

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING THE PORT OF OAKLAND SEAPORT AIR
QUALITY 2020 AND BEYOND PLAN - THE PATHWAY TO ZERO
EMISSIONS AND DIRECTING PORT OF OAKLAND STAFF TO
PROVIDE ADDITIONAL REPORTS TO THE BOARD OF PORT
COMMISSIONERS ON AIR QUALITY-RELATED MATTERS.**

WHEREAS, at the May 23, 2019, meeting of the Board of Port Commissioners ("Board"), the Board reviewed and evaluated Board Agenda Report Item No. 5.1, dated May 23, 2019, (the "May Agenda Report") concerning the Port of Oakland Seaport Air Quality 2020 and Beyond Plan-The Pathway to Zero Emissions ("2020 and Beyond Plan") and related agenda materials, received the expert testimony of Port of Oakland ("Port") staff, and provided opportunities for and took public comment;

WHEREAS, after receiving said expert testimony from Port staff and from the public, the Board directed Port staff to post at the next meeting of the Board on June 13, 2019, a new Agenda Report concerning the 2020 and Beyond Plan and further directed Port staff to provide additional reports to the Board as further described herein;

WHEREAS, the Board has reviewed and evaluated Board Agenda Report Item No. 5.1 dated June 13, 2019, (the "June Agenda Report") concerning the 2020 and Beyond Plan and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment;

WHEREAS, the most recent emissions inventory for the Port, conducted for calendar year 2017, shows reduced Port emissions of diesel particulate matter ("DPM") of 81% compared to calendar year 2005, and reduced DPM from drayage trucks of 98% since 2005;

WHEREAS, as part of the Port's "Vision 2000" Drayage Truck Replacement Program, beginning in 2005, the Port provided up to \$40,000 subsidies to truckers serving the Port of Oakland to replace model year 1993 or older trucks with model year 2000 or newer model year trucks with significantly lower emissions, and under this program, approximately 80 trucks were replaced and close to \$3,000,000 in incentive funding was awarded;

WHEREAS, since 2005, the cargo-handling equipment ("CHE") and drayage truck fleets in operation at the Port of Oakland have completely turned over their engines so that all CHE meets the requirement of the California Air Resources Board ("CARB") CHE regulation to achieve Tier 4 standards and all drayage trucks have a model year 2007 or newer engine and starting January 1, 2023, all drayage trucks serving the Port will have model year 2010 or newer engines;

WHEREAS, under the Port's 2009 Comprehensive Truck Management Program ("CTMP"), the Port identifies drayage trucks serving the Seaport, supports compliance with truck-related regulations to reduce emissions of air pollutants, increases safety and security domain awareness, improves operational efficiencies, reduces traffic and congestion, and involves and educates all Seaport stakeholders;

WHEREAS, the Port established a CTMP technical advisory committee ("TAC"), which met formally on multiple occasions, and was comprised of West Oakland residents, State and Federal regulators, marine terminal operators, and trucking companies, to assist Port staff in developing the CTMP, and provided ideas and solutions that shaped the development, programs, and projects of the CTMP;

WHEREAS, under the CTMP, the Port contributed \$5 million to provide grants to retrofit and/or replace trucks to meet CARB emissions standards, truck parking and service facilities on Port property to alleviate the problem of trucks parking in West Oakland, provisions for enforcement of truck parking and operations restrictions on neighborhood streets, truck registration for security purposes, and outreach to truckers regarding idling regulations;

WHEREAS, under the Port's Maritime Air Quality Improvement Plan ("MAQIP"), CARB, the Bay Area Air Quality Management District ("BAAQMD"), the Port, and the U.S. Environmental Protection Agency ("EPA") collectively invested \$33 million (with the Port's share being \$5 million) in funding to initially retrofit 1,319 trucks and subsequently to replace an additional 627 trucks;

WHEREAS, in 2013, the Port applied for and was awarded an EPA National Clean Diesel Funding Assistance program grant in the amount of \$415,932 to repower four rubber tire gantry ("RTG") cranes to help reduce the diesel emissions related to off-road equipment operating on the Port's marine terminals, and the RTG repowering project was completed and the grant file closed by the end of 2017;

WHEREAS, in association with private marine terminal operators and ship owners, the Port invested approximately \$55 million to install shore-side power at 15 berths at the Port and received grant funding assistance from CARB, BAAQMD, DOT (via a Transportation Investments Generating Economic Recovery ("TIGER") grant) and the Metropolitan Transportation Commission (via a federal pass-through DOT Congestion Management and Air Quality program grant);

WHEREAS, in 2017, the Port advocated before CARB for a more expansive eligibility determination for the CARB Zero and Near Zero Freight Facilities ("ZANZEFF") transportation electrification program, as the original CARB staff guidelines could have excluded the majority of the Seaport tenants and customers from receiving grant funding, and as part of the ZANZEFF grant project, it is expected that \$9 million will be awarded to improve air quality associated with Port Seaport operations, out of a larger multi-ports grant award, to demonstrate the viability of zero emissions cargo handling equipment and heavy-duty Class 8 electric trucks in port operations;

WHEREAS, the Port entered into a Memorandum of Understanding ("MOU") with the Port of Long Beach, dated February 7, 2019, to implement the ZANZEFF grant project, and as part of the ZANZEFF project and pursuant to the MOU, the Port committed to design and install ten charging stations and provide for a financial match of at least \$1.25 million;

WHEREAS, in 2018, the Port assisted with the successful application from one of its marine terminal operators for nearly \$5 million in Carl Moyer air quality program funding from BAAQMD to replace and upgrade the diesel engines from all thirteen of that terminal operator's gantry cranes to a hybrid-propulsion system that reduces emissions of some air pollutants by 99%, and as of May 2019, the first of the thirteen cranes has been successfully repowered and is in use, and the remaining twelve cranes will be done in series;

WHEREAS, the 2020 and Beyond Plan Near-Term Action Plan ("NTAP") includes Action 0-4: Evaluate Vessel Speed ("VSR") Reduction Program;

WHEREAS, the 2020 and Beyond Plan has an established Seaport Air Quality 2020 and Beyond Task Force ("Task Force") led by a steering committee of four Co-Chairs representing the Port, business interests, community, and regulatory agencies;

WHEREAS, the 2020 and Beyond Plan includes a Public Engagement Plan (Appendix G) and an input and consultation role for the Task Force;

WHEREAS, despite the State's promotion of millions of dollars of grants and incentive funding, these funds target zero-emission equipment which are available for demonstration projects but are not yet mature technologies. Operators need affordable, reliable equipment for revenue service and do not always have the ability to participate in new technology demonstration projects. Further, applying for grants and incentive funding and fulfilling subsequent compliance requirements requires considerable time and effort (other than vouchers from the State's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program);

WHEREAS, Union Pacific Railroad is not a Port tenant and emissions from non-Port rail operations are outside the scope of the 2020 and Beyond Plan; now, therefore, be it

RESOLVED, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the June Agenda Report and in related agenda materials and in testimony received; and be it

FURTHER RESOLVED, that approval of the 2020 and Beyond Plan was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The proposed action to approve the 2020 and Beyond Plan is statutorily exempt from CEQA under Section 15262 of CEQA, which states "a project involving only feasibility or planning studies for possible future actions, which the agency, board or commission has not approved, adopted or funded, does not require the preparation of an Environmental Impact Report or negative declaration but does require consideration of environmental factors." The purpose of the 2020 and Beyond Plan is to propose strategies to reduce air pollution from maritime activities, and thus would have a beneficial impact on air quality and on the environment. No further CEQA review is required for approval of the 2020 and Beyond Plan. In the future, when specific activities are proposed to implement the air quality strategies identified in the 2020 and Beyond Plan, Port staff will determine whether environmental review is required under CEQA, and will bring the specific programs and projects to the Board for findings under CEQA, as needed; and be it

FURTHER RESOLVED, that the Board hereby approves the 2020 and Beyond Plan; and be it

FURTHER RESOLVED, that the Board directs Port staff to submit an Agenda Report to the Board, within six months following the date of this Resolution, on the feasibility of replacing all CHE at the Port with zero-emissions equipment including the feasibility of related goals and metrics; and be it

FURTHER RESOLVED, that the Board directs Port staff to submit an Agenda Report to the Board, within six months following the date of this Resolution, on the feasibility of replacing all drayage trucks at the Port with zero-emissions trucks including the feasibility of related goals and metrics; and be it

FURTHER RESOLVED, that the Board directs Port staff to submit an Agenda Report to the Board, within six months following the date of this Resolution, on the capacity of the Seaport's electrical system, tenant needs for electric vehicle charging equipment, and the ability of the Port to provide electric vehicle charging equipment; and be it

FURTHER RESOLVED, that the Board directs Port staff to submit an Agenda Report to the Board by June 1, 2020, on Port-related strategies and/or implementing actions that are legally required or that, in the Port's judgment, may meet the 2020 and Beyond Plan feasibility criteria (Table D2), as a result of the final West Oakland Community Air Action Plan prepared pursuant to AB 617 and any potential related updates to the 2020 and Beyond Plan; and be it

FURTHER RESOLVED, that the Board directs Port staff to submit an Agenda Report to the Board, within 18 months following the date of this Resolution, on 2019 emissions associated with ocean going vessels, tugboats, and rail tenants (BNSF and West Oakland Pacific Railroad), and on performance incentive programs for ocean vessels and rail tenants; and be it

FURTHER RESOLVED, that the Board directs Port staff to submit an Agenda Report to the Board, within 18 months following the date of this Resolution, on costs and financing aspects associated with the 2020 and Beyond Plan including discussions of grant and incentive funding opportunities from outside sources (i.e., CARB, BAAQMD, and the California Energy Commission, etc.) and private sector and Port resources; and be it

FURTHER RESOLVED, that this resolution shall become effective immediately upon adoption by the Board.

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