



Date: March 9, 2004

To: Honorable Mayor and City Council

From: Councilmember Bonnie Lowenthal, First District *BL*
Councilmember Tonia Reyes Uranga, Seventh District *TRU*
Councilmember Val Lerch, Ninth District *Val*

Subject: Referral to State Legislative Committee – Port Legislation

Background

On February 17, 2004, Assemblymember Alan Lowenthal (D-Long Beach) introduced legislation to combat the problems of traffic congestion and air pollution in surrounding port communities. The series of bills AB 2041, AB 2042 and AB 2043 have been specifically written to address the issues related with goods movement out of the Port of Long Beach and Los Angeles.

The first bill, AB 2041, would impose a fee on containers shipped by truck in both ports between the hours of 8:00 am and 5:00 pm, Monday through Friday. AB 2042 would require the ports to adhere to "no net increase" in air pollution during expansion. Finally, AB 2043 speaks to the state goods movement structure and establishes a California Maritime Strategic Port Master Plan Task Force. Some of the issues that the task force will consider are port growth, security, environmental concerns, coordination with other California ports and a myriad of other topics.

As members of the I-710 Oversight Committee, we have heard testimony from residents at every town hall meeting with respect to each issue discussed in this legislative package. We respectfully request that the Long Beach City Council support drafting a resolution in support of the proposed legislation.

Suggested Action

Refer to the State Legislative Committee for further discussion and consideration to support of AB 2041, AB 2042 and AB 2043, otherwise known as the "California Ports, Community Partnership" package within the next 30 days; or request the City Attorney to draft a resolution in support of the abovementioned legislative package.

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Tackling port pollution

Lowenthal bills would be a good beginning.

Few can dispute the economic benefits of a powerhouse that moves more than \$200 billion in goods every year, as the ports of Long Beach and Los Angeles do. But economic benefits don't tell the whole story of the ports.

After decades of relative invisibility, the twin port complex is being recognized as a major — make that the major — fixed source of airborne pollution in the L.A. basin. In recent decades, as the federal government and state governments set about cleaning up industrial and manufacturing polluters and making great strides toward cleaner-burning cars, ports went largely unregulated, existing mostly outside the public eye.

That has begun to change, for the better. Local communities have begun to recognize the environmental hazards. Media reports, including this week's Press-Telegram series by staff writer Eric Johnson, have started to highlight the ports' role in generating toxic air pollution in local skies.

Port officials say they want to do the right thing environmentally, and to their credit they have made some encouraging improvements. A notable one was the clean-water program that has brought the harbor marine ecosystem back from the brink of death.

But change at the ports is frustratingly slow. Even relatively minor, common-sense proposed changes tend to be met with fierce resistance. Take Long Beach Assemblyman Alan Lowenthal's legislation that prohibited truck idling outside port gates: Port officials blasted the plan, then once it was implemented, generally agreed that it was a good idea.

Now Lowenthal is upping the stakes with a legislative package he introduced last week. The timing is right, as are the concepts behind the bills. Lowenthal's plan would address three key areas:

1. **The seemingly unstoppable increase in air pollution tied to port expansion.** AB 2042 would require the ports of Long Beach and Los Angeles to maintain or decrease current levels of pollution, for a "zero net" increase. A zero increase mandate would ensure that at the very least, pollution would not exceed current levels. Current levels are already potentially dangerous and of great concern to health officials. L.A. Mayor James Hahn has already declared a "no net increase" goal for the Port of L.A.: This legislation would put some teeth behind that intention, and extend it to both ports.

2. **The severe truck-traffic congestion on the Long Beach (710) and surrounding freeways.** Port officials have acknowledged for years that off-peak shipping, which would reduce daytime truck traffic, was only a matter of time. Yet the shipping business hours of 8 a.m. to 5 p.m. have remained the norm. AB 2041 would create financial incentives to transport cargo at off-peak times, which is needed, apparently, to push the issue forward.

3. **The lack of a state task force on port issues.** AB 2043 would create the Maritime Port Strategic Master Plan Task Force to study the growth of ports and address environmental impacts, as well as security concerns.

These steps are not, of course, the total answer to the port pollution problems. They are huge steps in the right direction.

The bills must not be met with the same sort of resistance that greeted the truck idling legislation. Port entities must realize that as their business grows, so does the need for more substantive change. If the ports were to embrace Lowenthal's bills, instead of fighting them, they would send a positive message to surrounding communities.

The ports of Long Beach and Los Angeles have worked hard, admirably, to become economic leaders in their industry. With that goal achieved, it is time to redirect their efforts toward becoming environmental leaders as well.

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AB 2043 (LOWENTHAL) **CALIFORNIA STRATEGIC PORT MASTER PLAN**

BACKGROUND:

- The portion of Interstate Highway 710, also known as the Long Beach Freeway, that serves the Port of Los Angeles and the Port of Long Beach has been overwhelmed by increases in traffic, especially commercial motor vehicle traffic, and population growth.
- Approximately 35 percent of United States imports and exports handled by ship travel through the Ports of Long Beach and Los Angeles.
- A study conducted by these ports predicts that commercial motor vehicle traffic to and from the ports will more than double in the next 20 years, from roughly 35,000 vehicles per day to nearly 83,000 vehicles per day.

AB 2043:

- Establishes the Maritime Port Strategic Master Plan Task Force.
- The task force would consist of 11 members appointed by, the Secretary of Business, Transportation and Housing.
- The bill would require the task force to meet, hold public hearings, and compile data on certain issues relating to the growth and congestion of maritime ports.
- The bill would require the task force to compile specified information and submit its findings in a report to the Legislature not later than January 1, 2006, including recommendations on methods to better manage the growth of maritime ports and address the environmental impacts of moving goods through those ports.

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AB 2042 (LOWENTHAL) ZERO EMISSION INCREASE: PORTS LA/LB

BACKGROUND:

- The portion of Interstate Highway 710, also known as the Long Beach Freeway, that serves the Port of Los Angeles and the Port of Long Beach has been overwhelmed by increases in traffic, especially heavy-duty vehicles, powered by diesel fuel.
- A study conducted by these ports predicts that heavy-duty vehicle traffic (powered by diesel fuel) to and from the ports will more than double in the next 20 years, from roughly 35,000 vehicles per day to nearly 83,000 vehicles per day.
- In 1998, the California Air Resources Board identified diesel particulate emissions as a toxic air contaminant.
- Air quality officials say the two ports are a major source of air pollution in the Los Angeles basin.
- Doctors have linked high smog levels in Los Angeles to increased rates of asthma. Air pollution has been linked to higher rates of cancer and respiratory disease. In Long Beach, 15 percent of children age 17 or younger have been diagnosed with asthma, according to a 2003 county health survey. That compares with 12 percent countywide and about 8 percent nationally.
- Long Beach school nurses say asthma is the top cause of school absenteeism in the district.
- The state risks losing billions in federal highway funds if federal Clean Air Act standards aren't met by 2010. So far, the basin has failed to meet national standards for ozone or for particulate emissions.
- According to the South Coast Air Quality Management District: the ports are the largest single source of air pollution in the four-county jurisdiction of the District.
- Of the sources at the ports, trucks and ships are the biggest polluters. The diesel trucks serving the ports emit about 47 tons of NOx each day just within port boundaries, out of a basin-wide total of 1,056 tons, the AQMD says. They add further NOx travelling up and down the Long Beach (710), Harbor (110) and Terminal Island (47) freeways to railyards in Los Angeles and goods distribution centers throughout the area, but that amount has yet to be measured. Ships and commercial boats add another 49 tons a day, while an unknown portion of the 181 tons of NOx from diesel equipment also comes from the ports. Trains in the region add another 36 tons of NOx, some of which can be traced to old diesel locomotives at the ports.
- By contrast, the six area's oil refineries cause just two tons, or 0.1 percent, of nitrogen oxides each day.

AB 2042:

- Requires the Ports of Los Angeles and Long Beach to have a zero net increase in air pollution as the ports grow and expand.

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AB 2041 (LOWENTHAL) OFF-PEAK CARGO MOVEMENT

BACKGROUND:

- The portion of Interstate Highway 710, also known as the Long Beach Freeway, that serves the Port of Los Angeles and the Port of Long Beach has been overwhelmed by an increase in traffic, especially commercial motor vehicle traffic, and population growth.
- The commonly accepted practice of transporting cargo into and out of the ports via commercial motor vehicles during the most congested hours of the day, instead of using alternative means such as rail and shipping during less congested hours, greatly increases traffic congestion at the ports.
- Approximately 35 percent of United States imports and exports handled by ship travel through the Ports of Long Beach and Los Angeles.
- According to a 2004 Los Angeles Harbor Department draft traffic study, the containers moving through the ports of Long Beach and Los Angeles will grow from 10 million annually to 47 million annually by 2025.
- A study conducted by these ports predicts that commercial motor vehicle traffic to and from the ports will more than double in the next 20 years, from roughly 35,000 vehicles per day to nearly 83,000 vehicles per day.

AB 2041:

- Creates the Port Congestion Management District, managed by a Board appointed by the Secretary of the California Business Transportation and Housing Agency.
- The Board would establish a charge for the privilege of transporting cargo by commercial motor vehicle into or out of the Port of Los Angeles or the Port of Long Beach during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday.
- All revenues derived from imposition of the charge would be deposited in the fund and expended to fund certain projects to help alleviate congestion caused by scheduling shipments by commercial motor vehicle during daytime hours.
- Projects, funded by this bill are intended to encourage inland shipping of cargo into and out of the ports via means other than by commercial motor vehicle (during the daytime), and may include, but are not limited to, projects to repair, improve, and expand existing transportation infrastructure serving the ports to reduce congestion and projects to encourage scheduling of shipments during other than normal business hours.

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After decades of relative invisibility, the twin port complex is being recognized as a major — make that *the* major — fixed source of airborne pollution in the L.A. basin. In recent decades, as the federal government and state governments set about cleaning up industrial and manufacturing polluters and making great strides toward cleaner-burning cars, ports went largely unregulated, existing mostly outside the public eye.

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But change at the ports is frustratingly slow. Even relatively minor, common-sense proposed changes tend to be met with fierce resistance. Take Long Beach Assemblyman Alan Lowenthal's legislation that prohibited truck idling outside port gates: Port officials blasted the plan, then once it was implemented, generally agreed that it was a good idea.

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Putting Pressure on Port Traffic

Bill aimed at reducing truck-related freeway jams and accidents would impose fees on daytime shipments.

By Marc Lifsher
Times Staff Writer

March 1, 2004

SACRAMENTO — Lawmakers may soon present users of the ports of Los Angeles and Long Beach with a tough choice: Get their shipments off congested Southland freeways during daylight hours, or pay for the privilege.

Assemblyman Alan Lowenthal (D-Long Beach) recently introduced a bill that would create a new government agency with the power to impose fees on the owners of goods being trucked in and out of the ports on weekdays between 8 a.m. and 5 p.m.

Lowenthal wants to exert economic pressure on big port customers such as **Wal-Mart Stores Inc.** and **Target Corp.** to shift their container deliveries to nights and weekends, reducing peak-hour traffic jams and accidents on nearby roadways — particularly the truck-plagued Long Beach Freeway.

The prospects for Lowenthal's bill are unclear. And it's short on details, such as how much the fees would be. But he hopes it presents enough of a threat that importers, exporters, maritime terminal operators, truckers and unions will find a solution on their own.

"I've told them that if they don't do it themselves," he warned, "the state is going to do it for them."

A hearing on the bill probably will be held in mid-April.

For now, the groups with stakes in the outcome of the bill are tiptoeing around it. They're hesitant to get into a legislative slugfest before gauging how the conflicting economic and political players come down on the fee question, said Assemblyman Rudy Bermudez. The Norwalk Democrat's district includes many large warehouses and distribution centers that get shipments from the ports.

But the bill is sure to generate controversy, he predicted.

"Nobody likes creating a new bureaucracy," said Bermudez, who has introduced his own ports bill: a barebones proposal that could provide state tax credits to shippers that move cargo at night and on weekends.

In fact, the prospect of paying fees or having government tell them how to operate is riling some port interests.

"Whenever you actually shift the real cost of doing business from society at large to the people who are doing the business, they are going to object," said Steve Stallone, a spokesman for the International Longshore and Warehouse Union.

What everyone agrees is that doing nothing is not an option. Weekday truck traffic on the Long Beach Freeway is expected to more than double to 99,300 a day over the next two decades. The Alameda Corridor, a rail conduit between the ports and downtown L.A. rail yards that opened in 2002, hasn't eased truck traffic as much as hoped.

Meanwhile, environmentalists and local residents complain that burgeoning tractor-trailer traffic is boosting diesel pollution. And California Highway Patrol statistics show a steady increase in daytime truck-related accidents on the Long Beach Freeway between 1998 and 2002.

Importers and operators of the ports' 14 maritime terminals, where containers are transferred from ships to trucks and rail cars, say they are eager to help boost public safety and cut pollution. They've participated in task force meetings and pilot projects aimed at shifting more shipping activity to night hours.

But Robin Lanier, executive director of the Waterfront Coalition, a Washington-based trade group representing major importers and exporters, said she was "a little skeptical about whether a fee in of itself will be sufficient to change behavior on the waterfront."

In part that's because moving cargo at night can dramatically increase the cost of operating at the port.

Hiring extra stevedores costs terminal operators upward of \$45,000 for a six-to-eight-hour shift, while opening all 14 terminals three nights a week could cost approximately \$100 million a year just in labor costs, said John R. McLaurin, president of the Pacific Merchant Shipping Assn., which represents cargo ship and port terminal owners.

A panel organized by Los Angeles City Councilwoman Janice Hahn is trying to figure out whether collecting fees would generate enough revenue to subsidize terminal operators for extra labor costs and finance construction projects.

Lanier worries that many importers might pass the new fee along to their customers — in effect raising the price of cars from Japan and hair dryers from China for the sake of reducing freeway congestion.

Discounter Wal-Mart, the world's largest retailer, is against the proposed fee. The company, which imports about 80,000 containers of goods a year through the L.A.-Long Beach ports, moves cargo around the clock and would consider shifting some of its import business to other West Coast or Gulf Coast ports if the fees were imposed.

"We don't pass on costs to consumers," said Vice President Bob McAdam. "We'd look at all our options to keep our prices low."

Persuading the myriad port-related groups to support fees, deciding how high to set them and divvying up the revenue remains a puzzle, agreed John Doherty, chief executive of the Alameda Corridor Transportation Authority. The fee, which could generate millions of dollars a month, should not be so high to induce shippers to take their business to less costly West Coast ports, he cautioned.

Hahn dismissed the threat that businesses might pull out, insisting that fees are the only way to "push 40% of the cargo to off-peak hours." But Hahn bristles at Lowenthal's idea of a new agency. The Alameda Corridor Transportation Authority, she said, already has the power to collect and distribute fees.

"I think in a way he's trying to reinvent the wheel," Hahn said.

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Times staff writer Deborah Schoch contributed to this report.

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ABOUT US

Wednesday, February 18, 2004

Port traffic study sees gridlock by 2010

PLANNING: The report calls for a "sister" to the Vincent Thomas Bridge and reworking of freeway ramps to move cars and trucks.

By David Zahniser, Copley News Service

Not long after taking office, Mayor James Hahn handed the Port of Los Angeles a difficult -- some might say impossible -- task: expand the port without harming air quality or increasing traffic congestion.

Now that initiative is fueling a major debate over port growth, due in part to a 78-page draft traffic study circulating throughout the Harbor Area.

To keep traffic from getting significantly worse on Harbor Area roads, the port commissioned the study to determine how bad things are now -- and how much the situation will change by 2010 and 2025.

What the report revealed is that the city will be unable to cope with the projected increase in cars and trucks unless it considers a wide range of costly projects. They include converting Figueroa Street and Figueroa Place into one-way boulevards, reconstructing freeway ramps, and -- most dramatically -- building a new bridge to Terminal Island that is identical in size and parallel to the Vincent Thomas Bridge.

Even those projects, harbor officials add, may not be enough to achieve Hahn's ambitious goal.

"It's going to be extremely difficult to meet, with the projected increase in (cargo)," said Paul Johansen, the

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port's assistant director of environmental management. "But that's the challenge we have in front of us, so we need to propose those things that help us get there."

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- Mike Waldner
- Woody Woodburn

Renee Simon, who is reviewing the study on behalf of the Port Community Advisory Committee, called its findings alarming. Until now, she said, much of the debate over harbor traffic impacts has occurred in Long Beach, where residents have voiced dismay over truck traffic on the Long Beach (710) Freeway.

The data contained in the Port of Los Angeles' traffic study should change that, she said, by prodding policy-makers to begin a difficult conversation about skyrocketing growth at the port.

"I'm not saying shut it down, and I'm not saying don't have commerce," Simon said. "I'm saying you can't have growth like this at the risk of every other quality-of-life issue for the local community and the larger community."

The port traffic report is the first of seven environmental studies ordered by the Board of Harbor Commissioners, whose members are appointed by Hahn to oversee port policy.

The data will be especially critical to the next environmental study, one on harbor air quality, since the traffic study contains the port's estimates for future truck traffic.

Simon heads the volunteer subcommittee that is reviewing the draft traffic study before it heads to the full Port Community Advisory Committee and the harbor commission. The document is the first to broach the possibility of a four-lane "sister" bridge parallel to the Vincent Thomas Bridge.

Johansen, who is overseeing the study, said it is inevitable that four more lanes will have to be built in the next 20 years between San Pedro and Terminal Island. By 2010, one of the two eastbound lanes on the Vincent Thomas Bridge already will be at gridlock, he said.

Although the port could seek a replacement for the Vincent Thomas Bridge or attempt to widen it, "the most obvious solution is to 'sister' the bridge."

Johansen said.

"It doesn't take much work to figure out," he said. "You need to add lanes and it's kind of hard to add lanes on a suspension bridge. So you build another bridge."

The study assumed that the number of containers moving through the ports of Los Angeles and Long Beach will grow from 10 million annually to 47 million in 2025. And it evaluated 92 intersections in San Pedro and Wilmington, roughly a third of which are pivotal to port operations.

In the language of traffic planners, intersections are given letter grades similar to those used in many schools, with an A being the best and an F being the worst. During the evening rush hour, the Harbor Area already has 10 intersections that are graded E or F -- extreme congestion or gridlock, respectively.

Four intersections, all of them in Wilmington, already handle more than 400 trucks apiece during the peak evening rush hour. Seven others handle more than 300 apiece. But the numbers are expected to grow much worse within six years, the study says.

By 2010, San Pedro and Wilmington will see an additional 12 intersections reach E or F in the evening rush hour, based on the study's more conservative projections. Many of those F intersections are on corridors linked to port activities, such as Figueroa Street and Harbor Boulevard.

Despite the grim figures, Hahn said he remains committed to his goal of no net increase in traffic impacts.

"If you don't set ambitious goals, you'll never reach them," he said.

But Noel Park, president of the San Pedro and Peninsula Homeowners Coalition, argued that Hahn and other politicians should go even further.

"The traffic projections are so immense that somebody -- the mayor, the City Council, the governor -- has to decide if this is what we really want for our region," he said.

Councilwoman Janice Hahn, who is the mayor's sister, said the port is already engaged in a policy discussion, by pushing aggressively for initiatives that will result in around-the-clock operations at harbor terminals. Shifting truck traffic to the evening and night hours will decrease the burden on roads and freeways during the day, she said.

The port also needs to shift container traffic from roads to rail, she said.

"I don't think (the solution) is necessarily about building bigger bridges and more freeways," Janice Hahn said. "It's about operating more efficiently, like moving the cargo to off-peak hours."

That initiative still requires the consent of the Federal Maritime Commission, which must waive antitrust rules to allow shippers, ports, terminal operators and other business groups to meet.

Even with extended gate hours at container terminals, however, the port will still see additional intersections reach gridlock, according to the study. If 40 percent of terminal operations occurred during the night and predawn hoot shifts, the Harbor Area would still experience six more E and F intersections by 2025, the study said.

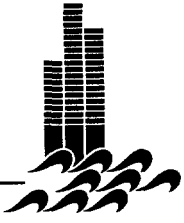
Volunteers reviewing the study say their next step is to ask the harbor department to take a close look at what port growth will do to freeways outside of the Harbor Area. From there, harbor officials will examine specific projects -- and ways of paying for them.

Still, some in San Pedro voiced some doubts about the likelihood of stemming the tide.

"You have the gridlock on the freeways, the jamming up of the bridges," Park said. "The more you sit in traffic and are frustrated and can't get where you're going, it's a lessening of the quality of life."

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May 4, 2004

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