. It is also a deterrent to economic development and acts as a barrier in the neighborhoods. The impacts of the Gowanus Expressway are felt disproportionately in low-income communities of color making it an environmental justice issue.



Brownfields



Brownfield Opportunity Areas (BOA)

UPROSE has recently been awarded funding from the state to move into the second phase of the Brownfield Opportunity Areas Program. Over the course of two to three years, Phase II will involve the development of a community vision and comprehensive plan for remediation and redevelopment of strategically located brownfield sites in the study area we have defined. It will also include a thorough economic and market trends analysis for the area. The Nomination Phase of the project is proposing a study area of approximately 475 acres that contains over 50 potential brownfield sites in Sunset Park, Brooklyn. In Step I—the Sunset Park BOA study area was defined as including almost the entire length of the community (17th Street to 65th Street) and 5th Avenue to the waterfront. In this first stage, UPROSE project managers and constituents identified 136 potential brownfield sites. For the Nomination phase of the project we have plans to amend the study area to include 3rd Avenue to the waterfront. Omitting 4th and 5th Avenues from the study area will allow us to hone in on the areas that we have determined to be most relevant to the project goals.

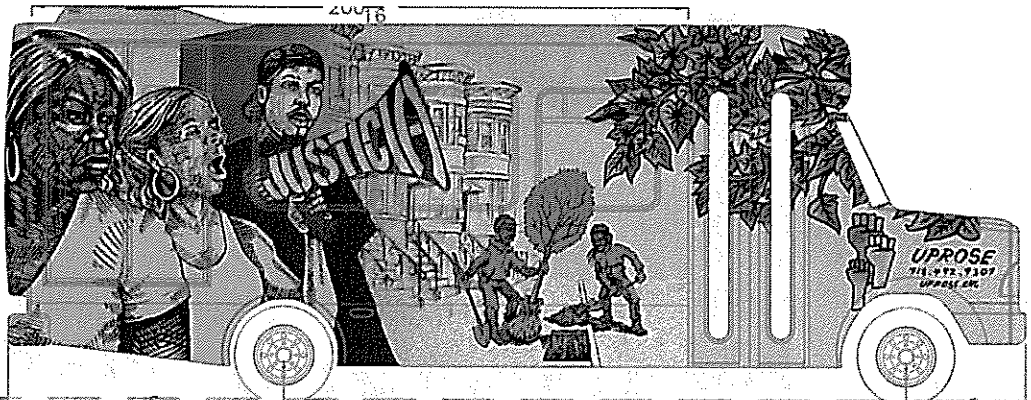
Hybrid Buses

Hybrid Buses & Sunset Park EJ Tour

UPROSE purchased 4 hybrid buses with \$1 million we were awarded for local air quality improvement projects. We are keeping one of the buses for our own use and have arranged to sell the other three to neighborhood partners for one dollar. These buses are benefiting the community by providing cleaner-fuel transportation throughout the community.

UPROSE worked with a community-based mural arts organization to design a graphic wrap depicting the struggle for environmental justice in Sunset Park (shown below) for our bus, which we are using to conduct “EJ Tours”. An EJ Tour is an informational tour of the community that demonstrates the environmental burdens that exist there.

Our Sunset Park EJ Tours educate community members on the array of environmental harms and risks (i.e. particulates and noxious fumes from heavy traffic and power plants, poor open space and lack of waterfront access, etc.) that are present in the community and explain how the health of the community is impacted by them (i.e. high asthma rates, heart disease, obesity, cancers, etc.). UPROSE has enlisted the help of our youth leaders and community volunteers for the tour. The tour is open to community groups and members, schools and youth, our partners and other interested parties.



Climate Justice

Community Based Planning for Climate Change

In New York City there is a 90% likelihood of a storm surge occurring within the next ten years. As a waterfront community with significant public infrastructure and thousands of residents on or near the water, Sunset Park would be devastated by such an event. At UPROSE we recognize the urgency of this threat and others posed by climate change and as a result have made the issue a central component of our programming. Our Community-Based Planning for Climate Change Initiative is an effort to get the community thinking ahead and taking action to both curb and prepare for climate change. This includes everything from committing to reducing our carbon footprints in small but meaningful ways to planning around what we will do in the case of an extreme weather event. Ultimately we are aiming to develop a plan for grassroots organizing to address climate change that can be used by other environmental justice communities.



Transportation Equity

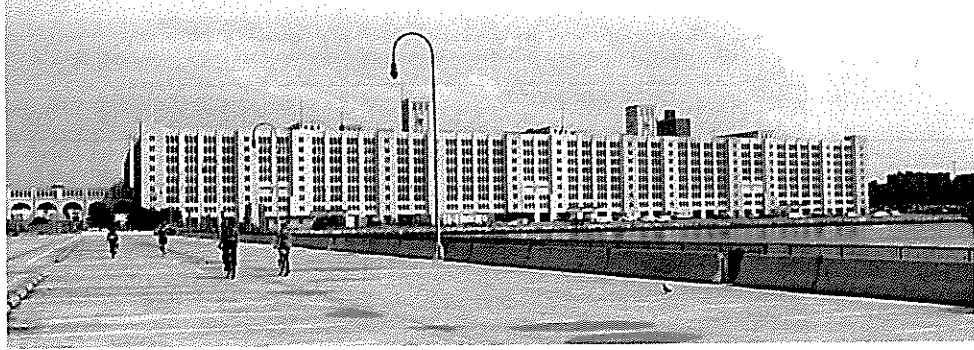


Transportation Equity

Today in New York City—where millions of people rely on public transportation each day—we are seeing the drastic effects of limited funding and poor planning for public transport. As a result of the economic crisis, even as the population continues to grow we are seeing disinvestment in mass transit. Countless subway stations and railways are in disrepair and many areas in the city have poor access to the system. Much of the system is outdated and in need of modernization. New York City riders are now facing the elimination of several bus/subway lines, and severe service cuts.

As a member of National and State Transportation Coalitions, UPROSE is an outspoken advocate for equitable public transit and transportation policy. Mass transit is the only viable transportation option for large populations of low-income people living in urban environments. Changing the allocation of funds to favor public transportation and bringing improved service to underserved areas is critical; through coalition-based advocacy users of public transportation in cities nationwide are mobilizing to ensure that these goals are met. Working with environmental justice and transportation advocates in New York and across the nation, UPROSE strives to achieve: 1) equitable distribution of transportation benefits throughout the region; 2) accountable decision-makers; and 3) effective leadership from low-income communities and communities of color in the transportation decision-making processes. We hope the outcome of this work will be the allocation of new/increased resources for transportation improvements and, ultimately, improved transportation systems in environmental justice communities in New York City and nationally.

Green Port



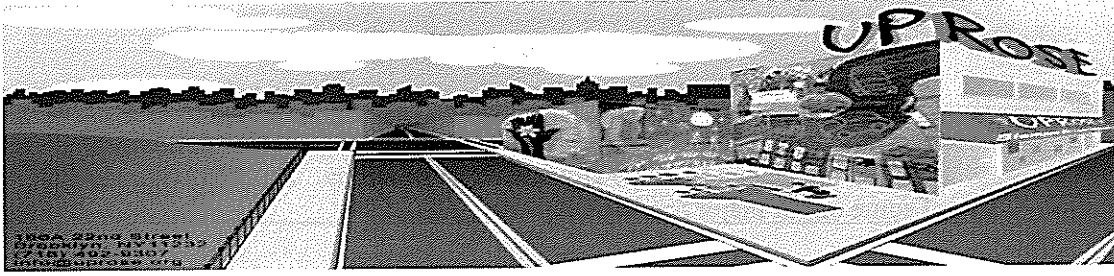
Also exciting for our efforts to revitalize the waterfront is funding we have received to research and advocate for a "green port" in Sunset Park. This funding from the New York Community Trust will allow us to explore new development solutions for the waterfront that--like our brownfields project--will incorporate all of the principle concerns outlined in the community's comprehensive 197a Plan (community-based development plan) including: jobs, a healthy environment (cleaner water, air and land), recreation and access to the waterfront as well as economic revitalization. UPROSE recognizes that this is a critical time to engage the local community around regional efforts to revitalize the economy. Green Port initiatives on the Sunset Park waterfront would stimulate the local and regional economy; create new, high-quality green jobs; generate new sources of revenue/business opportunities; remediate the waterfront and area brownfields; reduce local and regional pollutants and greenhouse gas emissions; and improve access to the waterfront through the creation of new green and open space. While there are a number of other agencies and stakeholders already involved in strategic planning for the redevelopment of the Sunset Park waterfront, UPROSE is uniquely positioned to bridge the gap between the local community and government entities. Our role will be to undertake research and engage the community in order to shape and inform the strategic plan for our waterfront.

Accomplishments

Over the years, UPROSE has established coalitions, engaged in direct actions, and helped to shape city and regional policy. The following is a list of some of our major accomplishments:

- Helped Secure Largest Brownfield grant in New York State history (36 million dollars in Brownfield remediation funds for Waterfront Park)
- Helped Secure 8.6 million in federal funds for implementation of community led greenway design—facilitated the development of a community-led Greenway-Blueway plan for Sunset Park (a plan that will bring approximately 25 acres of new green space to the community)
- Facilitated the planting of trees on 45 blocks
Awarded \$1 million from the New York Power Authority (NYPA) for pollution reduction programs for Sunset Park—used the funds to purchase 4 hybrid buses for UPROSE and three community partners
- Recognized at the United Nations at a youth event entitled *Healing Our Planet: Youth Take Action for Environmental Responsibility* in honor of Nobel Peace Prize winner and environmentalist Wangari Maathai of Kenya
Defeated plans for the siting of a 520 megawatt power plant through a grassroots organizing campaign led by youth and community members
- Held alternative fuels summit for waterfront manufacturers
- Co-organized White House Council on Environmental Quality tour and conference for federal officials to examine environmental justice issues in NYC communities
- Persuaded Mayor Bloomberg's Office of Long Term Planning and Sustainability to engage in a community planning process and to address environmental justice priorities in PlaNYC 2030
- Successfully advocated for the creation of a city agency to address brownfield remediation; the newly established Mayor's Office of Environmental Remediation fills this role and was an important victory for the environmental justice community
- Persuaded the New York State Public Service Commission to develop a process for removing polluting peakers from our community
- Briefed the Obama transition team on Environmental Justice Issues and made recommendations for priority policy actions
- Played a leadership role in ensuring that environmental justice groups and people of color not be excluded from a public process to create an operating plan for over \$500 million that the New York State Energy and Research Development Authority (NYSERDA) received through the Regional Greenhouse Gas Initiative (RGGI)
- Ensured a net reduction of power plant emissions in our community by working with community partners to negotiate a memorandum of understanding with New York Power Gen, the City and the State

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Youth Justice

At UPROSE we believe it is imperative for young people to have a voice in shaping their community. Each year we train hundreds of local youth between the ages of 13 and 21 in community-based organizing and planning. With a focus on social and environmental justice, we encourage youth to think critically about their community and their world. We offer them tools to express themselves and guide them on how to use those tools through, for example, the creation of critical, independent literature, giving public testimony, and the production of educational videos. Many of these young people return to us year after year to contribute to our mission.

At-the-Table Youth Leadership Institute

A series of workshops centered on social and environmental justice, leadership, public speaking, and media literacy that prepare young people to become community leaders on any number of diverse social and environmental justice campaigns.

Media Justice

Through this project, youth learn about media, filming and video production to produce short films and video clips relevant to our work around social and environmental justice. Youth gain highly relevant skills that they can take with them to school, the workplace and beyond and the finished products advance UPROSE's mission by educating and mobilizing other youth, legislative leaders and members of the community around important issues.

Raices: Youth Led Urban Forestry:

Raices is an ongoing youth-led urban forestry and stewardship project that has helped to reclaim dozens of city blocks by facilitating the planting of hundreds of trees. UPROSE

is expanding this project to include community workshops about basic tree care hosted by our young people. Youth Leaders and community members will also begin to “adopt trees” in the community as part of this project.

Air and Water Monitoring

UPROSE has state-of-the-art mobile air monitoring and water testing equipment, which our young people have been using for over a year to collect data. This data is being used to inform a number of our other projects.

Youth Summit on Climate Justice

This youth-led conference on Climate Justice will be a two-day event that will take place in April of 2010. UPROSE is collaborating with other youth organizations to plan this exciting event that will foster leadership by young people of color around the most pressing environmental justice issue of our time: climate change.



Youth at Middle School 88 show off their mural, the culmination of a series of workshops & activities with UPROSE in 2009.

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Youth Justice Mission Statement

Youth Justice is a movement by young people for young people. It's about a new definition of self, a new definition of power. Youth Justice speaks to our ability to be more, to be better - to be the best. It is a recognition that this city looks like us, and it is our responsibility to claim it. We understand this requires preparation, not rhetoric.

Youth Justice gives us control over our life, our community and our future. Youth Justice requires that we be positive, that we respect our bodies and that we respect each other. Youth Justice requires that we learn and celebrate our culture – and that we recognize and celebrate our differences, under the banner of unity which is our common struggle.

Youth Justice is a movement committed to a society free of racism, sexism, ageism, homophobia and classism. It is a movement where young men are positive; respect themselves – each other and their community and support sisters in their journey to liberation. It is a movement where neither sex diminishes the other. It is also a movement that respects mother earth.

Youth Justice is a movement prepared to educate, organize and mobilize to ensure the empowerment of our people.

**Testimony of Andrew Genn
Vice President, Maritime Division
New York City Economic Development Corporation**

New York City Council Committee on Waterfronts
Oversight Hearing: Clearing the Air: Greening New York City's Working Waterfront
June 17, 2009
Hon. Michael Nelson, Chair

Good afternoon Chairman Nelson and members of the Waterfront Committee. My name is Andrew Genn and I am a Vice President in the New York City Economic Development Corporation (NYCEDC)'s Maritime Department. I am happy to be here this morning to discuss NYCEDC's initiatives to support environmentally sustainable maritime transportation. Before I begin, I would like to take the opportunity to thank the City Council for its ongoing support for the working waterfront and the thousands of men and women who make a living in the maritime industry here in New York.

New York City's maritime industry plays a vital role in the region's development, supporting thousands of jobs and generating billions of dollars in economic activity. Today, the Port of New York and New Jersey is the largest port complex on the East Coast, serving 30 counties in the New York Metropolitan area. Utilizing the City's extensive waterfront for transportation purposes has tremendous environmental benefits. Waterborne transportation is one of the most energy efficient and environmentally friendly ways to move goods around the region. A 15 barge tow can hold up to 22,500 tons, or the equivalent of 870 semi-trucks and 225 railroad cars. Barges can move one ton of cargo 576 miles on one gallon of fuel, compared with 413 miles for a railcar and 155 for a truck. The maritime industry removes more than 3.1 million trucks from New York City's roads every year. The carbon footprint of ocean-going vessels and barges is 10 times less than for trucks.

NYCEDC plays a crucial role in supporting the City's maritime transportation infrastructure and ensuring that the port continues to remain competitive in an ever changing shipping market. Maintaining a working waterfront keeps thousands of high quality jobs in the City and has a significant impact on the City's air quality. To that end, NYCEDC has actively encouraged efforts to enhance and reactivate the City's waterfront while addressing port-related emissions is an important component of PlaNYC's goals to reduce greenhouse gas emissions and improve local air quality in New York City.

In Brooklyn, NYCEDC has invested heavily in supporting the industrial businesses clustered on the Sunset Park waterfront. Last year the City unveiled the Sunset Park Waterfront Vision Plan, which will guide an investment of more than \$165 million in City funds and an additional \$105 million in State, Federal and private funds in the industrial waterfront. This plan will activate 3.5 million square feet of industrial space, create 11,000 jobs, add 22 acres of open space and reduce regional truck traffic by 70,000 trips per year. As part of the Sunset Park Vision Plan, NYCEDC, in partnership with the Port Authority, is spearheading the modernization and reactivation of Sunset Park's rail freight network, which will enable critical rail connections for the area's industrial tenants and further encourage more environmentally friendly transportation options. Additionally, NYCEDC is working to reconnect the Sunset Park community with its waterfront by developing a new, 22 acre waterfront park on a former brownfield adjacent to the Bush Terminal industrial campus.

NYCEDC is aggressively working to attract new maritime businesses to the waterfront which will remove trucks from the City's roads and create jobs. In February 2007, the City executed a 15-year lease with the Axis Group of Atlanta to develop a 74-acre general cargo

marine facility for automobiles and break bulk at the South Brooklyn Marine Terminal (SBMT). This project is expected to generate over 200 jobs and reactivate a major marine terminal. Axis will divert over 15,000 truck trips per year by importing autos directly into Brooklyn by ship and barge rather than by truck. Axis expects to barge vehicles back to New Jersey from Brooklyn, thereby eliminating even more local truck trips. Axis will also be encouraging the use of the terminal for locally-destined break bulk goods such as lumber, steel, and paper and will be seeking opportunities to create a “marine highway” hub at SBMT.

Also within SBMT, Sims Metal Management is building a \$44 million recycling facility that will utilize barges to handle the City’s metal, glass and plastic recyclables. This state of the art facility will include elements of sustainable design including a natural stormwater bioswale, a green buffer and an environmental education center. Sims also intends to market processed glass, plastic, metal and paper to local businesses to reduce supply lines and lower the City’s carbon footprint. Additionally, NYCEDC’s leases with both Sims and Axis require that all off-road vehicles generate zero emissions and both leases mandate local hiring for new jobs.

Another way in which SBMT is directly greening the port in Brooklyn is through its connection with Bush Terminal Park. The waterfront park was specifically conceived as a way to balance the reactivation of port activities in the area. The park, with the support of the Administration, Councilmember Sara Gonzalez, Congresswoman Nydia Velazquez, and Congressman Jerrold Nadler and New York State, is under construction. When it opens next year, funding for ongoing maintenance will partly come from lease payments that the City receives at SBMT.

In Red Hook, NYCEDC negotiated a deal with Phoenix Beverages, one of the largest Heineken importers in the nation and one of the largest beverage distributors in the region, for the use of the long dormant Pier 11 at Atlantic Basin. Phoenix's operation will utilize the adjacent container terminal to maximize water transportation instead of trucking goods into the City from New Jersey. The project will retain 400 jobs, create an additional 100 jobs and eliminate an estimated 20,000 truck trips annually between the City and New Jersey. Since moving in this spring, Phoenix has hired 35 Brooklyn residents. Additionally, Phoenix's current fleet of low-sulfur diesel trucks will be retrofitted with CNG engines, making it one of the greenest truck fleet in City. Phoenix is also converting warehouse equipment from propane to electric and is building an on-site Combined Heat and Power (CHP) plant that will run on natural gas. By inducing ships with large volumes of New York City bound containers to call at Red Hook, by pursuing a cleaner truck fleet, by recycling its own waste, and by generating its own power, Phoenix Beverages has brought a new paradigm to New York City freight

The City recently extended the Port Authority's lease for the largest port facility in New York City, Staten Island's 202-acre Howland Hook Container Port, through June 30, 2058. The extension allowed the Port Authority to make a major capital investment of \$110 million, including a channel deepening that will allow larger ships to access the terminal. Howland Hook's operator is also pursuing a major, 39 acre expansion the Howland Hook facility that will add a new berth and significantly increase the port's capacity. This initiative further strengthens the City and State's largest container terminal by providing long-term stability and assurance that more freight can arrive into the region by water instead of by truck. The Howland Hook

expansion project will feature unique sustainability features, including regenerative power yard equipment, cold ironing for container ships, and an “evergreen wall” to create a biodiverse bulkhead.

Mayor Bloomberg has charged the City with ensuring that economic development and environmental sustainability are not mutually exclusive. NYCEDC’s maritime development initiatives are prime examples of that mandate. Supporting the port leads to fewer trucks on our streets and cleaner air throughout the region. Despite these enormous benefits, more can be done to make the port a greener and better neighbor. Marine fuel is among the dirtiest used in the United States and port activities do have an environmental impact. Our goal is to work with our partners in government to reduce emissions from the ships and trucks that use our ports. Due to the complex regulatory structure governing the port, much of this effort can be accomplished only in collaboration with our colleagues at the Port Authority and at the EPA. In 2015, EPA will introduce new Emissions Control Area requirements that will reduce the sulfur content of marine fuels. In the meantime, NYCEDC is working with the harbor craft industry and ferry community to introduce these lighter fuels now ahead of the regulations.

Innovative programs such as the Port of Los Angeles’ Clean Truck Program are excellent models for voluntary efforts aimed at taking polluting older trucks off the roads and out of the ports. Mayor Bloomberg has championed efforts to prevent the Federal government from imposing new regulations that would make the implementation of these programs impossible in other cities.

Despite our limited ability to directly regulate maritime and port activities, the City is working on several initiatives that will help “green” the port in New York City. In PlaNYC, the

City recognized the need to work with the Port Authority of New York and New Jersey to develop a clean air strategy for the Port of NY and NJ. Over the past year the Mayor's Office, working with NYCEDC and DOT, the Port Authority, the EPA, the States of New York and New Jersey, and industry participated in an unprecedented partnership to produce an actionable and transparent plan for reducing maritime emissions. In October 2009, the Port Authority released its Clean Air Strategy for the Port of NJ and NJ, demonstrating that emission reductions from all port-related sources are feasible and measurable. The strategy adopts voluntary measures, supported by funds from the Port Authority principally, but also other parties, to reduce greenhouse gas emissions from port activities by 5% a year and criteria pollutants such as particulate matter by 3% a year. As a 10 year strategy, this equates to a 30% decrease in criteria pollutants and a 50% decrease in greenhouse gas emissions from baseline 2006 levels despite any port growth over the next ten years—a significant improvement. In March, 2010, the parties that developed the Clean Air Strategy signed a Statement of Intent signifying their commitment to implement the actions identified in the Strategy.

Also in March, 2010, the EPA and the Port Authority launched a \$28 million truck replacement program, partially funded by \$7 million from the American Recovery and Reinvestment Act to replace old trucks with vehicles that meet stricter pollution standards.

Central to the City's contribution to this effort are NYCEDC contract requirements for tenants in waterfront properties (such as Phoenix Beverages) to convert their truck fleets to low emission vehicles and DOT improvements to our State Island Ferry fleet, which to date has undergone significant pollution reductions via upgrades and engine retrofits. The City fuels the ferries with Ultra Low Sulfur Diesel (ULSD), which contains no more than 15 parts per million of sulfur as a means of further reducing emissions from this sector. The switch to ULSD has

produced immediate benefits to City residents well in advance of the EPA's 2012 deadline for the use ULSD by ferries and similar vessels.

In addition, NYCDEC, DEP, and the Mayor's Office are working with the Port Authority, the New York Power Authority (NYPA) and Carnival Cruise Lines on an ambitious plan to bring the first "cold ironing" facility on the United States East Coast to the Brooklyn Cruise Terminal. This effort would make shore power available for cruise ships while they are in port, eliminating a major source of port related pollution.

New York City's working waterfront is an important part of our region's economy. It supports thousands of jobs and promotes environmentally friendly transportation. NYCEDC looks forward to continuing to work with the City Council and our other partners in government to find ways to make our port and maritime industry even stronger and greener than it is today.

Testimony of Victor Martinez, Port Truck Driver
New York City Council Waterfronts Committee, June 17th, 2010

My name is Victor Martinez and I have been a port truck driver for 12 years. I haul containers in and out of the ports of New York and New Jersey, including the Howland Hook port on Staten Island. I am here today to tell you a little bit about my life as a port truck driver and how it affects me, my wife and my two little girls.

First let me say that I have always wanted to be a truck driver. It is a skilled job and a job that I am proud to have. But the reality of being a truck driver is different than what I could have imagined. I am a professional truck driver and I should be earning a fair living, instead I am scraping by to make ends meet. I am misclassified as an "independent contractor" and as a result I am forced to pay for all of the expenses of being a truck driver, including my truck, gasoline, tolls, maintenance and repairs. I'm also responsible for the equipment I do not own but have to use in order to do my job. The chassis that are used to put a container on my truck are often old and unsafe. If a tire blows out or if a light stops working, then I am forced to pay to have it fixed.

If I were properly classified an employee of the company that I have worked for for 6 years, that company would be responsible for all of these expenses, but instead they have put it all on my shoulders because I am misclassified as an independent contractor. Because of this I am denied medical benefits and all the other rights and benefits – like unemployment insurance, social security and workers comp - I should receive as an employee.

I'm not a small business man either. They tell me when to show up for work, where to drive the containers to and how much they will pay me. Real 'independent contractors' have the final say in all the work they do, and can negotiate their rates and working hours, but I can't – it's take it or leave it.

Secondly, I am worried about my health. I sit behind a diesel engine for 50 or 70 hours each week. My family and I live in Newark not far from the ports. I know that the diesel pollution is bad for my health, and for my family and for my community. Because of this and because of the truck ban happening soon, I recently sold my 1990 truck and purchased a newer 2003 truck.

But getting a newer, cleaner truck has been more difficult than I thought. My old truck was completely paid for. I was able to barely make ends meet and provide necessities for my family then, but now that I have a new truck and truck payments I am struggling to provide for my family. Because of the new debt, the sacrifice I've made is to work more and spend less time with my family.

I am telling you my story because the truck ban is going to put a lot of other drivers in the same difficult situation that I'm in. I believe that everyone that works as hard as we do should be able to provide a better future for our families. The only way we can make this happen is with your help.

Testimony of Daniel Ortiz, Port Truck Driver
New York City Council Waterfronts Committee
June 17th, 2010

My name is Daniel Ortiz. I've been a truck driver at the ports for 9 years. I deliver containers in and out of the ports in New York and New Jersey, including the Howland Hook facility on Staten Island.

When I started driving a truck, I thought I could make a good living, because it is a skilled job. I was also told that I would be able to be my own boss. But over the last 9 years I've seen a lot of change for the truckers – for the worse. Most of us are no longer employees, but we are instead independent contractors and we must carry the cost of owning our trucks and taking care of them.

I am misclassified as an independent contractor and I'm at the will of the trucking company. They say I'm an independent contractor, but they treat me like an employee – they tell me where to go, what time and for how much. I have no say in any of this. Meanwhile I don't have any of the rights or benefits an employee does – no social security, no unemployment, no benefits. I feel like I have no future.

It is difficult financially for me and other port drivers to earn a living, pay for all the costs of a truck and take care of our families.

Last month, for example, I was paid a total of \$5,000, averaging about 70 hours each week. The cost of driving my truck, which includes my truck payment, insurance costs, parking, fuel and maintenance was about \$3,000 last month. This left my family with \$2,000 to pay our mortgage and put food on the table. My mortgage alone is more than \$1,000. And this amount does not include the taxes I pay because I am misclassified as an 'independent contractor.'

But the money isn't the only problem. I sit behind the wheel of my truck for 90 hours a week sometimes and I breathe the diesel fumes all the time. I want to drive a clean truck because it affects me and my family. I want to be here for when my grandchild grows up. I want him to know me.

The pollution also affects my community where I live. Newark is very close to a lot of ports and I know that my truck isn't good for the air that my neighbors breathe.

We are trying to change the situation because a lot of the drivers I talk with want clean trucks too, and we want to have more stability with our work.

As an owner operator I've learned that the laws favor the trucking companies and not the truck drivers. The laws should be changed so we could be successful and I think a Clean Truck Program that protects us drivers from being stuck on the bottom of this system would be the best way to do this. If we are successful in being recognized as employees

then the trucking companies will have to pay for these trucks and they will have to pay the drivers fairly. The laws would be more balanced and it would mean a lot to me and to my family and my neighbors.

I am here today to ask you to support a resolution asking Congress to change the law that is keeping me and my fellow truck drivers from providing for our family like we should be able to and protect my community and the communities all over our region from the pollution that affects us all.

Testimony from David Bensman, Professor, Rutgers University

New York City Council Waterfronts Committee

June 17th, 2010

Esteemed Council members,

Four years ago, as I began studying the place of the NY metropolitan region in the global economy, I began to understand that the Port Trucking, or Drayage industry, is a weak link in the global supply chains that connect consumers and manufacturers in our region with producers and consumers all over the world. By now, four years later, it is generally acknowledged by people in the global shipping sector that port trucking is responsible for unacceptably high levels of diesel emissions, and port authorities around the country have begun adopting programs to force old, polluting diesel trucks out of service, and to replace them with more efficient vehicles.

In our region, the Port Authority of New York and New Jersey has devised a Truck Replacement Program that is designed to incentivize the replacement of old trucks with new ones. On the basis of my study of 300 port truck drivers at Ports Newark and Elizabeth, I have concluded that the Port Authority's plan will not succeed, because it does not recognize the economic reality of the drayage industry. The Port Authority plan provides grants and subsidizes low-interest loans to the owner-operators who haul 80% of the containers in our region, but even with the grants and subsidies, these owner-operators can not afford new trucks. The reason is simple; new trucks cost too much. Owner operators are forced, as the industry is now constituted, to drive for rates that are too low to pay for modern, efficient diesel engines. They are not credit worthy to take on leases of \$75,000 or more. The Port Authority's plan will not replace 600 old diesel engines by the end of September. The New York region will not get the new trucks it needs to begin the journey to a green freight transport system.

The reason why we need a new approach is that the current drayage system is characterized by a marked imbalance of power between the shippers who need to move their containers from the ports to distribution centers and warehouses, and the drayage companies which haul the containers. Beneficial cargo owners, huge firms like Wal-Mart, Target and Home Depot can dictate delivery prices that are so low that drayage companies can only accept orders by using owner operators to make deliveries in old trucks that are poorly maintained. This imbalance in market power has been noted by economists studying the drayage industry throughout the country. When these economists have issued studies of proposed truck replacement programs at the ports of Los Angeles, Long Beach, Vancouver, and Oakland, they have always concluded that the port trucking industry must be restructured so that there is a more balanced distribution of market power. In order to accomplish that goal, a regulatory authority has to set standards for trucking firms and bring an end to the destructive competition that is now responsible for the diesel emissions that blight neighborhoods throughout NYC and the metropolitan region.

contractors in order to avoid paying Social Security, Medicare, unemployment insurance and workers compensation taxes creates a burden for the rest of employers who do play by the rules, not to mention degrade that standard of living for millions of Americans. Congress should make clear that local or regional authorities can set standards to protect the public health and regional economy. I urge the NYC Council to support a resolution urging the Congress to amend federal law so that it is clear that our Port Authority can set the standards that will restore our freight transportation industry to good health and create middle-class jobs. In support of this conclusion, I am submitting a study I conducted with Yael Bromberg, demonstrating that the drayage industry of our region is a field of destructive competition which can not replace its old fleet of trucks with more efficient truck engines unless and until standards are set for the industry.

Sincerely submitted,

David Bensman
Professor, Rutgers University
School of Management and Labor Relations



**New York Jobs with Justice and Urban Agenda
Joint Testimony before the New York City Council Waterfront Committee
June 17, 2010**

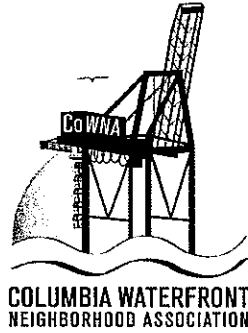
I would like to thank Chairman Nelson, Councilman Lander and Members of the Waterfront Committee for the opportunity to speak today. My name is Jameelah Muhammad, and I am an Organizer at New York Jobs with Justice. I am here today to testify on behalf of Urban Agenda and NY Jobs with Justice and urge support of the Clean Trucks Program for good green jobs and healthier ports in the city of New York.

New York Jobs with Justice and Urban Agenda are both permanent coalitions of community and worker organizations. We work in strategic alliance to achieve a shared mission of creating a more just, sustainable and prosperous New York for all New Yorkers.

In 2008, Urban Agenda launched the Green Collar Jobs Roundtable process which convened over 170 organizations around the city to develop a roadmap for building a just green economy. Through the Roadmap, these community, labor, environmental, and civic organizations articulated a clear path forward with regard to transportation in a green economy. It must encompass expanded mass transit, retrofitting automotive vehicles to reduce emissions, and the sale, repair, and fueling of alternative automotives such as hybrid cars. Developing a plan for the transformation of the current port system and truck fleets used throughout the New York and New Jersey region will be critical to the city's reduction of greenhouse gas emissions, will ensure good green jobs for truck drivers and would tremendously reduce both noise and air pollution in communities that are currently exposed to high truck traffic. Too many New York City neighborhoods suffer from excess noise, harmful particulates, vehicle exhaust and economic degradation as a result of high truck traffic. We see the Clean Trucks Program effort as not just critical, but also clearly consistent with what a broad cross section of our community has been looking for and demanding for years.

Just this week in the Bronx, the first medium duty electric delivery truck in New York was unveiled not too far from Hunts Point Co-Op Market. Through successful community, government, and business partnerships, this tremendous step forward showed not only what was technologically possible, but also what is necessary if we are to create healthier, cleaner, and more economically sustainable communities. Such efforts cannot be isolated events. Our region needs to create broader policies like the Clean Trucks Program to more adequately address chronic pollution problems. Moreover, such efforts must be matched with concern for trucking jobs and how job quality also impacts our communities. This is why it is absolutely crucial that truckers earn family sustaining wages and have occupational health and safety protections.

Urban Agenda and New York Jobs with Justice therefore strongly encourages that City Council pass a resolution supporting a Clean Trucks Program for the NY/NJ region and support federal legislation that would authorize the NY/NJ Port Authority to make such changes. Taking such action would ensure environmental and economic sustainability for all New Yorkers. Thank you.



Statement on Behalf of the Columbia Waterfront Neighborhood Association
Before the Council Committee on Waterfronts
On Greening New York City's Working Waterfront
June 17, 2010

My name is Mina Roustayi and I am a member of the Columbia Waterfront Neighborhood Association which represents one of the communities adjacent to the Red Hook Container Port in Brooklyn.

Maritime shipping is a net environmental benefit for New York City. But my neighbors and I are as close as anyone can be to all of the environmental problems discussed today and who are suffering from an unhealthy and diminished quality of life. Understand this: The ships and diesel trucks operating at the port take a real toll on the health of communities like mine. And it will only get worse, as more young families move to the Columbia Waterfront every day.

So CoWNA applauds Councilman Lander for organizing this hearing, and we encourage the Council to adopt an ambitious green agenda for the Red Hook port and an innovative world class plan for New York City's working waterfront.

Let me call special attention to two green solutions that my organization supports. The first is shore power, which we urgently want to see in the port as well as the Red Hook Cruise Terminal. We see no credible reason why this eminently sensible and widely accepted practice should not be adopted in New York City. The other is the clean trucks program being advanced by the Coalition for Healthy Ports. CoWNA is a member of the coalition, and we fully endorse the plan to improve both air and job quality in our nation's ports.

New York likes to think of itself as a leading city in culture and commerce – surely we also could lead in designing exemplary ways of reducing pollution, promoting sustainability and creating a healthy city for us all.

Thank you for your consideration.



The North Shore Waterfront Conservancy of Staten Island, Inc.
P.O. Box 140502
Staten Island, New York 10314

June 16, 2010

Reference: NYC City Council Hearing on Working Waterfront's

My name is Beryl Thurman, I am the executive director & president of the North Shore Waterfront Conservancy of Staten Island, Inc. Many times during discussions with officials I have been told that Staten Island's north shore is a working waterfront. But after living adjacent to it for several years I honestly am not sure what is meant by a working waterfront?

The term working waterfront has been used to justify any negative environmental, health, economic, or social issues that the residential communities are experiencing. Followed by being told that businesses were there before the people. But then that brings us to which came first the chicken or the egg scenario? In our case it was the Lenape Indians who came first.

A working waterfront brings good paying jobs, is usually synonymous with an operation that is not environmentally sound, but is painted in the press with green-washing to make people think that it is. And requires skilled labor and union affiliation to which the people that live in the environmental justice communities that these businesses are located in are not eligible for because they lack the skills and union connections. And that the promises of jobs is exactly that, just a promise that never becomes a reality.

The exploitation of the waterfront communities with the most ^{vulnerable} ~~venerable~~ of populations, is an on going problem. Millions and billions of dollars that are meant to be used to up lift and bring about social and economic change for these communities have never met its mark not in 70 years. If these civil rights issues had been resolved we wouldn't be here talking about the same issues that were prevalent in the 1940's. We still have huge gaps in the environmental regulatory process that allows for absolutely no one to be held accountable. Federal laws and regulations do not connect with state and local laws and regulation to provide citizens with the environmental protections that would allow for their rights to life, liberty and the pursuit of happiness.. Because of their deplorable environment they are already working at a disadvantage from day one.

Everyday Staten Island's north shore residents are bombard with one environmental hurdle after the other - fighting for their right to exist in the face of Manhattan's ever growing needs. Manhattan needs cement put the plant on Staten Island, Manhattan needs natural gas, run the pipe line through Staten Island. We are the throughway to every other borough and New Jersey and the place to deposit your unwanted refuse.

There is not a person born on Staten Island, or a person that has lived on Staten Island for more than 3 years that can't figure out that it is money that drives the bus.

How else can a port be touted as green when it is proposing to fill in 17 acres of a 80 acre tidal wetlands and cove. Where it is the only existing tidal wetlands on the entire north shore of Staten Island and is one of the largest existing tidal wetlands in New York City. A project that is in favor of vessels that are too large to navigate the Kill Van Kull or turn around should the vessel make it to the berth all the while being adjacent to a environmental justice community. Have we learned nothing about favoring commerce over the environment and people with New Orleans' 9th Ward, the destruction wetlands and Katrina?

We have a waterfront loaded with contaminants from past industrial uses because New York City does not require businesses to remediate their properties before selling or abandoning them. And zoning laws that encourage polluting and contaminating businesses along the waterfront and within environmental justice communities by As of Right. There is the whole fictional enforcement process that does not exist not the way that people believe it does. One of our greatest threats comes in the form of us not being prepared, not being storm resilient. There is not one business, property, or structure that would survive a class 1 to 4 hurricane, yet they operate in the 100 year flood plain and we are at the 100 year mark.

Since when is a cement facility, its 18 story silo and 60 trucks a day coming in and out of a environmental justice waterfront community green? There is a law about truth in advertising and truth in lending - but no such law exist when it comes to green packaging.

Being told randomly that the trucks are going green some time in the future means little to us other than a truck could be blue, purple, or yellow too. What does the color of it have to do with the deadly fumes that is coming out of these ancient vehicles and into the residential communities? Not to mention what the drivers are inhaling. Further since some of these drivers live in the environmental justice communities the streets become their garages when they are working on these vehicles because they can't afford to have them professionally maintained. Nor can they afford to upgrade their vehicles to newer models that are less polluting.

We are very good at avoiding the hard problems and putting them off for someone else to deal with. But the facts are that if we don't deal with them now, they never will be dealt with. New York City consist of islands and in a time of sea level rising, storm surges and flooding we are Blanch Dubois depending on the kindness of strangers in hopes of our survival.

Thank you for your time.

Sincerely,

Beryl A. Thurman, Executive Director/President
NSWCSI



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Should the Yankees revive the idea of a mascot?



State probe of auto charities includes S.I. outfit

Home > Staten Island North Shore > From the Print Edition

Hearing Monday for installation of proposed natural gas lines in Mariners

Published: Saturday, June 12, 2010, 6:53 AM Updated: Saturday, June 12, 2010, 6:56 AM

Maura Yates

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STATEN ISLAND, N.Y. — A proposal is under consideration to install several miles of natural gas pipeline underneath parts of New Jersey and New York, including a small portion of Mariners Harbor, and residents are invited to learn more at an open house on Monday evening.

Spectra Energy will host the public meeting Monday from 6 to 8 p.m. at the Hilton Garden Inn, Bloomfield.

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The New Jersey-New York Expansion Project entails increasing capacity of the region's existing pipeline network, and includes replacing about 4.5 miles of existing pipeline from Linden, N.J., to Mariners Harbor, and installing about

15.5 miles of new pipeline from Staten Island through Bayonne and Jersey City, and into Manhattan.

On the Island, the pipes will be installed primarily within the roadbed along the westernmost stretch of Richmond Terrace, as well as underneath a portion of the New York Container Terminal.

Spectra spokeswoman Marylee Hanley stressed that the project is just a proposal at this point, and requires federal approval before it can begin.

If the project gets the green light, construction is expected to take two years, beginning in 2012.

Mariners Harbor resident Belinda Dixon said she is concerned about the safety of the project, in light of the BP oil spill in the Gulf of Mexico and other recent utility disasters.

"We're worried about the whole block going up in smoke," she said. "If we have an accident, there's no Mariners Harbor."

Project maps and other information will be available during the open house, and residents are invited to ask questions of the Spectra representatives at the meeting.

Officials from the Federal Energy Regulatory Commission, the governing body which oversees such projects, will also be on hand to answer questions, Ms. Hanley said.

For more information about the proposed project, visit www.nj-nyproject.com, or call Spectra at 888-568-7269.

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MikeB June 13, 2010 at 9:04AM

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Residents have a right to be concerned about Spectra Energy's proposed pipeline because Spectra Energy has a track record that looks like a police rap sheet:

- "Unlawful Conduct" – The Pennsylvania Department of Environmental Protection has issued two Notices of Violation for the company's "unlawful conduct" related to the company's 12 billion cubic feet underground natural gas storage reservoir in Bedford County, PA.
- Fiery inferno – Spectra Energy's underground gas storage reservoir outside of Houston (Moss Bluff) suffered catastrophic failure in 2004 with two explosions, 6 days of fire with flames as high as 1,000 feet and two evacuations. The company does not want to talk about it. The project manager at the Federal Energy Regulatory Commission told me they were not aware of this when they approved Spectra Energy's proposal for the storage reservoir in Bedford County.
- PCB Contamination – Spectra Energy acknowledges in its Form 10-K (filed with the Securities and Exchange Commission on Feb. 27, 2009) that, "some of our pipeline systems are contaminated with [toxic] PCBs." The EPA has concluded that PCBs cause cancer in animals and are a probable human carcinogen.
- Top Civil Penalty Ranking – Spectra Energy's Texas Eastern pipeline division is tied for #7 on the EPA's list of the 21 "Top Civil Penalty Cases of All Time" – the National Enforcement Trends

(NETs) document which is on the EPA website. The \$15 million penalty was for massive PCB contamination along the company's 9,000-mile pipeline.

I am among a group of property owners in Bedford County, PA, who fought Spectra Energy's threat of eminent domain for 2 years. By the way, don't relax because Spectra Energy says "the project is just a proposal at this point, and requires federal approval before it can begin."

In our case, the project manager for the Federal Energy Regulatory Commission told property owners that the Bedford County project -- while it was still in the proposal stage -- "is a done deal."

Now that Spectra Energy is our "neighbor," there have been ongoing operational problems at this facility from the beginning. This includes emergency shutdowns which result in uncontrolled release of gas (toxic volatile organic compounds) and sometimes oily contaminate into the air (and on nearby properties).

Spectra Energy keeps repeating that such shutdowns/blowdowns are "not uncommon." But the company refuses to furnish the stats.

After months of prodding, Spectra Energy finally admitted, "Yes, we do track all of our compressor units' performance as part of our system reliability monitoring efforts, but this is not data that we report externally."

In the meantime, based on unofficial record keeping by nearby landowners, there have been 25 shutdowns and/or blowdowns of the Steckman Ridge compressor station between August 23, 2009 (the first, big emergency shutdown) and the end of April 2010.

Why must its neighbors assemble information on the ongoing performance problems at this facility? Why doesn't Spectra Energy disclose the information?

Learn from our experience in order to protect your property rights, your health and your safety. Ask tough questions of the Spectra Energy representative, based on the information here. Ask how many explosive failures the company has experienced on its pipelines and underground storage reservoirs. Ask about PCBs. Ask the representative from the Federal Energy Regulatory Commission the likelihood of the project being approved. Ask about the use of eminent domain if property owners decline to "sign up."

From our battle, a property rights blog emerged that tracks Spectra Energy and other companies involved in shale gas drilling or support functions. (By the way, the gas-rich Marcellus shale in New York and Pennsylvania is why this pipeline is being proposed.)

Most posts are fully sourced with primary sources that include links or pdf files to the EPA, Pennsylvania DEP, Federal Energy Regulatory Commission, court documents and filings from the gas companies.

As an example, here is a link to such a post:

<http://www.spectraenergywatch.com/blog/?p=616>

Most of the source material is found at the bottom of the post in the section titled, "Links & Resources." Happy to answer questions, if I can at this link: **Spectra Energy**

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CITY LIMITS

Print Article

THE NORTH SHORE TRACES A TOXIC LEGACY

Industrial pollution from the roaring twenties and the Manhattan Project lingers on Staten Island, and is attracting new attention from the EPA.

Jake Mooney

Port Richmond - > Once, 170 years ago, there was a factory on Staten Island, and the factory made lead. Some of the lead got into the ground. In the 1920s the factory caught fire and burned down. The lead stayed.

60 years later, people from the Environmental Protection Agency came to see about cleaning the lead up, but they couldn't find it; the property owner had given them the wrong address. Not too wrong, but just enough: It referred to Shore Road, which the street outside the factory used to be called decades earlier, before it became Richmond Terrace. The lead stayed.

This was in 1981. The factory site is now a dusty lot, and the lead is still there. But the EPA, which had missed it the first time, went back in 2008 and determined last year that it must go. A spokesman told *City Limits* that the agency hopes to take more soil samples this month, as soon as a sampling plan is complete.

The property—commonly known by the names of former owners, like Jewett White Lead and Sedutto's Ice Cream—has much in common with its industrial neighbors on the island's North Shore. Besides the shore's 60,000 residents, the 5-mile stretch of Staten Island facing the narrow Kill Van Kull is home to a checkerboard of toxic and contaminated sites, several of which have been polluted for decades without cleanup.

Even as debates about new industry on the shore continue – planned projects include a controversial cement terminal and a container port expansion that would pave over 18 acres of marshland –the toxic legacy of old industry remains, and while it's the focus of renewed government attention, officials at the agencies involved say long and deliberate remediation processes are just getting started.

For residents, action cannot come soon enough; according to Census data, four of Staten Island's five poorest zip codes are on the North Shore. In some cases, all that separates industrial sites from residential areas is the width of Richmond Terrace. In others, the margin is even less.

"Everybody in this community is already at a disadvantage," said Beryl Thurman, executive

director of the North Shore Waterfront Conservancy of Staten Island. "The last thing they need to deal with is the disadvantage of being in an environment that's poisoning them."

In 2008, Thurman, who lives in the North Shore's Port Richmond neighborhood, used \$10,000 in grant money from the state Department of Environmental Conservation to produce a booklet, sardonically titled "Staten Island's Gold Coast." It details the troubled environmental history of 21 different sites on the North Shore, ranging from the alarming (a Manhattan Project-era uranium spill) to the mundane (fumes from a bus depot).

The EPA took notice, and in November, it named the North Shore as one of 10 charter members in its Environmental Justice Showcase Communities program. The program targets communities with "multiple, disproportionate environmental health burdens" and "limits to effective participation in decisions" about environmental issues, according to the EPA's web site. It is not primarily focused on cleanup, but on broader tasks like education and community outreach. On Staten Island, the program's web site says, the agency aims to develop a community-based health strategy.

By federal government standards, the funding for the Showcase project is slim: \$1 million, to be divided among the 10 named communities, which are spread across the country.

The process of dividing and allocating the North Shore's \$100,000 will be complex. A coalition of more than a dozen local groups, agencies and elected officials have been meeting to formulate a plan. The next meeting is on June 23. The work, while encouraging, is slow, said Dee Vandenberg, president of the Staten Island Taxpayers Association, a coalition member.

"Some of us work together quite well, and some of us have never worked together on anything," Vandenberg said. "It's not going to be an easy task."

In the meantime, the coalition members are pursuing shorter-term goals like asking local governments for signage along the shore to warn against the dangers of eating fish from Kill Van Kull, where anglers are active. The state Department of Health advises handling Kill Van Kull fish with care, and never eating striped bass from that waterway.

The most worrisome contaminants in the fish, the Department of Health says, are PCBs, dioxin and cadmium. But at one site on the banks of the Kill, by the Bayonne Bridge, an even more alarming chemical has lurked for almost six decades. It is uranium, spilled onto waterfront ground during one site's long-ago association with the Manhattan Project.

According to Department of Energy documents, several private companies involved with the development of the first atomic bomb stored 2,007 drums of high-grade uranium ore from the Belgian Congo at a warehouse off Richmond Terrace between 1940 and 1942. The uranium was bought by the federal government and moved in late 1942— but along the way, some of it seems to have been left behind.

An investigation by the Oak Ridge National Laboratory in 1980 concluded that a 20-by-40-meter area appeared to be contaminated with uranium ore, and recommended further investigation.

The uranium's chain of custody, though, was complex, which means that who spilled the uranium, who should clean it up and who should pay for the work has long been disputed.

While the ore was on Staten Island, according to Department of Energy records, it was owned by a Belgian company called Union Miniere du Haut Katanga. The warehouse was owned by the Archer Daniels Midland Company, and rented by the African Metals Corporation. The Department of Energy, meanwhile, insisted from the time that it discovered the contamination in 1980 that it was not responsible for the uranium, or for removing it.

That disavowal of responsibility, which the agency maintained steadfastly throughout the 1980s and '90s in correspondence with the site's owners and state officials, has lately softened. This year, an EPA spokesman said, the energy department reversed its long-held position and decided to include the land in its Formerly Utilized Sites Remedial Action Program.

That program is administered by yet another agency, the Army Corps of Engineers, and that agency is just beginning its work on the site. Allen Roos, chief of the corps' environmental branch for its New York district, said a preliminary assessment is underway. That, he said, is just the first step in a multi-part process that could include more site investigation, a proposed action plan, a public comment period and, eventually, depending on the outcomes of the other steps, the actual remediation.

The warehouse site today is empty of buildings. How much longer the uranium will remain, Roos said, is impossible to know. "We just began this whole process early this year," he said. "So we're just starting down the road."

A much quicker remediation – if not an actual cleanup – took place about a half-mile away, at another polluted north shore site: the city-owned Veterans Park.

There, in a 1.28-acre slice of manicured lawn lined with trees and benches, EPA investigators researching the Jewett White Lead Company site last spring found traces of lead. A city Parks Department follow-up, a Department of Health spokeswoman said, found amounts of lead that were below the safe recommended limit. But the tests also found arsenic, throughout the park, in levels that exceeded the safe limit.

The park is a popular neighborhood hub and residents were concerned, but the Parks Department, spokeswoman Meghan Lalor said, "determined that there was no immediate health risk from soil in the park." Still, in work that began last spring and continued into the fall, the department capped the park's lawns and planting beds with wood chips, a layer of fabric, clean topsoil, mulch and fresh plantings.

With that, Lalor said, the Parks Department considers the matter closed. Some residents, though, are unsatisfied.

Thurman maintained that the continued presence of the tainted soil, albeit under a layer of clean soil, is troubling. "There are still children that go in that park," she said. "I had to walk over and tell the moms, 'Tell your kids to stop digging in the dirt, because it has arsenic and lead in the soil and it's poisonous.'"

Terry Troia, a member of the board of the Port Richmond Improvement Association, a local civic group, was more optimistic, and said the city had met most of her group's expectations.

Still, she said, there are two more things she would like to see. The first is new testing to ensure that the new topsoil is clean. The second is a study to solve the enduring mystery of where the lead – and especially the arsenic – in the park came from.

"Chances are it's from another century," Troia said. "But nobody knows. It's all guesswork."

Meanwhile, at the Jewett White Lead site, two blocks away, work continues. Last summer the EPA tested more than a dozen other locations around the neighborhood, to see if contamination from the former lead factory had spread. In March, it released findings stating that while neighboring properties did have elevated lead levels, they were not related to the Jewett site's contamination. More likely, the agency found, lead found around houses in the area is from peeling paint.

This is the first of a three-part series on environmental concerns affecting Staten Island. Part 2 will appear next week.

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From: nswc <nswcsibt@aol.com>
To: nswcsi@nswcsi.org
Subject: City Limits Part 2 - Can Industry Save A Staten Island Marsh
Date: Thu, Jun 17, 2010 1:03 am

The most recent article from City Limits and below few of the comments from the article that deserved a response.

<http://www.citylimits.org/news/articles/4057/can-industry-save-a-staten-island-marsh>

The company's preference, its president, Jim Devine, said in a telephone interview, is to rehabilitate a city-owned piece of Arlington Marsh directly adjacent to the expansion site; with walking trails, oyster beds and light marshland.

Oyster beds? Sorry we are not allowed to have oyster gardens because the Kills are too polluted and state and city environmental and health agencies are afraid that oysters may be eaten by people causing them to get sick.

The 50 foot dredging that you are proposing would destroy the remaining wetlands. Come on guys those mega Panama vessels will not fit down the Kill Van Kull, well maybe after they scrape a few of the tankards over on the Jersey side. And how are you going to turn them around if they should get to the terminal?

In general, Carroll said, the board favors the expansion because of its economic benefits – assuming there is sufficient mitigation.

Mitigation must be done in the community that the work is being proposed in, since they have decimated all of the other wetlands on the north shore they have no place to do the mitigation. And doing it anywhere else is just unacceptable because these are environmental justice communities.

With regard to the wetlands to be filled in, he added, the board has to make a judgment: "Are you destroying something that is irreplaceable? And the answer to that question is no."

Well I guess if your not concerned about the 100 year flood plain then you can have this kind of opinion. But if you would like to educate yourself there are a lot of environmental groups that have courses on the importance of wetlands and wetlands protection. But if you don't have time to attend any of the classes, then just review news reels from 2005 and New Orleans and Katrina. They are surrounded by water just like we are. Their wetlands folly is costing them \$125 Billion of course that was before the oil spill.

"I will just put it for you this way, so there's no misunderstanding where I come from," Molinaro said, in an interview in his office in Borough Hall. "That's all gobbledeygock. It's all bullshit, in plain English."

Devine said, adding, "It's not an idyllic situation that you can just do everything you want to do. That's why I'm saying we're the best alternative to help. Nobody wants to pay higher taxes. I sure in hell don't."

Gentlemen, gentlemen such salty language, can you say environmental injustice? Do you know what it means? We gave you a copy of our environmental justice booklet did you read it?

And if the Federal government could be convinced to give \$28 million dollars of our tax dollars to a Peruvian cement facility and \$28 million to the smelly DEP Sewer Treatment Plant and another \$28 million to another waterfront businesses. Well why can't they give that much towards the environment? It's the one thing on the waterfront that actually cleans the environment, is flood resilient, protects the residential communities, traps and filters toxins.

The EPA's Environmental Justice Show Case Community Project is a rare positive environmental, sustainability, and quality of life opportunity something that has not happened for the waterfront communities from St. George to Arlington in over 150 years. You would think that our officials and businesses would be on board and supporting these efforts in wanting to change very old and bad practices that have been harmful and deadly to these communities. I will remind you that we are people and these are our homes and our communities and people do matter - even the less fortunate ones.

Beryl A. Thurman, Executive Director/President
NSWC

www.nswcsi.org

SAVE ALL OF ARLINGTON MARSH!

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CITY LIMITS

Wednesday, June 16, 2010

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Can Industry Save A Staten Island Marsh?

In the second of our three-part series about environmental worries on Staten Island, we look at the pros and cons of sacrificing marshland to create jobs and a new park.

By Jake Mooney

Tuesday, Jun 15, 2010

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Marc Feder/City Limits

Industrial development on the north end of Staten Island has destroyed most of the marshland that once existed there. Now a proposal to expand the borough's container port is raising questions about whether and how the remainder can be saved.

Port Richmond — Richmond Terrace, the bumpy former cow path that is the main road along Staten Island's North Shore, starts at the St. George Ferry Terminal and winds past dozens of storage lots, old factories, transfer stations, high sheet-metal fences and, occasionally, a park. Six miles later, just east of the Goethals Bridge, it reaches its end among heavy trucks and stacked shipping containers at the Howland Hook Marine Terminal.

The port, operated on public land by New York Container Terminal, a private company, is one of Staten Island's largest businesses. The company, officials said, has a \$53 million payroll and more than 550 employees, unloading around 400,000 shipping containers a year.

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But that, company officials and their allies in government say, is not big enough. The terminal, in plans outlined in a series of filings and public forums in the early months of this year, is seeking to expand its 187-acre site with a fourth container ship berth. According to the plans, the \$350 million expansion would create more than 300 new jobs. It would also pave over a rare undeveloped swath of North Shore waterfront, and fill in or dredge something even rarer than that: 16.38 acres of coastal wetlands, some of the last in the city.

Because of the wetlands, which are part of a larger area called Arlington Marsh, the project requires approval from the state Department of Environmental Conservation. That could take years to secure. In the meantime, port representatives, local officials and environmentalists are grappling with some daunting questions: Is the waterfront chiefly a natural resource or an economic one? Is there any way to undo decades of environmental damage? And if there is, will anyone will pay for it?

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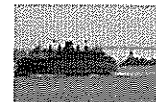


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5. Affordable Housing Project Aims For Six-Figure Incomes

For environmental advocates, the site of the proposed port expansion is at once a vital piece of a dwindling natural resource, and a symbol of how badly the shoreline has historically been mistreated.

Before the arrival of industry there, "Essentially 100 percent of the northwest of Staten Island was salt marsh," said Richard Lynch, staff botanist at the [Sweetbay Magnolia Conservancy](#), a local environmental group, during an interview this month. "We're talking about the last 3 percent of salt marsh that can be filled, when 97 percent of salt marsh at Howland Hook and Port Ivory has already been filled."

Later, on a walk through some of the land, he added, "Staten Islanders can't look at this as just one project. We have to look at it as part of a never-ending process of development."

One virtual certainty is that, if the DEC eventually allows the expansion, it will require the port to make up for filling in the wetlands by creating some public space elsewhere. The company's preference, its president, Jim Devine, said in a telephone interview, is to rehabilitate a city-owned piece of Arlington Marsh directly adjacent to the expansion site, with walking trails, oyster beds and light marshland.

[Community Board 1](#), which represents the area, supports the expansion project, said its district manager, Joseph Carroll. The board had previously favored putting a city sanitation garage on the adjacent marshland, Carroll said, but now would like to see the container terminal rehabilitate part of it and open it to the public. In general, Carroll said, the board favors the expansion because of its economic benefits – assuming there is sufficient mitigation.

With regard to the wetlands to be filled in, he added, the board has to make a judgment: "Are you destroying something that is irreplaceable? And the answer to that question is no."

Proponents of the port expansion claim that the wetlands are already so polluted, from centuries of industrial use, that without the new port and accompanying remediation they will not represent a real environmental resource. A New York Container Terminal study of the land for the port expansion and the city land that would become a park shows high levels of contamination from heavy metals, pesticides and a host of other contaminants. Devine, who has a degree in marine biology, referred to Arlington Marsh as "Arlington toxic dump," and James Molinaro, the [borough president](#) and a staunch container port advocate, scoffed at the idea that the expansion site represents wetlands worth preserving.

"I will just put it for you this way, so there's no misunderstanding where I come from," Molinaro said, in an interview in his office in Borough Hall. "That's all goobledygock. It's all bullshit, in plain English."

Kerry Sullivan, a former tugboat worker and the executive director of the [Natural Resources Protective Association](#), a consortium of environmental and conservation groups focusing on local waterways, shares a mutual enmity with Molinaro—he was arrested for writing "the Jerk" on a Molinaro campaign poster, and after the charges were dropped, he sued the city. (The suit is still pending.) On a recent visit to the site, Sullivan said the borough president and his allies mischaracterize the land.

"There's beaver back in there, there's muskrat, there's sea turtles," he said, pointing past a fence into the marsh. "It's just filled with wildlife back in there."

Omnipresent city fences around the property, Sullivan said, prevent local residents from seeing how much life remains there.

But local environmentalists differ on the pros and cons of the Arlington proposal. Sullivan, and Beryl Thurman, executive director of the nonprofit [North Shore Waterfront Conservancy](#), want to block the port expansion, citing the wetlands' role in filtering toxins and preventing flooding during storms.

Lynch, meanwhile, said he could support the port expansion under the right circumstances – if the container terminal, in a sweeping act of mitigation, were to buy a much larger site just south of the Goethals Bridge and rehabilitate that as public marshland instead. That 640-acre property, which had been the proposed site of a NASCAR race track, is now being considered for warehouse development – a possibility that Lynch argues is much more likely if the container terminal is expanded. Saving that area for the public rather than warehouses, he argued, could make the tradeoff of losing 16.3 acres of Arlington Marsh worthwhile.

But any fissures that exist in the local environmental movement may be moot, given Devine's reaction to Lynch's idea.

"If I had unlimited funds and just wanted to do something from an environmental husbanding standpoint, I'd gladly do it," he said of the swap. "But that's not in the cards."

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Devine said it is still too early to talk formally about mitigation, since his company is still in talks with the DEC about the size of the port expansion—the agency is pushing for a smaller footprint, he said, while the company maintains that is impossible. Meanwhile, he touted the project's jobs benefits—although Thurman questioned whether the jobs the port will provide will go to people who live in the low-income areas closest to the site.

Much of the argument for the expansion, though, involves the cleanup of the toxins that have been detected in the land. Sacrificing the 16.3 acres of marshland to be paved in the expansion, container port supporters maintain, is the only way to clean up the marshland that isn't being paved.

The adjacent land that the port's leadership favors for mitigation, at the mouth of Arlington Marsh, has been under the control of the city parks and sanitation departments for years but is closed to the public. Without the port expansion, "It's going to be fenced off, because the city's bankrupt," Devine said, adding, "It's not an idyllic situation that you can just do everything you want to do. That's why I'm saying we're the best alternative to help. Nobody wants to pay higher taxes. I sure in hell don't."

Molinaro, who has been borough president since 2002 and was deputy borough president for 12 years before that, dismissed the idea of a government-sponsored cleanup of the marsh. "The city government doesn't have that money, the state government doesn't have that kind of money, the federal government doesn't have that kind of money," he said. "It's a process that needs to be done very slowly. You know who's going to do it? Private industry, when they want to use the land."

With local government firmly behind the project, Lynch said he may soon take a different approach in opposing the current port expansion proposal. It involves putting pressure on the container terminal's unlikely owner: the [Ontario Teachers' Pension Plan](#), which administers the pensions of 271,000 active and retired Canadian teachers, and which bought the company in 2007.

"Maybe their membership can take a vote on whether they want to be known as a union that supports destroying wetlands in New York City," he said.

This article is the second in a three-part series about the environment on Staten Island. Part III will be published next week. To read Part I, [click here](#).

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The North Shore Waterfront Conservancy of Staten Island, Inc.

is a not-for-profit organization, with a focus on the north shore along the Kill van Kull from St. George to Arlington. Dedicated to education of environmental and related community health issues, and advocating for economic development as it relates to the environment. The group is concerned with community based planning for waterfront open space, the cleaning up of public spaces, coordinating eco tours for all ages, and cultural event participation. In an effort to regain waterfront access, we intend to reconnect our waterfront communities to manage this shared resource.

"Mariners Marsh is a testament to Nature's ability to reclaim an industrial site and restore it to a valued wildlife reserve." -Bruce Kershner

Author Secret Places of Staten Island

www.NorthShoreWaterfrontConservancy.org

www.nswcsi.org

Email: nswcsi@yahoo.com

For more information please write to:
**North Shore Waterfront Conservancy
of Staten Island, Inc.**
P.O. Box 140502 Staten Island, New York 10314

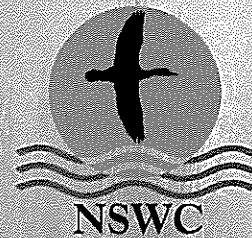
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Is it too late?

"Never doubt that a small group of committed citizens can change the world. Indeed, it is the only thing that ever has." -Margaret Mead

Enjoy the natural environment, arts, culture, and fun available along the north shore waterfront!

Naturalist Led Walks
Fishing
Historical Exploration
Bird-watching
Oyster Reintroduction
Kayaking
Canoeing
Fairs
Cultural Events
Bicycling
Hiking
Gardening



Did you know....

Howland Hook Marine Terminal, re-opened in 1996, occupies a 187 acre site and reestablishes our centuries old maritime economy. (Howland Hook)

Mariners Marsh contains freshwater ponds, and wildlife including Great Blue Herons, Red-tailed Hawks, Painted Turtles, and Muskrats. (Mariner's Harbor/Arlington)

Port Ivory at the end of Richmond Terrace is named for Ivory soap - a product of the old Proctor and Gamble facility. (Port Ivory)

The Kill Van Kull once supported a thriving oyster industry. (Mariner's Harbor)

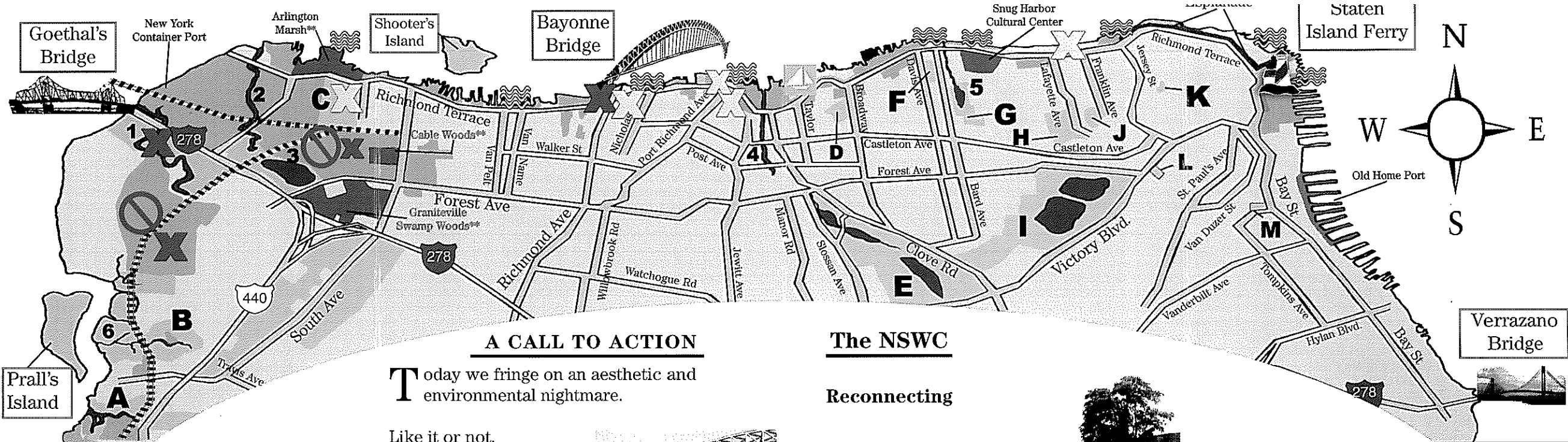
The Bayonne Bridge, the second longest single span steel-arch bridge in the world (1930), is Staten Island's only bridge with an active pedestrian walkway.

At the end of Port Richmond Avenue was Decker's Ferry (1770's) which provided service to Bayonne. (Port Richmond)

The North Shore waterfront contains Native American, Colonial, and early Staten Island settler cemeteries. (West Brighton)

The North Shore waterfront provides outstanding views of the Kill van Kull, New York City, and New Jersey, including a view of the Empire State building.

In 1874 Mary Ewing Outerbridge brought tennis to the U.S. and played the first game in St. George.



A SHORT HISTORY

During the 19th century our waterfront was a flourishing resort area. The 20th century brought industrial age development of factories, transportation facilities and a waterfront based economy – much of it now abandoned.

The north shore waterfront is in need of better planning for sustainable open space for neighboring communities. Our economic, environmental and physical health is dependent on access to and preservation of this vital resource.

Brownfields* litter the waterfront and we must push for their cleanup. Re-use of these sites invites new environmentally sound businesses, provide more open space, revitalized neighborhoods and facilitate the restructuring of the north shore.

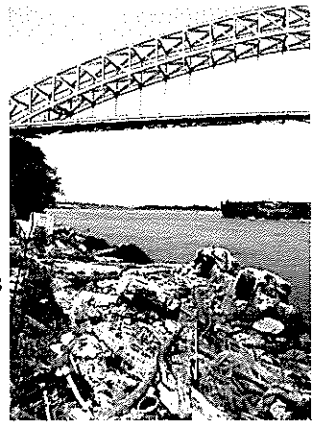
*Brownfields are tracts of land that have been developed for commercial or industrial purposes, possibly polluted, and then abandoned, idled, or underused.

A CALL TO ACTION

Today we fringe on an aesthetic and environmental nightmare.

Like it or not, these are our neighbors:

- junk yards
- construction yards
- abandoned industry
- sewer treatment plants
- transportation terminals
- brownfields



Can they operate in a healthy and environmentally friendly manner? Can we have clean air, clean water, and a waterfront that provides us with employment, recreation, wildlife to enjoy, transportation and food?

Public, private and government interest must work together to develop a comprehensive plan for the rebirth of the north shore waterfront as a flourishing and vibrant resource that can benefit all.

The NSWC

Reconnecting

and

Revitalizing

our community



PLAN OF ACTION

Transforming our Waterfront Community

1. Natural Area Protection and Restoration
2. Support Historic Preservation Areas
3. Stimulate Economic Growth Areas
4. Seek Industrial/Commercial opportunities
5. Reduce Abandoned Industrial Areas
6. Improve Public Infrastructure (Sanitary, Transportation, Utility)
7. Reduce Transfer Stations
8. Advocate for increased active recreational, cultural, arts programs, and opportunities
9. Protect threatened Natural Areas**

Staten Island North Shore

LEGEND

	A: Neck Creek Marsh	B: Saw Mill Creek Marsh
	C: Mariner's Marsh	D: Corporal Thompson Park
	E: Clove Lakes	F: Walker Park
	G: Allison Park	H: Goodhue Park
	I: Silver Lake	J: Jones Woods
	K: Fort Hill Park	L: Hero Park
	M: Tappan Park	
	1: Old Place Creek	2: Bridge Creek
	3: Goethal's Bridge Pond	4: Clove Creek
	5: Logan's Creek	6: Saw Mill Creek

	City of New York Parks & Recreation		Natural Areas
	Manufacturing Zoned Property		State Owned Open Space
	West Brighton Marina Park		Waterfront Access
	Lighthouse Museum		Site under Remediation
	Site Investigation for Contaminants		Contaminated Sites

marketplace of ideas



featuring the Director of Economic
Development Strategy for the Los Angeles
Mayor's Office

SEAN ARIAN

On improving the quality of air
and jobs at the nation's ports

OCTOBER 14, 2008
THE HARVARD CLUB
NEW YORK CITY

**DRUM
MAJOR**
INSTITUTE FOR PUBLIC
POLICY

**THE DRUM MAJOR INSTITUTE FOR PUBLIC POLICY
MARKETPLACE OF IDEAS SERIES**

**IMPROVING THE QUALITY OF AIR AND
JOBS AT THE NATION'S PORTS**

SPEAKERS:

SEAN ARIAN
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

HON. JERROLD NADLER
United States Congress

CHRISTOPHER WARD
Executive Director, The Port Authority of
New York and New Jersey

KIM THOMPSON-GADDY
Co-Chair, North Jersey Environmental Justice Alliance

Introduction by **GARY LA BARBERA**
President, International Brotherhood of Teamsters Joint Council 16

Moderated by **ANDREA BATISTA SCHLESINGER**
Executive Director, Drum Major Institute for Public Policy

ABOUT DMI'S "MARKETPLACE OF IDEAS" SERIES:

Never content just to argue theory, DMI provides a platform for policymakers who have successfully worked for social and economic fairness in our public institutions. For far too long the conservative right has defined the limits of what is "possible" in society and politics. The "Marketplace of Ideas" shows that we can transcend these artificial boundaries: it is possible to be progressive, practical, and effective. Since its inception we've heard from a wide range of speakers, including Congresswoman Hilda Solis, who authored the nation's first environmental justice law; Minnesota Attorney General Lori Swanson, who initiated tough standards to crack down on predatory mortgage lending; Dallas District Attorney Craig Watkins, who transformed the prosecutor's role to include a focus on exonerating the innocent; and Maine State Rep. Sharon Treat, who passed legislation increasing access to affordable prescription drugs.

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PANELISTS AND SPEAKERS

SEAN ARIAN is Mayor Antonio Villaraigosa's Director of Economic Development Strategy. He is responsible for guiding the Mayor's economic development strategy focusing on key sectors of the Los Angeles economy, working on issues as diverse as the development of Mayor Villaraigosa's "green growth" strategy at the Port of Los Angeles and the Mayor's strategy to build the green economy in Los Angeles. Prior to joining the Mayor's Office, Sean worked as a manager and consultant at McKinsey & Company, a global management consulting firm. Sean also worked as Project Director for the Access to Justice & Legal Reform Initiative in Buenos Aires, Argentina, Executive Director of Harry Bridges Institute, and Director of International Policy for the International Longshore & Warehouse Union. A native of Los Angeles, Sean earned his J.D. from Columbia University School of Law, and a Bachelor of Arts from the University of California at Berkeley. In 2002, Sean served as a Fulbright scholar in Latin America, and in 1995, he served as a Japan Foundation fellow in Yokohama, Japan. He is a member of the California Bar.

HON. JERROLD NADLER represents New York's Eighth Congressional district. Congressman Nadler was first elected to the House of Representatives in 1992 after serving for 16 years in the New York State Assembly. Throughout his career he has championed civil rights, civil liberties, efficient transportation, and a host of progressive issues such as access to health care, support for the arts and protection of the Social Security system. He is considered an unapologetic defender of those who might otherwise be forgotten by American law or the economy, and is respected specifically for his creative and pragmatic legislative approaches. In his roles as an Assistant Whip and a senior member of both the House Judiciary and the House Transportation Committee, Congressman Nadler has the opportunity on a daily basis to craft and shape the major laws that govern our country. Congressman Nadler is a longstanding and nationally recognized expert on transportation. During his 16 years as a New York State Assemblyman, Nadler was able to match his ideas for improving transportation and infrastructure with legislative solutions. In this capacity he founded and chaired the Assembly's Mass Transit and Rail Freight Subcommittee. Since his election to the U.S. House, he has brought that expertise and enthusiasm to work for New York as a senior member of the House Transportation and Infrastructure Committee. He is now the highest-ranking Democrat from the Northeast and co-chair of the Congressional Transit Caucus, where he's fought for better subway service and New York's fair share of mass transit funding. Congressman Nadler stood virtually alone for many years in decrying the downstate New York region's isolation from the national rail freight system and its almost total reliance on truck-borne freight. Congressman Nadler proposed to reverse these effects by reconnecting New York to the nation's rail freight system through the construction of a rail freight tunnel under New York Harbor.

CHRISTOPHER WARD is the Executive Director of the Port Authority of New York and New Jersey. He was appointed on May 22, 2008. He previously served at the Port Authority as Chief of Planning and External Affairs, as well as Director of Port Redevelopment from 1997 to 2002. Immediately prior to being appointed Executive Director of the Port Authority, Mr. Ward served for over two years as Managing Director of The General Contractors Association of New York, Inc. (GCA), where he directed and managed the major trade association that represents the heavy construction industry in the City of New York. Before joining the GCA, Mr. Ward spent a year as Chief Executive Officer of American Stevedoring, Inc., a stevedoring and port services company headquartered at the Brooklyn Port Authority Marine Terminal with major operations at the Elizabeth Port Authority Marine Terminal. Mr. Ward had previously worked at American Stevedoring in the 1990s. Prior to leading American Stevedoring, Mr. Ward served as Commissioner of the NYC Department of Environmental Protection (DEP) for the Bloomberg Administration from 2002-2005. Mr. Ward has spent much of his professional career in service to the City of New York in various capacities, such as Senior Vice President for Transportation and Commerce at the Economic Development Corporation, Assistant Commissioner at the Department of Telecommunications and Energy and as Director of Research at the Department of Consumer Affairs. Mr. Ward holds a Bachelor of Arts from Macalester College and a Master of Theological Studies from Harvard University's Divinity School. Mr. Ward has also served as an Adjunct Professor at the School of International and Public Affairs at Columbia University.

KIM THOMPSON-GADDY is the environmental justice and North Jersey organizer for the New Jersey Environmental Federation. She facilitates the development and implementation of NJEF/CWF's grassroots-based environmental justice campaigns, networking and coalition building efforts. She serves on the Essex County and Irvington (past chair) Environmental Commissions, NJ Department of Environmental Protection (NJDEP) and NJ Department of Health and Human Services Health Tracking Advisory Group, as well as vice chairs NJDEP's Environmental Justice Advisory Council. Kim is a member of the NJ Environmental Justice Alliance Steering Committee. She is currently the NJ President of the International Black Women's Congress. She is also former Chief of Staff for Newark City Councilwoman Crump and Founder/President of South Ward Cultural Center. She has a long history of being active on many Newark civic committees and was an elected school board member. She has a B.A. in Economics from Rutgers University and is the happy mother of three.

GARY L.A. BARBERA is President of the New York City Central Labor Council (elected June 2007), and President of the International Brotherhood of Teamsters Joint Council 16 and Local 282. In 1996, the General President of the International Brotherhood of Teamsters appointed Gary as International Trustee of Local 282, which has an active membership of 4,000 truck drivers throughout New York City and Long Island. In October 2000, Gary became the first elected president of Local 282 in more than a decade. Gary has subsequently run unopposed for three consecutive

terms. Gary became actively involved in Teamsters Local 282 in the early 1980s working as a warehouse forklift operator. He first served as a Steward and was subsequently appointed to the position of Business Agent. In addition to his role at Local 282, Gary was elected as Secretary-Treasurer of Teamsters Joint Council 16 in 2001. He ran unopposed in 2005 and currently holds the position of President of Teamsters Joint Council 16, a 120,000-member organization representing thirty-four Teamster Locals. Along with his responsibilities to the Teamsters, Gary also serves organized labor in several other leadership capacities. Gary was appointed by then-New York State Governor Eliot Spitzer to serve on his Transition Transportation Policy Advisory Committee. Gary is a Vice President of the New York State AFL-CIO. In 2005, he was asked by New York City Mayor Michael Bloomberg to serve on the Mayor's Commission on Construction Opportunity. Gary was also asked to Chair the New York City Model Code Program Labor Advisory Committee. He serves on the Metropolitan Transportation Authority's Blue Ribbon Panel on Construction Excellence.

ANDREA BATISTA SCHLESINGER has led the effort since 2002 to turn the Drum Major Institute, originally founded by an advisor to Rev. Dr. Martin Luther King, Jr. during the civil rights movement, into a progressive policy institute with national impact. Under Andrea's leadership as Executive Director, DMI has released several important policy papers to national audiences, including: 'Congress at the Midterm: Their Middle-Class Record' and 'Principles for an Immigration Policy to Strengthen and Expand the American Middle Class.' Andrea studied public policy at the University of Chicago. Andrea has worked in various capacities to promote educational equity and youth empowerment. She directed a national campaign to engage college students in the discussion on the future of Social Security for the Pew Charitable Trusts, and served as Director of Public Relations of Teach For America before working as the education advisor to Bronx Borough President Fernando Ferrer. Andrea has been profiled in the *New York Times*, *The New Yorker*, *Latina Magazine* and in 'Hear us Now,' an award winning documentary about her tenure as the student member of the New York City Board of Education. She has appeared on the 'Lou Dobbs Tonight' show on CNN and has been published in *New York Newsday*, *Crain's New York Business*, the *Mississippi Sun Herald*, *New York Daily News*, *Alternet.com*, *Tom Paine.com*, the *New York Sun*, *Colorlines Magazine*, *The Chief-Leader* and *City Limits* magazine. She is a contributor to 'The Huffington Post', on the Editorial Board of *The Nation* and was named a '40 under 40 Rising Star' by *Crain's New York Business*, a "Next Generation of Political Leaders in New York" by *City Hall Newspaper*, and received a LatinaPAC Dolores Huerta Award for 'making great strides in promoting progress in our community.'

TRANSCRIPT

The transcript from this event has been edited for length and readability. Internet links are provided in footnotes throughout this transcript as resources for readers seeking to better understand the policy discussion. While we hope they are helpful, the Drum Major Institute for Public Policy is not responsible for the content or continued functioning of these links.

GARY LA BARBERA: My name is Gary La Barbera. I serve the labor movement in New York City as the president of the New York City Central Labor Council¹, which represents 400 affiliated unions and 1.2 million members. I also serve as the President of Joint Council 16 of the International Brotherhood of Teamsters here in New York City, representing 120,000 Teamsters.

It is a pleasure for me to be here this morning to open the program. We have a very exciting and important program and a wonderful panel. Unfortunately, I have to deliver the news which many of you may already know: the mayor of Los Angeles, Antonio Villaragosa, will not be joining us this morning. Obviously, if anyone's watching the news, they know his absence is due to the fires in L.A. There were two deaths yesterday because of the fires and he is needed in L.A. However, we do have a very special guest from Los Angeles this morning. Joining us is Sean Arlan, the mayor's Director of Economic Development. He will step in this morning on the mayor's behalf.

I would also like to acknowledge this morning our very special panel. First, let me acknowledge my good friend. I know everybody says in our business "my good friend", but I can really say this. Chris Ward, my good friend, from the Port Authority in New York and New Jersey is with us this morning.

We are also joined by one of the leaders on transportation issues in our area. Congressman Jerry Nadler has been a tremendous advocate for progress in the transportation and port arena [applause]. We are also joined by the co-chair of North Jersey Environmental Justice Alliance, Kim Thompson-Gaddy. I would also just like to take a quick point of personal privilege and make one introduction. I know so many of you but I would like to introduce a very dear friend of mine and a vice president at large of the International Brotherhood of Teamsters², Fred Potter. Freddy, thanks so much for being here.

Our moderator this morning is Andrea Batista Schlesinger, who is the Executive Director of the Drum Major Institute for Public Policy. Andrea and I got to know each other quite well in a short period of time when we both served on the Traffic Mitigation Commission³ here in New York City. I have to tell you that Andrea is clearly a leader in public policymaking in New York, and we really should give her a

1 <http://www.nycclc.org/>

2 <http://www.teamster.org/>

3 https://www.nysdot.gov/portals/pageportal/programs/congestion_mitigation_commission

round of applause for putting this all together. She brought a lot to that commission, was a real advocate, and she continues to be a strong one.

The focus of this morning's conversation is to look at the efforts to reduce air pollution and improve working conditions for truck drivers at the nation's ports. The Drum Major Institute's Marketplace of Ideas events are designed to highlight a policymaker who has successfully put his or her progressive values into practice. The Drum Major Institute provides a platform for policymakers who have successfully worked for social and economic fairness in our public institutions. The Marketplace of Ideas shows that it is possible to be progressive, practical, and effective. Since its inception, there has been a wide range of speakers, including New Jersey Governor Jon Corzine, who signed family leave insurance into law in his state; Boston Mayor Thomas Menino, who catalyzed the rehabilitation of abandoned buildings into affordable housing; Minnesota Attorney General Lori Swanson, who initiated tough standards to crack down on predatory mortgage lending; and Dallas District Attorney Craig Watkins, who transformed the prosecutor's role to include a focus on exonerating the innocent.

Sean Arian is responsible for guiding the Mayor's economic development strategy to focus on key sectors of the L.A. economy, working on issues as diverse as development of Mayor Villaraigosa's Green Growth Strategy at the Port of Los Angeles and the Mayor's strategy to build the green economy in Los Angeles. Under the leadership of Mayor Villaraigosa, the Port of Los Angeles adopted a Clean Air Act Plan in November of 2006, aiming to reduce port-related emissions by at least 45% by 2012. The plan includes initiatives to cut pollution from trains, ships, trucks, and equipment used to move cargo. One ambitious component is the Clean Truck Program, which both imposes tough emission standards on 16,000 diesel trucks and prevents exploitation of truck drivers by mandating that only licensed trucking companies can serve the port.

Since deregulation, drivers have struggled as independent contractors. In fact, a recent study finds that the typical truck driver in the Port of New York and New Jersey makes only \$28,000 per year, or the equivalent of \$10 per hour, with no benefits, and drives a truck that is on the average eleven years old.⁴ These old trucks create a safety hazard on our roads and increase pollution tenfold, causing a public health crisis in nearby communities. In order to get a job in the port today, drivers have to buy their own truck, pay their own expenses, and buy their own fuel. With all of these responsibilities for clean air placed on a driver who is least able to afford it, it is no wonder we are in a crisis.

I am so excited to hear about the ambitious and bold plan that Mayor Villaraigosa passed this spring, a plan that went into effect just a couple of weeks ago. Change to Win and the Teamsters have started discussions on cleaning up ports here in

New York and are so pleased with the response that we have received from our good friend, Chris Ward.

I am pleased to be working on behalf of the New York City labor movement and, in particular, the Teamsters and Change to Win on this very important issue. If we look around this forum this morning, we see people from all different organizations and agencies. The ports are a really important issue in terms of our national security and our environmental situation. Working with a broad coalition of people is the way that we move forward, by sharing common goals and common views and working together in unprecedented ways.

I want to thank Andrea very much for giving me the opportunity to start this morning's program and present the welcoming remarks. Thank you all very much for being here, and it is really my pleasure to introduce Sean Arian from Los Angeles, Director of Economic Development.

SEAN ARIAN: Thanks, Gary. I really appreciate that. It is an absolute pleasure to be here today and I am honored. It is the start of a great coalition to do something like we have done in Los Angeles. I know that all of you were expecting Mayor Villaraigosa to be here today. I spoke to him yesterday and he asked me to send his regrets that he was not going to be able to be here today due to the catastrophic fires that are still burning in Los Angeles this morning. But I will do my best to channel the mayor in what he might have said to you.

My name is Sean Arian. I am the Mayor's Director of Economic Development and I was fortunate to be able to lead part of an amazing team in Los Angeles to help develop and implement what we call the Clean Trucks Program in L.A. The mayor, whenever he speaks on this, will tell you that he believes that the transformation of Los Angeles's port into a clean and green gateway is the single most high stakes and far-reaching policy debate taking place in Southern California today. And as a debate, it is raging. But all too often in the 24-hour news cycles we have, the big picture gets lost and it often seems like this debate is raging behind closed doors. So what I would like to do today is open those doors a little bit and talk to you about what we have done in Los Angeles. I am going to start with an overview and then dive into some details, because I know a lot of those do not typically come out in the press about this topic.

Ladies and gentlemen, in America we have seen cities step up to fill a void in leadership that has been left in the wake of inaction on the federal level. We are stepping up on immigration, on traffic, on decaying infrastructure and failing schools, on counterterrorism, and on homelessness. But I think in more than

Ladies and gentlemen, in America we have seen cities step up to fill a void in leadership that has been left in the wake of inaction on the federal level. We are stepping up on immigration, on traffic, on decaying infrastructure and failing schools, on counterterrorism, and on homelessness. But I think in more than any other area, cities have stepped up on environment and climate change.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

⁴ These statistics are based on a 2008 Rutgers University survey of 299 truck drivers selected at random at the ports of Newark, Elizabeth, and Bayonne. The study had not been released at the time of publication.

Our docks welcome 44 percent of all containerized goods entering the United States of America. Together, we support one in 25 jobs in the Southern California region. Over a half a million jobs in Southern California are directly a result of the ports. We bring in over \$373 billion in trade a year through the ports of Los Angeles and Long Beach... that is a lot more than Hollywood or the entertainment industry contributes to the Los Angeles economy.

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turned yellow cabs green. In Los Angeles, a city at the global crossroads of trade and culture, America's gateway to Asia and Latin America, we have blazed a new path for the green economy that begins right on our shoreline. The ports of Los Angeles and Long Beach, as you will hear today, are the economic engine that drives the Southern California economy. Our docks welcome 44 percent of all containerized goods entering the United States of America. Together we support one in 25 jobs in the Southern California region. Over a half a million jobs in Southern California are directly a result of the ports. We bring in over \$373 billion in trade a year through the ports of Los Angeles and Long Beach. Again, to put it in perspective, that is a lot more than Hollywood or the entertainment industry contributes to the Los Angeles economy.

But the fumes of this economic engine have also begun to choke our cities. Every day over 16,000 dirty diesel trucks from the port clog the arteries that run through neighborhoods in Los Angeles. And our greatest asset has, in turn, become the single greatest cause of pollution and smog in the Los Angeles basin. So Mayor Villaraigosa is not exaggerating when he says that cleaning the ports has become one of the most high stakes policy debates in Southern California. That stake is more than just the 2,400 lives that are cut short every year in California from a barrage of diseases like emphysema, throat and mouth cancer, it is more than just the one million school days that children in south Los Angeles missed last year because pollution-induced asthma kept them in bed sick. At stake is our willingness to rise up to the challenge of being a global city, even when it means overcoming short-term obstacles. It is a fundamental question about whether we are willing to flex our might now to secure a cleaner and brighter future for our city and for our children, or whether we are

any other area, cities have stepped up on environment and climate change. Let me give you one example.

About two years ago, 22 mayors from some of the largest cities in the world signed a pact to lower carbon emissions more effectively and more efficiently than the Kyoto Treaty did.⁵ They did it in Los Angeles. Since then, cities from Seattle to Trenton have laid out an aggressive plan to cut their carbon footprint. London has experimented with congestion pricing; Paris reintroduced the bicycle; New York

We also set clear benchmarks for the 16,000 dirty diesel trucks now calling on our terminals. They will have to abide by tough emission standards in the next five years or we are simply not going to allow them through the gates of the port.

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Office of the Mayor of Los Angeles

going to continue to allow the Big Box companies to call the shots and add pennies to their profit margins at the expense of the health of our communities.

Mayor Villaraigosa drew a line in the sand. When he campaigned to become mayor back in 2005, he said that we have a moral mandate to act immediately. And we did. Today at the Port of Los Angeles, we have adopted the most aggressive sustainable plan to make L.A. truly the greenest port in America and, perhaps, in the world.⁶ We set a path to cut diesel emissions from trucks at our port by 80 percent and overall emissions by 45 percent by 2012. We switched to cleaner harbor craft such as hybrid electric tugboats that we have experimented with and plug-in electric power on the docks. We worked out agreements with ships coming in and out to switch out to cleaner, low-sulfur fuel twenty miles from the shoreline. We also set clear benchmarks for the 16,000 dirty diesel trucks now calling on our terminals. They will have to abide by tough emission standards in the next five years or we are simply not going to allow them through the gates of the port.

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But what we realized when we moved from a plan on paper to one in practice was that the heavy lifting suddenly got a lot heavier. We realized that a one-off investment to replace these 16,000 dirty diesel trucks is not going to work, especially not for the long term. Not when the ports are relying on a Third World business model focused on independent-operator truckers, based on low wages and even lower responsibilities, and where the environmental, social, and public safety costs of the industry are externalized onto the citizens of Los Angeles. It is a broken system in which multi-billion-dollar corporations for years have left the day-to-day work of moving cargo to non-capitalized independent operators and anonymous freelance truck drivers that are scraping by on an average of \$24,000 a year.

It is a broken system in which multi-billion-dollar corporations for years have left the day-to-day work of moving cargo to non-capitalized independent operators and anonymous freelance truck drivers that are scraping by on an average of \$24,000 a year. These are drivers who—and you can look at the *L.A. Times* expose on this⁷—when the thread of their tires wears down, they simply take out a hot butter knife and they carve deeper grooves in the tire. This is an unstable workforce who work in port service one day and then the next day somewhere else because port service really does not pay very much. They cannot afford new tires, they cannot afford health insurance, much less what we are asking them to do today, which is to maintain new \$100,000 trucks and then replace them again in five years.

5 For more on the World Mayors and Local Governments Climate Protection Agreement, see <http://www.globalclimateagreement.org/>.

6 Read the details of the San Pedro Bay Ports Clean Air Action Plan at <http://www.portoflosangeles.org/environment/keep.asp>.
7 <http://www.latimes.com/newspkca/whice/whice-trucks21jan21.0.6246775.story>

Let me explain this a little bit more in detail for those of you who do not work in the port operations. For those of you unfamiliar with the system of port drayage⁸ trucking, let me break down a little bit how the system worked in L.A. and how we have seen it work in different parts of the country as well. What we have are something called LMCs, or Licensed Motor Carriers, that arrange for the use of trucks in our ports. Now, the LMCs have business relationships with the retailers, like Wal-Mart, Target, Home Depot, and their subsidiaries, and with the carriers, which are the shipping lines. In Los Angeles, we probably have about 1,300 different LMCs. As you can see, there are a lot of them.

These LMCs have little-to-no assets. They are often just made up of the kitchen table and a cell phone. They really do not own anything. They contract with independent-operator truckers to haul cargo. Sometimes they have a long-term relationship with them, sometimes they do not. Now, these paid-by-the-load truckers engage in really intense competition which leads to razor-thin profit margins at the port. So if you can imagine Home Depot sitting on one side of the table and an independent-operator trucker sitting on the other side, you can see what happens to the profit margins for workers at the port. What this has done is create a situation where lots of different costs are externalized onto the community.

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dock." And they will call up two or three or sometimes four of their truck drivers and say, "Whoever gets there first can pick up that container." As you can imagine, first it is highly inefficient, second, it is horrible for the environment, and, third, it multiplies our problems many fold.

So that is why when we looked at this, there had been a lot of pressure from business interests to focus on just switching out the trucks. They basically said to us we should subsidize the replacement of dirty trucks or let the industry institute a solution. Now, as I explained to you, dirty trucks are just a symptom of the larger problem. If we used our \$1.6 billion in public funds, which is what we are going to do, and placed them into the same dysfunctional system with poor maintenance and no capital, we would be facing the exact same problem we are facing today in another five-to-ten years and would have done nothing to improve public safety and security or working conditions, nothing to attract a stable workforce or encourage operational efficiencies.

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So it became clear to us that if the Port of L.A. was serious about cleaning the air, we needed to get to the root of the problem rather than constantly just reacting to the symptoms. We discovered that if we kept this current system in place, we were going to find ourselves in the same situation as we are in now: dirty, unsafe, inefficient, and reliant on Third World labor standards. So we met with a coalition of environmentalists and drivers, and we drafted a new model of responsibility in Los Angeles where everybody has skin in the game.

We instituted what was called an environmental cargo fee... and we also instituted a set of exemptions from this fee so that we could start to incentivize good behavior at the port... if you are the average cargo owner, like say a Wal-Mart or a Target, it would probably mean about \$40,000 in fees per year on your trucks going through. So you have a strong incentive to avoid this fee.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

Let me tell you a little bit in detail about what we did. We put together a clean truck program that basically has five parts to it. The first part was what we call the Dirty Truck Ban. By 2012, all trucks that enter the Port of Los Angeles must meet at least

2007-level standards or better or they cannot enter the ports. Starting two weeks ago, on October 1, 2008, we banned all pre-1989 trucks. That was the first stage of the ban. That is 2,000 of the dirtiest trucks that were taken out of port service. I think like New York/New Jersey, Los Angeles had an average truck fleet age that was quite old, which contributed quite a bit to the problem.

Another huge impact is congestion on our streets. If you talk to folks that live in places like San Pedro or Long Beach—these are places near the Port of Los Angeles—they will tell you that almost everybody from these communities has a friend or a relative who has been in an accident with one of these trucks. They are very dangerous. Lastly, it literally creates a very inefficient system. It externalizes the cost of efficiency on the community. I can give you an example that we have seen in the Port of Los Angeles. There were times, because there was no incentive to do anything else, where LMCs would sometimes say, "I have a container over on this

8 Drayage refers to the transportation of goods by truck for short distances, for example between the dock and a local warehouse.

Number two, we instituted what was called an environmental cargo fee, which I believe, as far as we could tell, was the first environmental cargo fee that had ever been levied in the world, which was \$35 per TEU.⁹ For an average 40-foot container, that fee is about \$70. And we also instituted a set of exemptions from this fee so that we could start to incentivize good behavior at the port. Now, what does this fee mean? It means if you are the average cargo owner, like say a Wal-Mart or a Target, it would probably mean about \$40,000 in fees per year on your trucks going through. So you have a strong incentive to avoid this fee.

Let me tell you about the exemptions to the fee. One option is to buy your own truck that is at least a 2007-level compliant diesel truck. Then you pay no fee. Another option is to get a publicly funded, subsidized, alternative fuel truck running on natural gas or new hybrid technology. Whether it is publicly funded or you pay for it yourself, you also do not have to pay the fee. A lot of people talk about how the fees are really going up in Los Angeles as a result of this program. We say that if you are a responsible company, fees are not really going up for you at all because you are going to avoid the fee. This allows a lot of new players to get into the port, responsible companies that might not have otherwise been there.

Number three, national security-related issues and port security. Some of you have heard about something called Transportation Worker Identification card.¹⁰ This is something required by the federal government where they do a background check on everybody entering the port. We are, as part of our program, able to implement that a little bit earlier than the federal government is implementing it. So that has also gone into effect this month. As part of our program, we are able to monitor trucks going in and out of the port a lot more easily than we ever have been able to in the past.

Number four, we have a concession program. This is essentially a contract between the port and the trucking companies that are coming into the port that set certain basic rules of the game for coming into the Port of Los Angeles. So part of this is the need to transition to an employee-based system in Los Angeles. Another example is that we are requiring that trucks have off-street parking. One of the big problems around our port communities is a lot of these trucks end up getting parked on residential streets and run through residential streets. It is dangerous for kids and it is dangerous for other public safety reasons and it is a blight on the neighborhood. We are also requiring things like that they have to have an established place of business.

If you look at some of the criticism from opponents concerning the concession program, they said, "Well, you guys at the Port of Los Angeles are favoring big companies over small companies. This is not really fair to the little guy." They misunderstand the program. We do not favor big companies over small companies; we favor responsible companies over irresponsible companies. The proof has been in the pudding because the companies that have signed up for concessions range from large national carriers to very small 2- to 3-truck companies. We have seen the entire gamut of companies coming into the Port of Los Angeles.

Number five is a financing program. So we take that \$1.6 billion and we use it to fund clean trucks in our port. We have the port pay up to 80 percent of the cost of a new truck, which could be either a 2007-level diesel truck or an alternative fuel truck. We require that to participate in the financing program, for every new truck you get from the port, you have to turn in an old, dirty, polluting truck. Because we do not want to just shift these trucks to another part of the country or down to Mexico. We want to take them off the road, we want to drill a hole in their engine, we want to smash them for scrap and make sure that these trucks are never on the road anywhere again. Two weeks ago we were able to smash the first of these trucks on the first day that the program took place. You can go and see, I think on the port's website, some of the details of that and actually see a big crushing thing just come and smash the truck.¹¹ It was actually pretty cool to watch.

So let me explain why it is better to fund companies with employees as opposed to continue to fund the current independent-operator system. A lot of you are familiar with the financial crisis that we are in today with regards to subprime lending. Well, one of the things we did when we looked into the details of our Clean Trucks Program was to have an economist come in and look at it, asking what would happen—even if we were funding up to 80 percent of the cost of the new trucks—if we make that money available to trucking companies with employees or if we made it available to independent operators.¹² One of our findings was that even with an 80 percent subsidy, the cost for a new diesel truck per month is about \$500 and for a new alternative fuel truck about \$1,000 a month. First off, that means a lot of drivers are not going to get alternative fuel trucks, which we are trying to encourage at the ports. That also means that to get to that level, you have a huge balloon payment at the end of the period. There are a lot of these truckers, again, just barely scraping by. They would not be able to afford maintenance, would not be able to afford a lot of the things that you have to do, so would probably default on even a

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⁹ TEUs are twenty foot equivalent units, a standardized measure of cargo capacity.

¹⁰ http://www.ssa.gov/ohat_we_doflavors/fv/c/fv/c_facsheet.shtml

¹¹ Unfortunately, this video could not be located on the Port of Los Angeles website.

¹² The study is available at https://www.portoflosangeles.org/CAAP/CTP_Full_Report_Sep122007.pdf.

\$500 or a \$1,000 a month payment. Whereas currently they go in and for \$3,000 or \$4,000, they can buy a 30-year-old truck and participate in port service. So it is a big bump for a lot of these guys

So the ports of Los Angeles and Long Beach have Daimler Financing performing our financing program.¹³ Daimler came back with a study that showed that the default rate would be quite high if you were to give the money directly to independent operator truckers, and quite low if you gave it to capitalized licensed motor carriers or trucking companies. That is another reason why we felt in Los Angeles that we needed to have a more asset-based system that relied on our employee model.

Overall, that is basically a little bit about what our system looked like. With this type of system, L.A. has blazed a path that will set a standard, we believe, for cleaner ports from Oakland to Dubai. And I will tell you, the fight has been really tough. Our opponents are some of the most well-funded corporations across the world, and many said this deal could never be done. In fact, it was on the same week that we passed the program that our hometown newspaper, the *Los Angeles Times*, printed an editorial that said it could not be done, and many others agreed with them. They said that our plan was illegal and that the courts would stop it. But they were wrong. Both the Federal District Court and the 9th Circuit Court of Appeals found in our favor, just in September. And they said that we would not have enough trucks to service the ports, but they were wrong. We have over 21,000 trucks that signed up for our program. This is more than double what our target goal was going in. They said that the trucking companies would never sign up for our program, but they were wrong. Over 600 firms have signed up to be part of our program. This includes national giants like Knight Trucking and Swift, which you see on the roads even back here on the East Coast. But it also goes down to small two- and three-truck operators.

Critics also said that when we started our program on October 1st—and you can read this in places like the *Journal of Commerce*¹⁴ as late as September, 2008—that chaos would reign at the ports, that our environmental goals would be delayed indefinitely. Again, they were wrong. On October 1st, we banned 2,000 of the dirtiest and oldest trucks. We only allowed concessionaires to operate in the port and implementation has been smooth. In the first hour of operation we had a 92 percent compliance rate. By noon that day, we had a 100 percent compliance rate. No backups at the port, no

delays, no congestion. So while the naysayers told us we could never reach our goal, we just kept on going. Or, as the mayor likes to say, we just kept on trucking.

Our lesson has been that it is never easy. At no time in history has real systemic change for the greater good ever come without growing pains. It didn't happen in the twenties and thirties, did not happen in the sixties, and it sure is not happening today. History is paved by those who persist courageously in the face of doubts, threats, and dire predictions. And I think today we are seeing that history and I am proud to be a part of it. Today, the Port of L.A. is laying that ground work. Now, I happen to have a personal connection to it. My father is a longshoreman and my grandfather before him was a longshoreman, my sister is a longshoreman, my aunt is a longshoreman, three of my cousins... I could go down the line. As you can imagine, I grew up at the Port of Los Angeles and when I was a little boy my parents would sometimes rush me to the emergency room because my asthma attacks were severe. And until I worked with Mayor Villaraigosa, I never actually put two and two together and figured out what was causing it.

So when the Mayor asked me to help him lead this effort, I was honored and proud to be part of a really amazing team, not just at the Mayor's Office but also with folks down at the Port of Los Angeles. People sometimes try to tear apart city government as being very bureaucratic, but I can tell you the people down at the Port of L.A. did an amazing job. They have an environmental ethic that is second to none, and they really stepped up to make this happen. Also, working with the community has been vital throughout the process. There has been a coalition that has formed in Los Angeles, a very unique one, that pulls together environmentalists, community members, environmental justice leaders, labor organizations, and truckers that really is a combination that cannot be beat. So I want to thank the Mayor for the opportunity to be able to participate in this program and I would also like to thank all of you for listening. Thanks very much.

ANDREA BATISTA SCHLESINGER: Thank you so much, Sean, for pinch hitting. That was a terrific presentation. We have a fantastic panel today and I look forward to a lively discussion. As we do in the Marketplace, I will introduce the panelists in turn, then toss a question their way, and then we will open it up. First, I wanted to introduce Representative Nadler, who represents New York's Eighth Congressional District. Congressman Nadler has served in the House of Representatives for the past sixteen years. Prior to that he was a New York State Assemblyman. He is Assistant Whip of the House, a senior member of the Transportation and Infrastructure Committees, Co-Chair of the Congressional Transit Caucus, and a nationally recognized expert on transportation, and, frankly, several other things, which makes it difficult because he is now going to become, and already is, a regular in the Marketplace of Ideas. So we apologize in advance to your scheduler.

I wanted to ask you about the situation that created the conditions at the ports, what is taking place at the ports, what required this action of taking drivers and making them employees. That wasn't always so. If I had a nickel lately for every time I

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¹³ <https://www.daimlertruckfinancial.com/infoten/common/home.do>
¹⁴ <http://www.tcc-digital.com/tcc/20080922?pg=28>

hear the word "deregulation", I could probably single-handedly fund an economic stimulus plan. But this is really about deregulation, how we got to this place in time. Can you provide some context to the audience about deregulation and its relationship to truck drivers and their status at the ports?

REP. JERRY NADLER: Well, thank you very much. I do not really know the history of it very much, but I do know the following: when I talk about economics, I generally say that the free market is the best mechanism we have discovered for generating wealth, for generating goods and services. But the unrestrained free market without proper government regulation and limitations will always result in all kinds of catastrophes. The first one I usually mention is that the free market ignores externalities and I was interested to hear Sean Arian use the word "externalities," which I have rarely heard anybody else use.¹⁵ When I say externalities, I mean first and foremost the environment, because exactly as Sean described the port, when you have a lot of independent operators competing with each other and at the mercy of large corporations, they cannot be environmentally sound on their own. They cannot maintain their trucks if the other guy does not maintain his. If the government steps in and says everybody has to, then you have a level playing field and it becomes the cost of doing business. But if the government does not do that, then the first thing that goes out the window is environmental protection...

—Representative Jerry Nadler

the other guy does not maintain his. If the government steps in and says everybody has to, then you have a level playing field and it becomes the cost of doing business. But if the government does not do that, then the first thing that goes out the window is environmental protection. Whether it is a factory that decides to throw all the crud in the river because the other guy is doing it or whether it's an independent truck driver who cannot maintain the truck and certainly cannot upgrade it for the environment, they are based on the same phenomenon.

So the first lesson is that we must have strict government regulation. We are learning that again now. We seem to learn that every sixty years or so. We are learning that again on the larger canvas right now. I must say I am very impressed with what I hear about what they are doing in Los Angeles and actually changing the whole pattern. By the way, let me just say one thing about New York, not about the port. You saw the same change happen years ago with cab drivers, where they went from union-organized companies to suddenly independent operators who rented the car from the fleet owner and are responsible for paying all the expenses, etcetera. And suddenly their income went down, their ability to maintain the cars to decent standards went down, and the same thing has happened at the ports.

So the use of government regulation to mandate cleaner vehicles, to mandate

¹⁵ Economists define externalities as the effects of business activities that are not included in the market price of a good or service. Pollution is an example of a negative externality.

proper environmental conditions, and to mandate a social organization, economic organization, where you do not have these independent operators who cannot make ends meet, where there is a more employee-based system, is the way to go and I hope the other ports will copy it. In fact, I hope the federal government will mandate it.

ANDREA BATISTA SCHLESINGER: And speaking of the other ports—no pressure, Chris—Chris Ward is Executive Director of the Port Authority of New York and New Jersey, and prior to his service there he served the City of New York in various capacities, including Senior VP for Transportation and Commerce at the Economic Development Corporation and Assistant Commissioner at the Department of Telecommunications and Energy. We have just heard from Sean about the challenges facing the ports of L.A. and Long Beach and their remedy. Could you, for the audience, talk about the similarity of challenges facing the ports of New York and New Jersey and perhaps some differences with L.A. as well?

CHRISTOPHER WARD: Sure. I know this is like heresy for a New Yorker to say, but I will say it anyway: L.A. and Long Beach, both in size, breadth, and capacity, is larger and superior to New York and New Jersey. The breadth of that port, the volume of cargo which is coming into L.A. and Long Beach, is over double what we bring in here to New York City. That is an important logistic distribution reality that is going to have to be a part of any plan that New York and New Jersey puts together. But Sean hit a couple of key points and I would like to come back to them.

The Port Authority of New York and New Jersey before my tenure began looking at the very same issues that L.A. and Long Beach have put policies in place to deal with. Our program is not as extensive yet; it is not as comprehensive, and it does not have all of the components that Sean laid out. But I think we have taken a very strong position recently that we will set the same sorts of goals in NOx reductions, SOx reductions, and particulate reductions.¹⁶ We have also looked at alternative fuel initiatives within the port. We have obviously focused on rail versus truck. We have looked at paperless gates so that you do not have the idling issues—like the excessive exhaust idling causes. We have also undertaken a comprehensive port master plan right now to look at some of the questions on volume capacity and growth and community impacts in terms of congestion on local streets, highways, and distribution highways around Newark and Elizabeth, in particular.

[The ports in New York and New Jersey are] unlike the load center that L.A. and Long Beach are because we are a competitive port up and down the East Coast with some of our other port partners, going all the way down south to Savannah and to Norfolk, but also up through a potential burgeoning port in Baltimore and a little bit in Boston. The level playing field competitively, in terms of how you can assess fees, is something we need to be careful about.

—Christopher Ward,
Executive Director, Port Authority
of New York and New Jersey

¹⁶ Nitrogen oxide (NOx), sulfur oxide (SOx), and particulates are pollutants produced by burning fossil fuels. They reduce air quality and have been linked to health problems such as asthma and lung cancer.

But just doing some of the numbers, I think Sean said that on average it is 16,000 trucks in L.A. and Long Beach. As a comparison, New York is at around 8,000 to 9,000 trucks. One of the market conditions as a driver that L.A. has that New York needs to be careful about, and I use that word advisedly, is that we are unlike the load center that L.A. and Long Beach are because we are a competitive port up and down the East Coast with some of our other port partners, going all the way down south to Savannah and to Norfolk, but also up through a potential burgeoning port in Baltimore and a little bit in Boston. The level playing field competitively, in terms of how you can assess fees, is something we need to be careful about. \$35 worked well, I think, due to the market domination that L.A. and Long Beach has and that we need to be careful about here in New York and New Jersey.

I come back to the one point, and Jerry mentioned it and Sean mentioned it, and it always amazed me, being in the transportation industry, that we drive costs down rather than driving prices in a way that addresses externalities and are reflected in the cost of distribution. The razor margin that independent truckers face, whether they are even employee-based or large-scale-trucking based, is essentially the entire economy pushing down those prices and that efficiency, wringing the last nickel out of that part of the industry rather than a thoughtful price signal that could move back up into the production chain. From there it would move into worldwide distribution chains and, finally, into the manufacture so that externalities are, in fact, priced in a way that we can end the type of truck and environmental damage that we know presently occurs. I like the combination of Congressman Nadler's remarks about where we are with regulation, where we are with price signals for pricing those externalities, and then finally changing the economic model so it is not the trucker who pays for the externalities, but it is somewhere embedded in a one-, two-, three-cent price impact for the goods produced elsewhere in the world and brought here, whether it is L.A. or Long Beach or into New York.

ANDREA BATISTA SCHLESINGER: We will come back to some of these questions about regulation, externalities, and the role of the federal government in a few moments. I want to introduce Kim Thompson-Gaddy, who is the co-chair of the North Jersey Environmental Justice Alliance and North Jersey organizer for the New Jersey Environmental Federation. She facilitates the development and implementation of grassroots-based environmental justice campaigns and coalition building efforts and serves on the New Jersey Department of Health Tracking Advisory Group.¹⁷ This is one of these topics where you have to keep the big picture

in mind, but also get into the details. But one of the things that I see clearly here is this union of economic justice goals and environmental justice goals.

Now, you recently joined a coalition.¹⁸ I think you even have stickers. I have seen people with the stickers, which is very important for the coalition work: to get the trucker mandate that is being pioneered at the L.A. port here to New York. So I guess my question for you is: what is a nice environmental justice activist like you hanging out with the Teamsters and the other folks at the center table here for? Why make that leap, that choice, to join that coalition?

KIM THOMPSON-GADDY: Well, first that choice is definitely a personal one. As Sean mentioned, I had asthma growing up and asthma never leaves you, you just have to learn to manage it. Unfortunately, I have three children who are asthmatic and it is directly linked to the poor air quality that we suffer from the ports in our community. In Newark, in particular, there are 7,400-and-something trucks that travel to and through our communities on a daily basis. The South Ward, where I was born and reared, was adjacent to the port, as well as the East Ward. So residents who live near the ports experience an environmental health injustice. It was my responsibility to now step up to the plate and say we need to have a coalition that can begin to address these issues that are killing our communities. One in four children in the city of Newark is asthmatic versus one in ten throughout the state. Hospitalization rates have doubled in our city.

So I do want to acknowledge Deen Shareef who is from the economic development office. Mayor Cory Booker¹⁹ could not be here, but I do want to thank you for coming, as well as Joel Sonkin from the BCDC²⁰, because it is important that not only the Coalition for Healthy Ports begins to address this issue, but we, too, like Sean, have to include the economic development departments of the City of Newark. We have to include our mayor and we have to say that the lives of our children are more important than somebody's personal agenda. So we have to come together as a collective body, with the Teamsters, with Change to Win, with clergy, with community activists, and say we need a New Jersey Clean Trucks Plan and we need it right now.

And at the end of the day what all this research told us was that... having a shift from independent operators to an employee-based system with highly-capitalized firms is vital for making sure that it is sustainable over time.

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—Kim Thompson-Gaddy,
Co-Chair, North Jersey Environmental
Justice Alliance

¹⁸ For more on the Coalition for Healthy Ports, see <http://www.cleanwaterfund.org/feature/clean-air-campaign-coalition-healthy-ports>.

¹⁹ Cory Booker is the Mayor of Newark, New Jersey.

²⁰ The Brick City Development Corporation is Newark's economic development agency. See, for example, http://www.ci.newark.nj.us/government/city_departments/economic_housing_development/brick_city_development_corporation.php.

¹⁷ <http://www.state.nj.us/health/epht/index.shtml>

ANDREA BATISTA SCHLESINGER: To Sean now. As part of the trucking program, as you talked about it, as part of this overall Clean Air Action Plan, the Environmental Protection Agency has given a lot of awards to it.²¹ And Long Beach, your neighboring port, decided not to do the truck driver piece. They decided it is not necessary that you require that the drivers become employees, that they can remain independent operators and the plan could still work. Why did you stick to this requirement and what do you think will be the difference in the impact between the Port of L.A. and Long Beach?

SEAN ARIAN: That is a good question. In the Port of Los Angeles, I think for most parts of the Clean Air Action Plan we are continuing to move lock step with our brothers over in Long Beach on this. On certain components of the Clean Truck Program, we have diverged. I cannot give you a reason why Long Beach has gone the route that they have gone, but let me tell

you a little bit about why we chose to stick with where we are. We realize in the court of public opinion it has been a harder road for us than it has been for Long Beach. We wanted to make sure that our plan worked economically. We wanted to make sure that it was one that had the right incentives set up, that it was one that was sustainable over time, and that we would attract responsible trucking companies to the port. So when we were creating it, we actually brought in a number of different economists and we had a professional firm come in and do a cargo diversion study. As Chris was talking about with New York and New Jersey, I recalled that in Los Angeles about 40 percent of all the cargo comes to the region locally. About 60 percent is discretionary cargo, meaning they can put it into Oakland or Seattle or any other West Coast port if they should choose to do so. So we were worried about some of the same issues—we had some of the same concerns that the Port of New York and New Jersey have.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

So we brought in an economist to look at some of the divergence of goods to other coast ports. We brought in a management consulting firm called the Boston Consulting Group, which helped us do all the economic modeling of our programs so that we have the most sustainable program. And at the end of the day what all this research told us was that the only way you make it sustainable for a five- to ten-year period, is if you develop a system like the one we have developed, with these five interlocking pieces that I discussed. Having a shift from independent operators to an

employee-based system with highly capitalized firms is vital for making sure that it is sustainable over time.

Again, I referred a little bit to the financing program. We found if you finance independent operators as opposed to employee-based capitalized firms, you run a much higher risk of having the equivalent of a subprime system for truckers. At the end of the day, the port ends up on the line for any defaults that happen. One example is the projection of our default rate—it is going to be much lower than the Port of Long Beach's. So that is a decision that we made that was a little bit different than Long Beach and it will have a different result.

Quite frankly, the other result is the companies you will see coming in to participate. A lot of folks thought that the Port of L.A. would not get people signing up for our concessions program and that Long Beach would have more because their system was "freer." At the same time, in the same period, we signed up in Los Angeles trucking firms that have over 21,000 trucks that they will employ in port service, when our goal was about 8,000 to 10,000. At the same time, I do not have the exact figures for the number that have signed up in the neighboring port of Long Beach, but we have heard estimates of somewhere between 8,000 and 12,000 trucks. So even on that indicator, we found that companies have voted with their feet, that we have set up a program that economically makes sense for them and that it is beneficial for them to come to the Port of Los Angeles. And they have done it.

Also, before I move on, I wanted to address one of Chris's points, because I think it is really important to understand what the impact on the competitiveness of ports and the cost of this is. Early on one of our economists came in and did a look at this to see how much it will actually raise costs. If you look at it just as port drayage, you can come up with some quite high numbers. You could say, oh, it is going to raise costs 40 percent, 50 percent, 60 percent. But the short-haul drays and the medium-haul drays are actually a very small part of the total cost of transporting a container. So what does this mean in a practical sense? One, it means that for a short-haul dray we are talking about, I believe, an extra 7 cents on the cost of a pair of sneakers. Just to give you a sense of context. For a longer haul dray, maybe about a hundred miles or so, it jumps up to about 13 to 15 cents on the cost of a pair of sneakers. Not a huge cost.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

The other thing that is not often taken into account are the operational efficiencies that moving to this kind of system allows you to do. Just to give you two quick examples before we move on, the concept of a slip seeding, which basically means

²¹ See, for example, <https://www.semanticscholar.org/lookup?adminpress.nsf/0/5F0610A3C8575E81852574572007138112>.

that today we have about a 1-to-1 truck driver-to-truck ratio in the port because people own their trucks. They park it at home at night. They only use it when they are using it. So in the rest of the industry you move up to a one truck for two or three driver ratio because you have different shifts that people use. Now, the benefit of that is environmentally obvious, but it is a huge economic benefit for the companies because now, all of a sudden, they only need one truck for every three drivers. So that reduces the overall operating costs for companies and allows them to be much more profitable. So even without raising prices, it allows them to be much more profitable because their utilization rate is so much higher.

ANDREA BATISTA SCHLESINGER: Let me push on the issue of the drivers a bit. Because part of how you set the table here was everyone having an understanding of how little the drivers make, of how they do not have benefits. That means that their children do not have benefits. Explain for me the leap from the drivers becoming employees to the drivers having better working conditions so that they could have health insurance, so that they can have health insurance for their kids. I do not mean to be naive here, but just moving from being independent operators to employees of these companies does not automatically mean that they will stop going to use the emergency rooms as health care for their children. Can you give us that equation?

SEAN ARIAN: I think the easiest way to explain it is how we looked out there at the port trucking industry. Because of the nature of who they are negotiating with at the port, our drivers made a lot less than even independent operator drivers in the rest of Los Angeles. So the number was approximately \$ 10-12 an hour for drivers in the Port of Los Angeles. In the L.A. area it was about \$16 or \$17 an hour and for independent operators in Greater Los Angeles it was about \$20-21 an hour. So there was just that differential to start with.

The second thing is that we looked at companies that did drayage work outside the port as a comparison and they had employees. Frankly, these companies pay on average about \$40,000-\$50,000, whether they are union or non-union. There are differentials for union and non-union companies, but that is still the range that they make. They tend to get benefits. So we thought: why doesn't the drayage system in the port look like trucking in the rest of the United States or in the rest of the region? That was really the question we asked ourselves. And we knew we could do it because we saw it happening everywhere else.

ANDREA BATISTA SCHLESINGER: So here is the real question for the panel now: We are not talking about sports here, so we can accept that L.A.'s port is larger and

I think the keystone to the clean ports policy in L.A. is the \$1.6 billion and the \$35 per truck concession fee that it generates. And we need to find ways within our local economy, looking at exactly the same sets of issues. How much is domestic cargo? How much is discretionary? What are you diverting when you end up making that pricing decision? Where does it go? Does it go someplace that in fact brings the same externality back to the region?

—Christopher Ward,
Executive Director, Port Authority
of New York and New Jersey

that your plan is quite bold. But the idea here, just to bring out the competitive spirit—I guess we're in the post-season so the competitive spirit is numb—but can this happen at the ports of New York and New Jersey? And should it happen? Is it the appropriate remedy? And if so, what do we need to do? If not, what do we need to do differently? I think all of you have perspectives on this, so I am not just going to put Chris on the hot seat, but I am going to put you on the hot seat first. Is this remedy appropriate? Then others will warm up as you are speaking. Is this the right remedy for New York?

CHRISTOPHER WARD: I think inevitably, yes, it is. I do not think you can look at the moving parts within the port industry, the economics of the trucking industry, and the environmental community health consequences of what these huge engines of economic prosperity do for us independently. I think Sean has clearly broken down what the moving parts are that create both the wealth and the environmental challenges. And I think you heard within the framework that there were a variety of different strategies depending on what part of the world you were attempting to deal with. L.A. and Long Beach obviously took a slightly different approach in terms of the employee-/owner-operated independent trucker, and that is something that New York and New Jersey need to be careful about, only because we perhaps have a higher number of independent truckers, and the leakage that we went through in terms of when you incentivize, either buying the trucks, financing the trucks, or providing loans against the truck, you want to make sure that it stays within the region. So that is a part of what we are going to need to deal with here in New York.

Also, Sean, within your program there is inevitable tension: that consolidation of financial capacity potentially restricts smaller carriers and it does sound like the distribution of smaller carriers without market domination has been maintained within your model. But that again is something that, depending on how New York and New Jersey function as a port, that

We are at a point where there's no growth without green in Los Angeles. One of the reasons Mayor Villaraigosa did what he did was because, in the last six to seven years, every single port expansion program was stopped by the environmentalists.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

you would want to balance. Like all things in life, I like to say to people: if you do not throw money at problems, what do you throw at problems? And I think the keystone to the clean ports policy in L.A. is the \$1.6 billion and the \$35 per truck concession fee that it generates. And we need to find ways within our local economy, looking at exactly the same sets

of issues. How much is domestic cargo? How much is discretionary? What are you diverting when you end up making that pricing decision? Where does it go? Does it go someplace that in fact brings the same externality back to the region? If we are driving a truck now from Virginia all the way into a local distribution network here in New York is it different than driving cargo out of the region and otherwise going to Chicago? But I think the mayor's bold plan, without a doubt we are following in

that level of leadership and we need to look at the exact same components—they are similar, they are not exactly the same—and then put together a program.

I think if you look at the history of the ports in this region, while we might not have had the language and the science and the ability to understand it the way we have recently, when we had ports in Manhattan, when we were ringed with wharfs, the very reason why they left and moved to Brooklyn are in some sense the externalities of port development spoken of earlier. And then shipping moved from Brooklyn to New Jersey, the externalities of that port development were also a driving factor in the decision to move. Now, if you look at this region there is no other place to move to. Newark and the wards that wrap Elizabeth and Port Newark, they are not part of a greenfield or even a brownfield.²² They are surrounded by towns and communities. How we manage growth within that framework when we do not have another place to go the way we did forty or fifty years ago when Newark was a smaller town, Elizabeth was a much smaller town, is of vital importance.

That, I think, is the complexity for the Port Authority, in particular. We are in a very constrained, high-demand market that needs to balance both the benefits of the port, the economics of the port, with the community environmental benefits. But I defer to my West Coast, left coast partner, and say that the leadership really set the model.

SEAN ARIAN: If I could add, just to emphasize what Chris said, that in Los Angeles our ports are about our communities as well. We are at a point where there's no growth without green in Los Angeles. One of the reasons Mayor Villaraigosa did what he did was because, in the last six to seven years, every single port expansion program was stopped by the environmentalists. No expansion in the Port of L.A. And if we can continue to expand as we have, we will add another half a million jobs to the Southern California economy by 2025. So it is a huge economic engine. And since we passed the Clean Truck Program in March of this last year, in an agreement that brought in the E.J. community,²³ mainstream environmentalists, the community, and labor, we now have an agreement for going forward with all of our new Environmental Impact Reports, which are necessary to do any port development. So we have our first major terminal that was approved earlier this year and we probably have another thirteen development projects in line for the next year and a half, which we now have buy-in for from the environmental community and the community around us to continue to grow the port. None of that would have been possible without the Clean Air Action Plan and without the Clean Truck Program.

ANDREA BATISTA SCHLESINGER: No growth without green... I see this slogan appearing somewhere. Congressman Nadler?

REP. JERRY NADLER: Thank you. We start considerably behind Los Angeles, not just in the fact that we have not implemented as extensive and comprehensive a program as they have implemented, but we start way behind in a number of other areas. They built the Alameda Corridor. They have large rail connected to their port. We are way behind that. We have not yet—although we must—built a rail freight tunnel under New York Harbor so that we take 30 million truck miles a year off New Jersey roads and 6 million off New York and 120,000 tons of CO2 out of the atmosphere every year.²⁴

We must build a major port again in Brooklyn because we are running out of port space. In 1999, the Port Authority did a study that said that we were then moving, I think, 2.5 million TEUs and if everything went right and we became the hub port of the Eastern Seaboard, we might go to 14 to 17 million TEUs. A TEU is a 20-foot equivalent unit. One 20-foot box, container, is one TEU, one 40-foot box is two TEUs. So we were doing 2.5 million in 1999 and if we became the hub port and competed well with everybody else on the East Coast, we might do 14 to 17 million by 2040. We are now, by the way, at over 5.2 million TEUs, way ahead of the curve.

When you talk about competitiveness between ports and you are inhibited from putting in this port fee, \$35 a container, to finance all of this because maybe Baltimore is not doing it or Norfolk is not doing it, one of the things we should have learned in the New Deal period was that one of the functions of the federal government is to enable everybody to do what is necessary without incurring competitive disadvantages against the guy who does not do it... Perhaps the federal government has to assess this port fee and give the funds to the local port to do these environmental things, so that the inhibition on what we can do is not the most lagged other port.

—Representative Jerry Nadler

Many things are conspiring to increase the traffic for our port, which is good, and we are going to need every acre we can lay our hands on in Newark, Elizabeth, Howland Hook, Bayonne and Brooklyn for ports.

Now, obviously as we have said, no growth without green. Agreed. We have got to do that. But you have to have that extra port in Brooklyn and you are going to have to have the rail freight tunnel. Another thing that is happening now is beginning because of the huge increase in the price of oil, and it is going down now but only because of the economic catastrophe. It will come back up. We are never going to see the kind of cheap oil that we based a hundred years of development on. Because of the huge increase in the cost of oil, we will start to see—and we are already seeing—some diversion of shipping from western Asia. Asian manufacturing that comes to this country now goes predominantly by ship to the West Coast and then by rail to the East Coast. That will start being diverted, some proportion of that. It will become cheaper to avoid that rail across the country by taking the ship directly through the Suez Canal or even the Panama Canal and coming directly to East Coast ports. Which means we are going to have more port traffic than was anticipated earlier. So we have to do what Los Angeles already did: get as much stuff onto rail as possible, have the port

²² A brownfield is property whose redevelopment is complicated by the presence of hazardous substances or pollutants.

See <http://www.epa.gov/brownfields/glossary.htm>.

²³ EJ refers to Environmental Justice. See, for example, <http://www.epa.gov/environmentaljustice>.

²⁴ For more on the proposal for a cross-harbor rail freight tunnel, see <http://www.goldmagazine.com/articles/transportation/20090614/15/1007>.

space, and then do all these other things that they are talking about.

One other comment. When you talk about competitiveness between ports and you are inhibited from putting in this port fee, \$35 a container, to finance all of this because maybe Baltimore is not doing it or Norfolk is not doing it, one of the things we should have learned in the New Deal period was that one of the functions of the federal government is to enable everybody to do what is necessary without incurring competitive disadvantages against the guy who does not do it. So that New York can do it, never mind what Norfolk is doing, and Norfolk can do it, never mind what Baltimore is doing, if it is desirable to do. And that means the federal government has to step in, and perhaps the federal government has to assess this port fee and give the funds to the local port to do these environmental things, so that the inhibition on what we can do is not the most laggard other port.

ANDREA BATISTA SCHLESINGER: One of the great things I have to say about this economic crisis that we find ourselves in is that you can talk about the New Deal with absolutely no hesitation. That is an upside.

REP. JERRY NADLER: A crisis is a terrible thing to waste. Now that we have a crisis, a number of things that were totally unthinkable, like a \$700 billion bailout for banks, are occurring. Many of us were killing each other in the last two months of the congressional session, fighting with each other, on how to fit a \$13.5 billion health program into \$10.7 billion that you could pay for. In the end, we could not do it and the bill did not go for \$2 billion. Yet, all of a sudden, \$700 billion? Here, have it because it is a crisis and it is seen as a crisis. Well, if you can suddenly think that radically outside the box, then you can start thinking about radical notions that are no longer radical notions, like stock transfer taxes²⁵ or wealth taxes, or other things that you could not think about before because they were way outside the box. All of a sudden we must utilize this crisis to expand the debate not only to what Wall Street needs to survive immediately, but for the other things to pay for it and to expand the notion of what government can do to make this a decent society again.

ANDREA BATISTA SCHLESINGER: So Kim, I wanted to ask you a specific question. Sean talked about this as a coalition, and you are part of the coalition. There is a lot of talk about green jobs now. At least one presidential candidate wants to create five million green-collar jobs. You can guess who later if you would like. (This is a good

time to repeat that we are a non-partisan organization.) In all of the talk from the environmental justice community about creating green jobs, retrofitting buildings, installing solar panels, is the environmental justice community as focused on those who are currently laboring in the dirty professions? Do you see this as a first step of some kind of a larger union? Because it is one thing to talk about the creation of green collar jobs, but is the E.J. community as concerned about how we take those jobs that are currently not green and how we make those green?

KIM THOMPSON-GADDY: Yes, we are definitely concerned about that. In hearing what Mr. Ward said and Sean—I just wish people would understand that the East Coast is exactly what the West Coast was. We have the same environmental hills plaguing our community. We have 55,000 residents in the South Ward, 55,000 in the East Ward, and we cannot escape, Mr. Ward, from the pollution that the port spews in our community. There is no escape from it. So our reality is that, in fact, if we implement a strong Clean Trucks Plan at the Port Authority of New York and New Jersey, that will be the important first step in developing a comprehensive port action plan to establish green growth policies, which will enable the port to successfully meet future trade growth by undertaking necessary infrastructure expansion projects.

Also, I think that it is important that we begin to talk about the green jobs of the City of Newark. We want our residents to be able to have jobs at the port. We want our port to grow, but to grow green and to grow healthy. So the E.J. community is concerned about all of these things. We would like, when they build new warehouses at the port, to put green roofs on top, to put in solar panels, so that the amount of pollution that is then released into these adjacent communities is not as hazardous as it is right now. We do not have the time to waste because each and every day there are individuals dying from pollution in our communities, and I just think that we have to take this very seriously. The Port of New York and New Jersey must really understand that there are lives at stake. When we throw around numbers like 5 cents, 7 cents, well, my children's lives are more valuable than 5 and 7 cents. When you look at what Sean talked about specifically in California, that 5-year plan, now that is something that would be so great. You are talking about removing the 1986 trucks and starting with 2007 clean trucks and you are reducing 50 percent of the pollution within the first year. And then over the course of the five years, you are almost at 86 percent. That would be great for us here in New York/New Jersey.

We need to find the program that works right here in New York, take the lessons learned that L.A. and Long Beach have provided, and really assess whether or not and how to implement a \$35 per box charge to do the financing to change out the trucks. So we are committed to it. I could not give you a date of when it will be done, but I think you have heard across the board here today, it is not part of the solution for the port we will have no growth and we will end up losing the very engine that creates the jobs...

—Christopher Ward,
Executive Director, Port Authority
of New York and New Jersey

I think that it is important that we begin to talk about the green jobs of the City of Newark. We want our residents to be able to have jobs at the port. We want our port to grow, but to grow green and to grow healthy... We would like, when they build new warehouses at the port, to put green roofs on top, to put in solar panels, so that the amount of pollution that is then released into these adjacent communities is not as hazardous as it is right now.

—Kim Thompson-Gaddy,
Co-Chair, North Jersey Environmental
Justice Alliance

25 A stock transfer tax is a small tax on the sale or transfer of stocks, bonds, and other securities. See, for example, <http://www.nytimes.com/2008/12/14/magazine/14ideas-section4-t-005.htm>.

So we have to begin to look at not only the green opportunities, but the health injustices connected to port growth, port expansion. Because if you grow but you destroy the community, who will you have left anyway? We, the people, will not be there to support a thriving industry because you will have taken our health and our lives away from us. So I think that our reality, as we begin to look at the green jobs movement and workforce and tie it into the port and industry, our reality, our health, must come first.

ANDREA BATISTA SCHLESINGER: That underscores again the point of how we define a crisis. So I wanted to open it up to some questions. First, the microphone to Kennel Hypolite, who is actually a truck driver at the Port of New York and New Jersey who came out here to join us this morning and is somewhere in the building. The microphone is coming to you.

KENNEL HYPOLITE: Good morning. I'm a so-called independent contractor at the Port of New Jersey. Right now we are having difficulties maintaining our trucks and from what I understand we will be asked to buy new trucks. But now we cannot afford tires for our trucks, let alone buying a new truck. I would like to know with what's going on in Los Angeles, what will it take to enact the same plan in New Jersey? When will that take effect here?

[We] require that to participate in our program and get new financing, [trucking companies] need to turn in an old dirty truck that was in port service, most of which are in operations with these independent operators. A lot of these guys are not likely to give up their trucks if they do not have some other means of getting a livelihood. So that makes an even more direct connection between the workers that are currently in port operations and the guys that are coming in through the new programs.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

CHRISTOPHER WARD: I cannot give you a definite time table because we have not started this program. We have not kept pace with L.A. and Long Beach on this. We are committed to the program. We are looking at the particular economics of implementing a similar program. We are totally aware that there is a community around Newark and Elizabeth today and we are working with Change to Win and the Teamsters. We need to find the program that works right here in New York, take the lessons learned that L.A. and Long Beach have provided, and really assess whether or not and how to implement a \$35 per box charge to do the financing to change out the trucks. So we are committed to it. I could not give you a date of when it will be done, but I think you have heard across the board here today, if it is not part of the solution for the port, we will have no growth and we will end up losing the very engine that creates the jobs, which creates the capacity to change out dirty jobs into green jobs. We need to follow the Mayor's lead in L.A. and put what we can, here in New York, together.

ANDREA BATISTA SCHLESINGER: I want to turn to Lance Lindblom who is president of the Nathan Cummings Foundation²⁶ and then after that get a business perspective quickly from Ramon Cruz who's Vice President of Energy and Environment for the Partnership for New York City,²⁷ a business advocacy group. Then we will open it up to everyone.

LANCE LINDBLOM: I find it ironic that an East Coast foundation had to go to the West Coast to participate in this project. We found our partners on the West Coast, so thank you for coming and enlightening us today. I have a question. Are you getting any kind of feedback on what is happening to the independent drivers of the dirty trucks? I mean those individual drivers. Secondly, there is kind of an incentive, as you said, to make people employees. Is there any incentive or do you see any movement for truck drivers forming cooperatives to deal with the kind of efficiencies that you were talking about?

SEAN ARIAN: That's a good question. Some of it, of course, is sort of happening as we speak. On October 1st, we got rid of the first 2,000 trucks, so obviously the rest of the 14,800 are still operating or are still in port operations at the moment. We are finding that when the companies are coming in, that a lot of them are looking for new workers. So I think over the last three months or so we have, probably, between at least ten, maybe fifteen, different job fairs where a lot of the companies that have come into the port have gone out and are looking for new trucks. Now, we do not have any good, accurate statistics of how many of these new people hired are independent operator trucks. But we have done something that sort of helps make that connection, which is to require that to participate in our program and get new financing, they need to turn in an old dirty truck that was in port service, most of which are in operations with these independent operators. A lot of these guys are not likely to give up their trucks if they do not have some other means of getting a livelihood. So that makes an even more direct connection between the workers that are currently in port operations and the guys that are coming in through the new programs.

So that is one answer to the question. We expect that to accelerate as we phase out more and more of the trucks in Los Angeles. The other thing that is a little bit odd, that makes it a little bit hard to count, is obviously that L.A. and Long Beach have different programs. So a lot of these guys are going to be able to continue in port service in Long Beach and not necessarily in Los Angeles. That also makes it a little bit harder to count. The truckers in Los Angeles and Long Beach—I would imagine that truckers in New York and New Jersey have a long history of letting it be known when they are very displeased with what is going on. Even though they are independent operators, there have been a lot of wildcat strikes over the last 20 to 30 years in protest. So we have a pretty good, what we call, safety value in L.A. We

26 <http://www.nathancummings.org/>

27 <http://www.nycp.org/>

know when something is really going wrong because people let us know. So even though we do not have complete information, it is a little bit opaque, we expect that the truckers would let us know if there were major problems.

We also expect just because of the fact that port operations have continued very smoothly since day one, that a lot of folks have made that transition from independent operators to employee truckers. So we obviously have some good case studies of that where we have truckers that have come in. They turned in their old truck. The first one that we smashed, for example, about two weeks ago, the driver has a great story.

RAMON CRUZ: Good morning. I am Ramon Cruz from the Partnership for New York City. I applaud you in your efforts for aggressively pursuing an environmentally sound agenda, but it is also economically responsible. So we hope we can follow your footsteps on that effort in the ports and also in another effort that the mayor recently announced. You announced the CleanTech Manufacturing Center²⁸ that will create many of the so-called green jobs. So I would like you to expand briefly on this and also explain why it was not placed closer to the port—that it is linked to the port and also truck routes, etc.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

There is a company called Balqon Electric Trucks. This is a company that made electric trucks, zero emissions trucks. They were not quite modified for port service, so...we invested about half a million dollars into this company to help them develop a prototype that could do short-haul truck drayage. We spent about seven months in the testing phase with them; so we set them up with one of our marine terminal operators so that they could test this prototype in real-world conditions... When they successfully tested the prototype, we made the first purchase, the first 25 trucks, which are currently in production.

Let me give you a really cool example of what we have done with one company that has gone through the whole process. There is a company called Balqon Electric Trucks.³⁰ This is a company that made electric trucks, zero emissions trucks. They were not quite modified for port service, so through the Air Quality Management District of Southern California we invested about half a million dollars into this company to help them develop a prototype that could do short-haul truck drayage. We spent about seven months in the testing phase with them, so we set them up with one of our marine terminal operators so that they could test this prototype in real-world conditions. At the same time, the California Air Regulatory Board needs to approve any new vehicles that go on the road. So we helped them get through the regulatory process and get their trucks with proper regulation.³¹

When they successfully tested the prototype, we made the first purchase, the first 25 trucks, which are currently in production. That was about a \$5 to \$6 million purchase on the part of the Port of L.A. What did this company get out of it? Essentially they got the Port of L.A. as a partner in this and were able to go to their investors and use that to get more investment. They also got a lot of publicity. So Mayor Villaraigosa was actually the first one to drive the electric truck, which got a lot of press. And they get calls now from ports in Italy, in Asia, all over, asking about their electric trucks. What did we get out of it? Well, we essentially have companies now, small firms—and this is not the only firm that is doing it—essentially providing R&D for our port environmental efforts.

At first blush, if you have not looked at it before, you would probably think, from the outside, that it looks a little bit radical. You might look at it and say: you are making a huge change. And in essence, we started around the same place Chris is at now and that many ports across the country are at now. We wanted to interfere with the market as little as we possibly could, but we knew we needed to get things done.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

But also, we are getting a royalty for every truck that they sell in the future that will be put back into our port technology advancement program.

Lastly, we required that they move their manufacturing to Los Angeles. So in July, they opened their first line to manufacture electric trucks at the Port of Los Angeles, in the City of L.A. It is only 50 jobs, but 50 good-paying manufacturing green-collar jobs that are in Los Angeles as a result of our Clean Air Action Plan. This

is a company that we have gone through the full cycle with, so they are still building their trucks and they still need to make sure that they can make it commercially viable. But it is a good example of how we are building green-collar jobs in Los Angeles. I can tell you, we have companies that are making hybrid electric tugboats, that are making electric flywheels to capture the energy from container cranes; companies that are providing the alternative marine power, the plug-ins at the docks. We have got another company that is providing diesel particulate traps. We

28 http://www.scaia.net/Internet/site/Projects/Central_Industrial/CleanTech.cfm
29 http://www.portoflosangeles.org/CAAP/CAAP_First_Quarter_Section_6.pdf

30 <http://www.balqon.com/>
31 For more on the Port of Los Angeles's partnership with Balqon, see http://www.dailybreeze.com/business/cel_9277224.

sort of colloquially call it "suck on a stack." It is literally a trap that you put over the exhaust of ships when they are coming in to the port.

All of these companies are being funded from our Technology Advancement Programs, and, if successful and we become their customers, we also have them move to Los Angeles. So we are developing what we call a CleanTech Marine Transportation cluster around Los Angeles harbor that is providing jobs.

ANDREA BATISTA SCHLESINGER: We have a question all the way in the back.

MARC LEVINSON: My name is Marc Levinson. I am an economist and also a historian of containerization. I had a question for Mr. Arian and also for Mr. Ward. Having the trucking at the port run by businesses rather than by individual owner operators obviously creates an increased likelihood that these workers will join unions and,

[The idea that you could accomplish both environmental goals and create a situation in which more workers could join a union at a time of historic lows in union participation is an incredibly exciting nexus for progressives.]

—Andrea Batista Schlesinger
Executive Director, Drum Major Institute
for Public Policy

in particular, join the Teamsters Union. I am wondering, in the case of Los Angeles, whether you have put any particular measures in place to make sure that this union deals honestly with its members and also deals honestly with the port itself and does not unduly disrupt business as it gains market power in the port. For Mr. Ward, I want to ask the same. People may not be aware, but since the early 1950s we have had an anti-corruption agency, the Waterfront Commission,³² which is designed specifically to deal with racketeering on the New York and New Jersey docks. And I wanted to ask Mr. Ward if he thinks that needs to be extended to cover trucking on the docks as the trucking industry consolidates.

SEAN ARIAN: I guess that is also called the hot seat, right? That is a good question. In the Port of Los Angeles, I think a lot of people have misconstrued our program as one that favors large companies over small companies. Again, like I said, that is not really the case. We like everybody to come in as long as they are a responsible company and there are some small companies that are responsible that are coming into the Port of Los Angeles. We are agnostic as to big or small companies coming in. We want them to have employees. They may choose to organize or not, as they will. Quite frankly, a lot of the larger companies that have come in to the Port of Los Angeles right now—Swift, Knight, May Trucking, all of these big national firms—are not unionized in the places that they are.

At first blush, if you have not looked at it before, you would probably think, from the outside, that it looks a little bit radical. You might look at it and say: you are making a huge change. And in essence, we started around the same place Chris is at now and that many ports across the country are at now. We wanted to interfere with the

market as little as we possibly could, but we knew we needed to get things done. But as we went in and figured out what the economics of the system were and sort of the core of what this broken market looked like, we realized that we could not do anything else but what we ended up doing. Everything else would be a half step and everything else that we would have done would not have been sustainable over the long term. So that said, we are not in the Port of Los Angeles, and in Long Beach as well—neither port has done anything we feel that would unfairly favor unionization or anything else. We are, like I said, agnostic as to the companies that come in so long as they are companies that are responsible. We mean that not just environmentally, but in terms of public safety and labor standards and all of the other things.

CHRISTOPHER WARD: In terms of your question on the Waterfront Commission and market share and dominance within the labor movement, I think you need to really be careful and separate two parts of your question. Clearly, the right to organize and unionization labor is a function that takes place within the economy in terms of the competitiveness of labor vis-à-vis management and addressing health care issues, environmental issues, and economic issues. I think that is a function that takes place within the marketplace. The Waterfront Commission and the evaluation of corruption on the waterfront can and should be seen as a distinct evaluation of whether or not organized crime has come into a particular part of the market in a way which is not necessarily driven entirely by unions, but driven by organized crime taking advantage of a particular location where their influence can be greater than it has been previously.

I will say that if you look back over the 50 years that the Waterfront Commission has been in place, you see far less examples of organized crime on the waterfront, that it has been a very effective regulatory enforcement mechanism to eliminate organized crime on the waterfront. And the few times you do see it, they are small, idiosyncratic, personal relationships of crimes and are not driving mainstream economics out of the port in a way that had been the concern before. So, like Sean, I think that unionization within this country takes place within the management-labor marketplace in any situation and the Waterfront Commission and the standing grand jury to evaluate organized crime on the waterfront have been quite effective. We have actually seen a significant reduction in organized crime on the waterfront, all to the good.

ANDREA BATISTA SCHLESINGER: Those of you who are regulars to the series know we spend a lot of time trying to find these policies that we can highlight. And I will say that one of the reasons we were interested in highlighting this is that, frankly, this is a subject on which we are not agnostic: that it could very well lead to more truck drivers deciding to organize. That does not mean, of course, that it has to and it does not mean that you are wrong in being agnostic about it. But the idea that you could accomplish both environmental goals and create a situation in which more workers could join a union at a time of historic lows in union participation is an incredibly exciting nexus for progressives. So we will not be agnostic about that. I

32 <http://www.wcmnhi.org/>

have a feeling Congressman Nadler is not going to be agnostic about that either.

REP. JERRY NADLER: No. Obviously I am not going to be agnostic about that. I just wanted to add a word. It is interesting where we are coming from today. Everybody has forgotten that if you read the National Labor Relations Act of 1935,³³ it does not say that we institute the NLRA in order to provide a neutral ground for peaceful resolution of labor disputes as to whether people want to be organized or not. That's not what it says. It says, "Because government hereby recognizes that it serves the body politic, it serves the economy, it serves the public welfare to have as many workers as possible organized, we hereby establish this framework to promote labor organization."

Now, we seem to have forgotten that in the last sixty years [Applause]. We seem to have forgotten that in the last sixty years, as much to the detriment not only of workers but of the economy as a whole. Yes, I do think it is more likely that when you get away from an independent contractor model, you are going to have more unions and that is all to the good and ought to be encouraged.

TRUDY MASON: I am Trudy Mason and I used to be Deputy Assistant Administrator of New York City Economic Development Administration and I work for the MTA. So I am interested in both economic development and transportation and over the years worked with Jerry Nadler in trying to push through the rail freight tunnel. Jerry, I would like you to talk a little more about this. I know we have been talking about trucking, but since we brought up electric trucks and electric tugboats and everything else, maybe we can talk a little bit about electric trains. Because having a rail freight tunnel here, many of us think, would affect the environment, would affect our economy, and would affect the movement of goods back and forth, as well as goods and people throughout the whole Eastern Seaboard.

REP. JERRY NADLER: There is no question that it would. New York is the only major port in the United States which has never developed or built a rail freight tunnel or bridge over or under its harbor or river. Now, they have been making plans to do so since 1910, but we have to make sure it comes to fruition—and obviously, so far, it has not. The environmental studies that have been done say that the rail freight tunnel would take a million tractor trailers off New York City streets, 30 million vehicle miles traveled off New Jersey roads. It would take 120,000 tons a year of CO2 out of the atmosphere, along with all kinds of other environmental benefits, and would make this port cheaper and more efficient for a lot of reasons. So it is clearly something that is long overdue. I do think it is finally coming to a very

key year next year. The Environmental Impact Statement should be finished by the Port Authority in February or March.³⁴ We are going to seek major funding for it in the next transportation authorization bill.

Jim Oberstar³⁵ and Dan Lipinski³⁶ and I put in the last transportation bill—we have done one every six years—a Projects of National and Regional Significance section. The idea was to give major funding for three or four major projects. We were thinking of the rail freight tunnel in the Alameda Corridor³⁷, CREATE in Chicago³⁸, one or two others maybe, to give a major chunk of change to projects that are expensive and could not easily be financed through the normal financing mechanisms. By the time the Senate got through with that provision, and I must say by the time the Republicans got through with that provision, there were a hundred projects in it, not three or four, and it was larger than usual port.

We are hoping next year to get that back to its original purpose and to be able to fund the rail freight tunnel and a few other projects to a large extent out of that provision. That will obviously be key. But from an environmental point of view, to get those trucks off the roads in New Jersey and Newark is essential. In New York, in the Bronx, we have the highest asthma concentration anywhere. In fact, studies have been done in the Bronx that show the direct correlation of asthma to how close to a trucking route it is.³⁹ There is no question of that. The biggest single thing we could do is to electrify, the electrification of trains is the next thing. Back in 1979—and many people have forgotten about this—Congress passed an appropriation. It was not a heck of a lot of money—\$20 million—for studies of electrifying major trunk rail lines in the country. The expectation being that in 1981, they would start appropriating a few billion dollars a year for this purpose. The election of Ronald Reagan eliminated that and everybody forgot about it, but now we should start looking at that again because rail is three times as energy-efficient per ton mile as trucking is. Three or four times as energy efficient per ton-mile, much less polluting, etc. And electrification of rail means that it is even more efficient and you can pick your power source. You do not have to have diesel power and you do not have to transport your power source with you. You can generate it by whatever the best means is environmentally,

Right now, much of what comes to New York, to that whole East-of-Hudson region, comes by rail to northern New Jersey where it is taken off the rail and put onto trucks in Carney, at Oak Island, etcetera, and from there gets trucked through Newark, through Jersey City, and onto the George Washington Bridge and through the Bronx to wherever it is going. That is just murderous in terms of the environment. The rail freight tunnel is designed to eliminate all that so things will come directly by rail.

—Christopher Ward,
Executive Director, Port Authority
of New York and New Jersey

and everybody forgot about it, but now we should start looking at that again because rail is three times as energy-efficient per ton mile as trucking is. Three or four times as energy efficient per ton-mile, much less polluting, etc. And electrification of rail means that it is even more efficient and you can pick your power source. You do not have to have diesel power and you do not have to transport your power source with you. You can generate it by whatever the best means is environmentally,

34 <http://www.crossharborstudy.com/view.htm>
35 Congressman Jim Oberstar represents Minnesota's Eighth District <http://oberstar.house.gov/>.
36 Congressman Dan Lipinski represents Illinois's Third District <http://www.lipinski.house.gov/>.
37 <http://www.acta.org/>
38 <http://www.createprogram.org/>
39 See, for example, <http://www.med.nyu.edu/research/get1.html>.

33 <http://www.nlrb.gov/nlrbltr/legal/manuals/rules/act.pdf>

economically, etcetera. So electrification is something we ought to start looking for, not only in terms of our ports but in terms of our entire transportation system.

KIM THOMPSON-GADDY: On the New Jersey side, we use only 8 percent of rail in terms of the port and 92 percent is trucking. In New Jersey, we passed a 2005 Diesel Mitigation Law,⁴⁰ which called for retrofitting all trucks. The rails in this case are not going to be advantageous to us because traveling from New Jersey and the places that we have to go, you cannot double stack them so you cannot really move the goods as well as maybe you can here. So I am just saying, on our side we have to look at those things that help the residents and I think that if Port Authority of New York and New Jersey looked at making sure those trucks are retrofitted as they enter the port, that would help us tremendously, especially in the City of Newark.

I did an air monitoring study with some kids from the East Ward and the South Ward and we counted 750 trucks in one hour going through one thoroughfare.⁴¹ Four kids became ill, had instant asthmatic attacks. So it is the trucks that are really killing us. And when they come out of that port, they travel within three to seven miles, so they are constantly in and out of our neighborhoods. I just want to make sure when we begin to talk about it on our side—retrofitted trucks, Mr. Ward, are something that we need to look at in our ports to possibly include in any kind of plan because that will reduce the amount of particulate matter that is released into the air.

[W]e do not have any other land in Los Angeles where we can build jobs. We cannot build it in residentially zoned areas, and commercially zoned areas allow us to get retail jobs that do not have career ladders and are not going to create middle class jobs in Los Angeles. So if we want to create middle class jobs, we need to reposition our industrial land, we need to make sure that we connect it to sectors that are going to be creating more jobs and good jobs with career ladders in the future.

—Sean Arian
Director of Economic Development Strategy,
Office of the Mayor of Los Angeles

truck and everything comes in by truck through New Jersey. Right now, much of what comes to New York, to that whole East-of-Hudson region, comes by rail to northern New Jersey where it is taken off the rail and put onto trucks in Carney, at Oak Island, etcetera, and from there gets trucked through Newark, through Jersey City, and onto the George Washington Bridge and through the Bronx to wherever it is going. That is just murderous in terms of the environment.

The rail freight tunnel is designed to eliminate all that so things will come directly by rail. Instead of getting off in New Jersey, it will go directly by rail to New York

City, to Westchester, to Long Island, etcetera. One further thing that people should know: Norfolk Southern and CSX⁴² are now building very large rail-to-truck or truck-to-rail terminals, one near Harrisburg, Pennsylvania and one near Allentown, Pennsylvania. When those are finished, a lot of what now comes by rail to northern New Jersey and gets put on a truck there to New York will get put on a truck in Allentown and Harrisburg. The entire width of the State of New Jersey and I-78 will become a parking lot. The trucking and the asthma and the air pollution problems in New Jersey are going to get worse by several orders of magnitude. We have to deal with that by talking a lot of that off the trucks and putting in on rail, as well as retrofitting the trucks.

CHRISTOPHER WARD: Let me just comment on that. Obviously, retrofitting the trucks and getting cleaner trucks is key. Everything we have been saying has been assuming that. But what is also key is that right now 40 percent of intercity freight in the United States goes by rail. In New York City, Long Island, Westchester, Putnam, and southern Connecticut, it is just one percent. Everything comes in by

I hope that in the next mayoral election in New York, people will ask the candidates whether they will think about policies of retaining and promoting industrial manufacturing jobs through land use and hold the candidates to some sort of policy on that. Because every mayoral administration we have had for the last thirty years, bar none, has followed a policy, either deliberately or by inadvertence, designed to chase out manufacturing jobs for highest and best use of land: for condos, for everything else.

—Representative Jerry Nadler

SEAN ARIAN: Starting in about a year or so, I have got some great zero-emission electric trucks I would like to sell you, made in Los Angeles.

ANDREA BATISTA SCHLESINGER: We have time for one more question. Then, as everyone knows, we always continue these conversations on our blog and I am sure that the panelists would be willing to answer some additional questions that way.⁴³

ADAM FRIEDMAN: I am Adam Friedman. I am with the New York Industrial Retention Network.⁴⁴ That is a citywide organization that works with 200 to 300 manufacturers a year. Over the past year, we have developed a very strong relationship with the L.A. Redevelopment Agency.⁴⁵ And after each conference call, we are absolutely green with port envy. What has occasioned that port envy is the extent to which you have been able to coordinate land use with everything that you have described above. That happens through tough zoning, through the acquisition of land for this eco-industrial park, through what sounds like a policy decision not to sell off city-owned land but to co-develop it for these industrial purposes.

Could you just comment a little bit about how important that coordination between your economic development agenda and your land-use agenda was? How did you possibly overcome the institutional interests on the other side that wanted to free up that land for other uses?

SEAN ARIAN: Frankly, the economic crisis of the last year or two has made a lot of people who wanted to make condos in industrial areas much more willing to think about leaving them to industry. But a big piece of it was Mayor Villarosa's

40 <http://www.cleanwater.org/files/publications/nj/diesel/factsheet.pdf>

41 <http://seanwarrateraction.org/files/publications/shj/dieselpaperfinal.pdf>

42 Norfolk Southern and CSX are large shipping and transportation companies.

43 http://www.dniblog.com/archives/2008/10/theblogging_the_marketplace_9_5.htm

44 <http://www.nyim.org/>

45 <http://www.crla.org/>

leadership. This is an area that he saw as very important. A lot of people may not know, but Los Angeles County has more manufacturing jobs than any county in the United States. We have more manufacturing jobs in L.A. than in the entire state of Michigan, just to give you a sense of the scale. A lot of it has been declining, so we have a lot of industrial land right now that needs to be repositioned. It is not being used well. So the mayor has asked the redevelopment agency to work together with the port, because we have the largest port in the United States, with the airport, with the Department of Water & Power—we have the largest municipal utility in the United States—to think about how we reposition those lands to make them into areas that are creating more jobs. Because otherwise what happens is you have developers who will go in and they

will look at industrial land, they will say, "Well, it is not being used very well right now. It is not creating very many jobs, you are just warehousing things there." But the thing is, we do not have any other land in Los Angeles where we can build jobs. We cannot build it in residentially zoned areas and commercially zoned

areas allow us to get retail jobs that do not have career ladders and are not going to create middle-class jobs in Los Angeles. So if we want to create middle-class jobs, we need to reposition our industrial land, we need to make sure that we connect it to sectors that are going to be creating more jobs and good jobs with career ladders in the future.

I would say, to be honest, we do not have it all together yet. We are still working on it, it is a work in progress. But we are trying to coordinate among all the city agencies the use of city properties, but also use of our zoning. And we are updating our community plans to make sure that it takes into account the things that we are doing to build a green economy in Los Angeles. Part of it is making space for these companies, like Balqon Electric Trucks, in the area around the port. We are creating what is called a clean-tech corridor along the revitalizing L.A. River.⁴⁶ Some of you may be familiar with the L.A. River from scenes in *Grease* where it looks like a big storm drain, where they drag race down the middle of it.⁴⁷ We are revitalizing that, creating more trees, making it look more like a natural river, and we are developing sort of a clean-tech corridor right along it. So hopefully if you visit Los Angeles ten or twenty years from now, you will see a vibrant area where people are living, where people have manufacturing jobs, where we are helping to revitalize the middle class in Los Angeles.

REP. JERRY NADLER: It is incredibly refreshing to hear what Mr. Arian just said. I hope that in the next mayoral election in New York, people will ask the candidates whether they will think about policies of retaining and promoting industrial

manufacturing jobs through land use and hold the candidates to some sort of policy on that. Because every mayoral administration we have had for the last thirty years, bar none, has followed a policy, either deliberately or by inadvertence, designed to chase out manufacturing jobs for highest and best use of land: for condos, for everything else. Our land-use policies have been backwards, whether for former rail land, former port land, or former manufacturing. Everything has to be rezoned for residential and for other things. And the kind of considerations we heard a moment ago ought to be in the next mayoral election, whomever the candidates are.

ANDREA BATISTA SCHLESINGER: Sounds like we may have a future Marketplace event on our hands.

SEAN ARIAN: If you are interested in learning more about the Clean Trucks Program, we have been very transparent through the whole process—if you want to see our cargo diversion studies, if you want to see our economic studies, the Boston Consulting Group Study, and more. You can see we had lots of different options and how we chose the one we chose. Just look on the port's website. It is <http://www.portofla.org>. It is very transparent. You can see exactly how we got where we are today.

ANDREA BATISTA SCHLESINGER: Before I turn it over to the panel for these closings, I wanted to just recognize a couple of people. Fred Potter, the vice-president of the International Brotherhood of Teamsters is here. Councilman Dan Garodnick joined us. Former New York State Comptroller Carl McCall, a great friend to the institute, is here. I just wanted to thank you, as well as all of you, for coming this morning.

Here is my question as you close. I have been obsessed with thinking about the next 25 years. Where are we going to be in 25 years? We asked in a poll recently whether it was more likely that gas would go under \$3.00 a gallon or that Brangelina would still be together. And they said in 25 years it was more likely that Brad and Angelina would still be together, to give you some sense of people's hopes at this point. In 25 years, where do you see the Port of New York and New Jersey? And, Sean, if you want to think more broadly about America's ports, where do you see those ports on the issues that matter to an audience like this? Do some predictions. We can go down the line. When we gather here in 25 years, what will it be?

I do not want to keep waking up and worrying about the future of my three children. If you ever witnessed one person have an asthma attack, you will know that this is a serious issue that we need to address right now because again, the statistics are alarming. One out of four of our Newark children are asthmatic. The death rate is 5.8 per 100,000 in the City of Newark versus 2.8 in the suburban and rural communities.

—Kim Thompson-Gaddy,
Co-Chair, North Jersey Environmental
Justice Alliance

46 http://cleantechlosangeles.org/rethink_la/development.php
47 [http://www.seeing-stars.com/Locations/Grease/RiverRaceStart\(6thSt\).jpg](http://www.seeing-stars.com/Locations/Grease/RiverRaceStart(6thSt).jpg)

SEAN ARIAN: I think, looking at it from the perspective of Los Angeles, when we gather here 25 years from now, the Ports of Los Angeles and Long Beach will probably be the single largest source of pollution in the Los Angeles region. Some people say up to 15 to 20 percent of all our pollution comes from the ports, to give you an idea of the scale. What I see in 25 years is us moving towards a zero-emission port. So the port becomes a leader globally of how to clean and green a port and also of how to create an economic cluster. It is not just the 500,000 jobs there multiplying to a million jobs by 2025, but also creating a clean technology cluster around transportation technology at the ports, so that when people want to transform their thinking, Los Angeles is the place that they come to do that.

More broadly, I think that we are already seeing it on the West Coast. Other ports, the Port of Oakland, the Port of Seattle—those are the two other largest ports on the West Coast—are already thinking about doing the same things that we are doing. We

are getting inquiries from ports around the world. So I think ports will start to change from some of the dirtier places to where we are really starting to innovate, to where ports can be not only an economic engine of the region, but also ones that lead the way in terms of greening and providing green-collar jobs for folks in the region.

I think that we in America have an enormous opportunity right now. With the price of energy continuing to go up, in the same way that we rebuilt Europe after World War II, in the same way that we reached the moon in the 1960s, we have started on a march today which I think we as Americans can lead the world on, to where we are going to be in a place where energy, conservation of energy, cleaning up our environment, and saving the planet is going to become business. It is going to become good business and it is going to create jobs. And I think we are in a position in the United States of America, with help from the federal government and incentives, in the same way that countries like Germany and others have done, for us to be a leader in this new green economy. We as ports and as cities have started to lead the way and hope that the federal government is going to join hands with us and move this forward. We in Los Angeles and the mayor strongly feel that this is a way to continue to build the economic sustenance of the U.S. and it is our ticket to future growth and, to be honest, to global leadership. We feel in Los Angeles that we are trying to set the first example of how to be a global leader in getting the United States there.

CHRISTOPHER WARD: I love the question because in a way I think we will not know what a truck will look like in 25 years, we do not know the final source of how it is going to be run or the amount of management and potential regulation that is

going to take place to manage the 16 million and growing population here in New York and New Jersey or the electric trains that Jerry spoke about. In some ways, I think 25 years from now you will see a combination of sustainable zero-emissions goods distribution within the region with a heavy reliance on some form of market-based regulation for distribution. Trucks will go where they are supposed to go at a certain time. They will be meeting environmental standards on the route that they are going. They are not allowed to leave that route. It will almost be a library card-like distribution system where it is regulated to the extent that you have franchises for distribution and you have regulatory and environmental criteria for that. I think managing the wonderful opportunities that you heard here is going to lead to some very practical re-imagining of what a city does and what a region does with the amount of population which is consuming what we are consuming on a daily basis. So I think 25 years from now we will see something that we cannot really imagine today.

KIM THOMPSON-GADDY: I am so glad that Sean and Mr. Ward talked about what the future would look like because one of the missions of the Coalition for Healthy Ports is to create a sustainable port in New Jersey now. One of the things that we see is that we need the Port Authority of New York and New Jersey and other government entities in the region to reform and modernize the port, related industries, and trucks in order to achieve cleaner air, safer working conditions, and living wages and benefits for both port-adjacent communities and workers. It is vital that the Port Authority implement a Clean Air Action Plan and community benefits agreement⁴⁸ to modernize and retire dirty diesels at the port, vastly improve the efficiency of freight movement and workforce stability, consistently enforce and strengthen existing environmental, labor, and transportation standards, and improve air quality in port-adjacent communities.

We also understand that if we take these measure in a proactive manner, we will reduce negative health impacts, we will improve our air quality, we will alleviate the environmental injustices that exist not only in Newark's port but in all the other urban communities that about our ports. Revitalize our urban economies, create more living-wage jobs, improve working conditions, and ensure that the port's growth will benefit all residents of the region in a fair and just way. Now, that is what we advocate from the environmental justice standpoint. We want our communities to be healthy, vibrant communities. I do not want to keep waking up and worrying about the future of my three children. If you ever witnessed one person have an asthma attack, you will know that this is a serious issue that we need to address right now because, again, the statistics are alarming. One out of four of our Newark children are asthmatic. The death rate is 5.8 per 100,000 in the City of Newark versus 2.8 in the suburban and rural communities.

48 <http://www.communitybenefits.org/article.php?file=SpeakeType=39>

So we need attention today and I am grateful that we are planning and looking at what the future will look like. But for us I would like Mr. Ward and the Port Authority and individuals to come together and begin to adopt what L.A. has. I am so grateful, Sean, that you made this presentation because we can do what they did right here on the East Coast.

REP. JERRY NADLER: Obviously, there's going to be great pressure and I think that we will succumb to that pressure to a great degree to have the port as environmentally friendly and green as possible in all the ways we have spoken of, and we should. I think some things are going to happen because the forces are pushing them there and some things may or may not happen depending on political decisions that will be made over the next 25 years. There are a number of things that are going to happen because of trends that are inevitable. One thing is that we have an opportunity, I think, to start reversing the mistake that we made over the last 50 years of putting all our economic eggs into fewer and fewer baskets, namely finance, insurance, and real estate. And we see what happens when you put all your eggs into one basket and the basket develops a hole in the bottom.

I think that the finance industry as a proportion of industry is going to be much smaller after this crisis is over, no matter what happens in the next couple of years. I think that the cost of shipping across oceans is going up because you are not going to see cheap energy again, it is going to become much more profitable to bring some of the manufacturing from Asia back to the United States. I think that is going to happen and I think that gives us an opportunity to try to reverse some of the rather unfortunate policies that we in New York have followed over the last 40 years and see to it that we get some of that manufacturing back into New York City. Not just New York City but Newark and areas around here. And those industries can be made green. We can do all the things we have to do, but we have to give an opportunity to people without college degrees and finance degrees to make a living and we have to diversify our economy.

How much of that we will bring to New York as opposed to just the United States will be largely dependent on the politics of the new few years, who we elect mayor and whether they are interested in changing our land-use policies to encourage manufacturing. Whether all these things come along with living wages and community benefits, that also will be dependent on politics. So I think there are some broad trends. The broad trends are going to bring manufacturing to some extent back to the United States from Asia. They are going to bring more ships to East Coast ports as opposed to West Coast ports, etc. There is going to be tremendous pressure to go to more energy-efficient uses, which is to say rail or barge rather than trucks. And the political decisions will be how green those things are, both the trucks that are remaining, the rail, whether we electrify them, and our land-use decisions in New York.

So, again, some things are going to be pushed by economic trends and some things are up to political decisions that the people of this region will make in the next ten or twelve elections.

ANDREA BATISTA SCHLESINGER: How about a round of applause for our panelists? We will see you next month. We have the CEO of Blockbuster coming, one of the first corporations to voluntarily do say-on-pay where shareholders can vote on executive compensation.⁴⁹ So we will see you next month. Thank you everybody.

[END]

⁴⁹ http://www.drummajorinstitute.org/events/unique_event.php?ID=56

WHO IS THE DRUM MAJOR INSTITUTE FOR PUBLIC POLICY?



The Drum Major Institute for Public Policy is a non-partisan, non-profit think tank generating the ideas that fuel the progressive movement. From releasing nationally recognized studies of our increasingly fragile middle class to showcasing progressive policies that have worked to advance social and economic justice, DMI has been on the leading edge of the public policy debate. Founded during the civil rights movement, DMI equips those on the frontlines with the tools to more effectively advance an agenda of social and economic justice, including research, model policies, policy-driven Web sites, and even young talent. For more information, please visit www.drummajorinstitute.org

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February 2009 / "The President's vision is an inspiration, and his accomplishments so far are significant. But in the context of the most severe economic crisis the nation has faced in generations, our actions must be still bolder." The Drum Major Institute's rapid analysis of Obama's State of the Union-like address bails the President's remarkable achievements for the current and aspiring middle class and calls for economic, health, education and energy policies commensurate with the tremendous challenges America faces.

RESTRUCTURING NEW YORK CITY'S PERSONAL INCOME TAX

February 2009 / 224,000 New York City households are too poor to pay state and/or federal income taxes, yet still owe taxes to the city. Almost are households with children, most are headed by single parents. DMI proposes eliminating city income taxes on these households and paying for it with a tax increase on the city's wealthiest residents. The plan was endorsed by New York City Council Speaker Christine Quinn, Councilmember David Yassky, and State Senator Liz Krueger.

2008 YEAR IN REVIEW

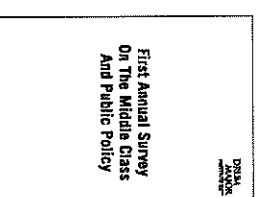
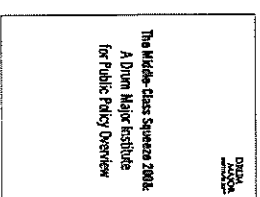
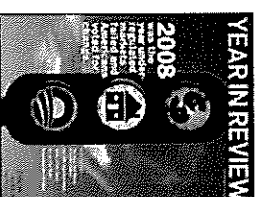
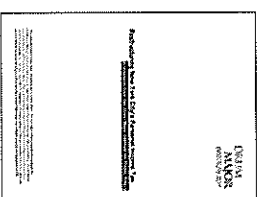
December 2008 / In this Year in Review, the Drum Major Institute for Public Policy offers a look back at 2008 through the best and worst of the year's public policy, including a program to expand the ranks of the insured in San Francisco (one of the best) and the Paulson financial bailout plan (one of the worst). We also highlight on-the-ground stories from five American cities, include an idiosyncratic election timeline, and recommend the year's best books for progressives. As always, we provide a hawk's eye view of what the think tanks on the conservative right are up to and our 2008 Injustice Index, a by-the-numbers appraisal of the Bush legacy.

MIDDLE-CLASS SQUEEZE 2008: A DMI OVERVIEW

September 2008 / Most Americans aim to attain – or hold onto – a middle-class standard of living including a reliable job with fair pay, access to health care, a safe and stable home; the opportunity to provide a good education for one's children, including a college education, time off work for vacations and major life events; and the security of looking forward to a dignified retirement. With this overview, DMI brings together the latest data illustrating how precarious that standard has become.

FIRST ANNUAL SURVEY ON THE MIDDLE CLASS AND PUBLIC POLICY

August 2008 / Despite media depictions of a sharp red and blue divide, DMI's nationwide survey of the middle class finds a broad consensus on a range of public policies aimed at easing the economic squeeze. Middle-class Americans support a universal national health insurance plan, requiring employers to provide paid family and medical leave, making it easier for employees to join labor unions and allowing bankruptcy judges to change mortgage payments to prevent foreclosure. Yet there is a profound disconnect between the nation's legislators and their middle-class constituents. While two-thirds of respondents say they try to follow what Congress is doing, few know how their representatives voted on issues they care about.



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—NEW YORK STATE SENATOR LIZ KRUEGER

Ideas We've Brought to Market

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with Minnesota Attorney General Lori Swanson
- **Guaranteeing Paid Family Leave**
with New Jersey Governor Jon Corzine
- **Making Prescription Drugs More Affordable**
with Maine State Senator Sharon Treat
- **Rehabilitating Vacant Buildings Into Affordable Housing**
with Boston Mayor Thomas Menino
- **Preventing Wrongful Convictions and Exonerating the Innocent**
with Dallas District Attorney Craig Watkins
- **Strengthening the Labor Movement**
with Service Employees International Union President Andy Stern
- **Promoting Access to Pre-School Education**
with Oklahoma State Senator Penny Williams
- **Tackling Environmental Injustice through Legislation**
with U.S. Congresswoman Hilda Solis
- **Increasing Accountability For Economic Development Subsidies**
with Minnesota State Senator John Hottinger
- **Combating Global Warming through Congestion Pricing**
with London Deputy Mayor Nicky Gavron
- **The Power of Restorative Justice**
with San Francisco Sheriff Michael Hennessey
- **Holding Corporations Accountable for Their Fair Share of Employee Health Costs**
with Maryland State Senator Gloria Gary Lawlah
- **Lowering the Cost of Insurance**
with California Activist Harvey Rosenfield
- **Making Health Care Universal**
with Former Vermont Governor Howard Dean
- **Leveraging Government to Protect the People**
with Former New York Attorney General Eliot Spitzer
- **Confronting the Need for Massive School Construction**
with Concordia Incorporated Founder Steven Binger



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/10

(PLEASE PRINT)

Name: MARIAN FEINBERG

Address: 3980 Hillman Av 2d Bronx 10463

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6-17-10

(PLEASE PRINT)

Name: Daniel Wiley

Address: _____

I represent: US Congresswoman Velázquez

Address: 16 Court St. office

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROBERT PIRAWI

Address: 245 W 107th St 10025

I represent: REGIONAL PLAW ASSOCIATION

Address: 4 IRVING PLACE 7th FLOOR

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Roland Lewis

Address: 241 Water St

I represent: Metropolitan Waterfront Alliance

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6-17-10

(PLEASE PRINT)

Name: Sheila Somashekhar / Sustainable South Bronx

Address: 890 Garrison Ave, 4th Fl
Bronx, NY 10474

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: RICH KASSEL

Address: 40 W. 20 St.

I represent: Natural Resources Defense Council

Address: SAME

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David Meade

Address: 241 41st Street

I represent: Southwest Brooklyn Industrial Development Corporation

Address: 241 41st Street Brooklyn NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: June 17, 2010

(PLEASE PRINT)

Name: Sobdad Gantambide

Address: 166a 22nd St, Brooklyn NY 11232

I represent: UPROSE

Address: 569 St Marks Ave, BK 11216

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition
of clean waterfront port

Date: _____

(PLEASE PRINT)

Name: Beryl Thurniau, North Shore Waterfront

Address: Conservancy of Staten Island P.O. Box 140512

I represent: North Shore Waterfront Conservancy of Staten Island

Address: same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christina Montano

Address: 18 Oliver Street Newark NJ

I represent: Int'l Brotherhood of Teamsters

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Victor Martinez (PLEASE PRINT)

Address: 14 Bellair Pl Newark NJ 07104

I represent: Represent of Driver Trucking

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/10

Name: Amy Traub (PLEASE PRINT)

Address: 40 Exchange Place, St. 2001 NY, NY

I represent: Down Major Institute for Public Policy

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6-17-10

(PLEASE PRINT)
Name: David Bensman
Address: 163 Mayhew Dr South Orange NJ
I represent: Coalition for Healthy Ports 07079
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6-17-10

(PLEASE PRINT)
Name: DANIEL ORTIZ
Address: 285 PRINCE ST NEWARK N.J.
I represent: TRUCK DRIVER
Address: N.Y. N.J.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/2010

(PLEASE PRINT)
Name: Robert Cothran
Address: 201 Varick St Suite 669 NY NY
I represent: Cong. Derold Nadler
Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/2010

(PLEASE PRINT)

Name: Jameelah Muhammad

Address: 514 W. 213th Street, Apt 3F

I represent: NY Jobs w/ Justice and Urban Agenda

Address: 50 Broadway, 16th Floor

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Richard M. LaRabee

Address: 225 Park Ave South

I represent: Port Authority of NY / NJ

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17

(PLEASE PRINT)

Name: Andrew Gora

Address: _____

I represent: NYC EDC

Address: 110 William St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/10

Name: Carter Strickland (PLEASE PRINT)

Address: _____

I represent: NYC DEP (Panel - not testifying)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6.17.2010

Name: Mina Roustayi (PLEASE PRINT)

Address: 29 Tiffany Pl. PHS

I represent: CoWNA

Address: 95 Kane Street, Brooklyn, NY 11231

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: ADAM ARMSTRONG (PLEASE PRINT)

Address: 90 Pioneer St

I represent: Red Hook (A View from the Hook)

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/10

(PLEASE PRINT)

Name: Andrew Geym

Address: 37 W. 72 St, 10023

I represent: NYC Econ Dev Corp

Address: 110 William St, NYC 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Umberger PRATT CENTER FOR Community

Address: ~~48~~ 386 DeKalb Ave Development

I represent: Pratt Center for Community Development

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/10

(PLEASE PRINT)

Name: Kyle Wiswall

Address: 350 W. 31st St. #802 NY, NY 10001

I represent: Tri-State Transportation Campaign

Address: 350 W. 31st St. #802 NY, NY 10001

Please complete this card and return to the Sergeant-at-Arms