

CITY OF OAKLAND



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Office of the Mayor  
 Honorable Ronald V. Dellums  
 Mayor

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November 6, 2009

The Honorable James L. Oberstar  
 United States House of Representatives  
 2365 Rayburn House Office Building  
 Washington, DC 20515

Dear Chairman Oberstar:

When we passed the Motor Carrier Act of 1980, our intent was to reduce consumer costs and increase job opportunities for truck drivers by increasing competition in the trucking industry. Now as Mayor of Oakland, for the past three years I have seen first-hand the unintended consequences of deregulation. These include increased pollution, low-paid jobs with high turnover, inefficiency within goods movement, and destructive competition for motor carriers and ports. I believe that as was argued over 20 years ago, it is time that federal laws catch up with the economic and environmental realities of the trucking and maritime industry.

The Port of Oakland plays a critical role in the economic vitality of Oakland and the entire Bay Area region. That is why I continue to be a strong advocate for the Port receiving its fair share of federal funds. But at the same time, we must also ensure that we balance the needs of the community living near the Port that endures the negative impacts – like air pollution and poverty-level jobs – with a strong, competitive Port. Federal regulations should not be an impediment to protecting the public health or creating good and living wage jobs, or slow the economic growth of the Port.

Earlier this year, the Port of Oakland adopted a Comprehensive Truck Management Program (CTMP) to address the multitude of issues surrounding port trucking. The CTMP embraced my administration's goals of reducing environmental impacts while stimulating sustainable development in Oakland. As part of the CTMP's development, the Port commissioned a study by Beacon Economics, a renowned firm with expertise in goods movement and author of a number of special reports on transportation and security issues at California's seaports. The study summarized that "The movement towards a more employment-based system could enhance the efficiency of the current system, the ability to respond to pressing and future challenges, and the Port's ability to grow." I support this model.

I have commended the Port of Los Angeles for their holistic approach to dealing with Port trucking. I am well aware that the Federal Aviation Administration Authorization Act of 1994

(FAAAA) forbids states and local entities from enacting or enforcing a law related to the price, route, or service of any motor carrier. Regrettably, the FAAAA does not mention the public health.

Recently, the Port of Oakland passed a "Resolution supporting a national goods movement policy that focuses on funding and investment in port infrastructure tied to goods movement." The Resolution also "encourages members of the U.S. Congress to use the SAFETEA-LU Reauthorization to consider amendment of the FAAAA to expand the exceptions to federal preemption to include environmental, security, and congestion programs."

Shortly afterwards, the Bay Area Air Quality Management District (BAAQMD), the regional agency charged with reducing air pollution and protecting public health, submitted a letter to you expressing concern that "archaic language in the Federal Aviation Administration Authorization Act (FAAAA) might potentially interfere with efforts to cut emissions." The BAAQMD then urges the creation of "exemptions in the FAAAA for both environmental programs and for the Federal Clean Air Act."

I concur with the Port and the BAAQMD, and join my fellow Mayors Villaraigosa, Bloomberg, and Booker in supporting legislative changes that would clarify the ability of ports and other agencies to enact programs that address environmental, efficiency, and labor concerns for port trucking.

As we move forward, your support for these legislative updates is critical to our success. I would like to discuss this subject with you further, and look forward to speaking with you soon.

Sincerely,



Ronald V. Dellums  
Mayor

Cc: Congresswoman Barbara Lee  
Victor Uno, President, Port of Oakland Board of Port Commissioners  
Omar Benjamin, Executive Director, Port of Oakland

Enclosure(s): Oakland National Goods Movement Resolution

*Hi,  
I miss our  
interactions my  
dear friend.  
Ron.*

*WOW*

July 7, 2009 Item No.: M-4(1) MCR/lhr <i>AB</i>
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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 09114**

**RESOLUTION ADOPTING A NATIONAL GOODS MOVEMENT  
POLICY.**

**WHEREAS**, staff presented findings and recommendations related to a national goods movement policy as part of the Agenda Report ("Agenda Report"), dated July 21, 2009; and therefore be it

**RESOLVED**, that the Board of Port Commissioners hereby approves and directs the Port Attorney to prepare a resolution supporting a national goods movement policy that focuses national freight policy on funding and investment in port infrastructure tied to goods movement and that the subject resolution be based in part on the draft resolution attached to the Agenda Report; and be it

**FURTHER RESOLVED**, that the Board directs staff to revise the draft resolution posted with the Agenda Report to reflect changes proposed by the Executive Director and to determine the best approach for publishing these changes to the public; and be it

**FURTHER RESOLVED**, that the Board hereby directs the Executive Committee of the Board at its special meeting scheduled for July 30, 2009 to determine whether the revisions made to the draft resolution conform to the changes proposed by the Executive Director and changes directed by the Board in this resolution and upon such finding to confirm the adoption of the national goods movement resolution.

At the regular meeting held on July 21, 2009

Passed by the following vote:

Ayes: Commissioners Calloway Gordon, Head, and President Uno -- 4

Excused: Commissioner Katzoff -- 1

Noes: Commissioner Batarse -- 1

July 21, 2009  
Item No.: M-4(2)  
MCR/lhr

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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 09114(a)**

**RESOLUTION SUPPORTING A NATIONAL GOODS  
MOVEMENT POLICY THAT FOCUSES ON FUNDING AND  
INVESTMENT IN PORT INFRASTRUCTURE TIED TO  
GOODS MOVEMENT.**

**WHEREAS**, the Port of Oakland is a major trade gateway that creates economic vitality locally, regionally, and nationally, and that generates revenues to re-invest in infrastructure, operations, and related programs for the benefit of the Port and its business and community stakeholders, and

**WHEREAS**, the Port of Oakland seeks to ensure that economic growth is consistent with a commitment to environmental stewardship and social responsibility so as to improve the quality of life for those working and living in and around the Port, and

**WHEREAS**, the Port of Oakland is committed to enhancing its market share by providing competitive prices and quality service, so that economic and other benefits may continue to accrue, and

**WHEREAS**, the current global recession has caused sharp declines in imports and exports resulting in ports being among the hardest hit public transportation agencies in the current recession, and

**WHEREAS**, foreign port infrastructure improvements and freight movement plans, specifically plans and improvements being made in Canada, Panama and Mexico, directly and significantly threaten U.S. ports' future success and competitive market share, and

**WHEREAS**, the current system of federal laws and regulations relating to port operations are unclear regarding the extent to which ports can adopt programs to increase and maintain operational efficiency of various maritime operations, including programs relating to port security and environmental concerns, and

**WHEREAS**, this system of laws includes the Federal Aviation Administration Authorization Act ("FAAAA"), which preempts any local or state regulation related to the price, route or service of any motor carrier, and

**WHEREAS**, the Port of Oakland has continuously taken steps to improve maritime operational efficiency and market competitiveness, while seeking to reduce environmental and other impacts of its operations on the community, and

**WHEREAS**, on April 7, 2009, the Board of Port Commissioners adopted the Maritime Air Quality Improvement Program and on June 16, 2009, the Board adopted the Maritime Comprehensive Truck Management Program, which together address air quality, business and operations, safety and security, and community issues associated with maritime-related or drayage trucking, and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act - A Legacy for Users ("SAFETEA-LU") is the current law that directs federal surface transportation programs, and

**WHEREAS**, the SAFETEA-LU Reauthorization can determine the role that the federal government can and will play in transportation programs and policies in the future, and

**WHEREAS**, in order to maintain international market competitiveness, ports require a dedicated federal commitment to fund and support necessary port improvements, and therefore be it

**RESOLVED**, that the Board hereby finds and determines that it is in the best interest of the Port of Oakland to encourage development of a National Goods Movement Policy that focuses on funding and investment in port infrastructure tied to goods movement, and be it

**FURTHER RESOLVED**, that the Board encourages the members of the United States Congress to use the SAFETEA-LU Reauthorization to consider amendment of the FAAAA to expand the exceptions to FAAAA preemption to include environmental, security and congestion programs, and be it

**FURTHER RESOLVED**, that the Board is committed to the Port of Oakland's important goals of preserving competition, providing quality service to its customers at a price and service level commensurate with that of other U.S. ports, and serving as an environmental and community steward, and be it

FURTHER RESOLVED, that the Board hereby supports and encourages adoption of such a National Goods Movement Policy by the federal government.

At the regular meeting held on July 21, 2009

Passed by the following vote:

Ayes: Commissioners Calloway Gordon, Head, and President Uno – 4

Excused: Commissioner Katzoff – 1

Noes: Commissioner Batarse – 1