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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WATERFRONTS

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July 17, 2010
Start: 1:08pm
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HELD AT: 250 Broadway
Hearing Room - 14th Fl.

B E F O R E:
MICHAEL C. NELSON
Chairperson

COUNCIL MEMBERS:
Gale A. Brewer
Peter F. Vallone, Jr.
Brad S. Lander

A P P E A R A N C E S

Richard M. Larrabee
Director of Port Commerce
Port Authority of New York and New Jersey

Andrew Genn
Vice President, Maritime Department
New York City Economic Development Corporation

Carter Strickland, Jr.
Deputy Commissioner for Sustainability
New York City Department of Environmental Protection

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Congressman Jerry Nadler

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Senior Attorney
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Roland Lewis
President
Metropolitan Waterfront Alliance

Christina Montorio
Representative
Teamsters Union

Daniel Ortiz
Truck Driver

Victor Martinez
Truck Driver

A P P E A R A N C E S (CONTINUED)

Mark Ramirez
Interpreter

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Community Coordinator
Congresswoman Nydia Velazquez

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Sustainable South Bronx

Beryl Thurman
President & Executive Director
North Shore Waterfront Conservancy of Staten Island

Jamilah Mohammed
Organizer
New York Jobs With Justice

A P P E A R A N C E S (CONTINUED)

Mina Roustayi
Columbia Waterfront Neighborhood Association

Adam Armstrong
Concerned Citizen

Marian Feinberg
For A Better Bronx

CHAIRPERSON NELSON: Okay. Ready?

All right. Okay. Good afternoon and welcome to today's hearing on the Committee on Waterfronts. My name is Mike Nelson; I have the honor of chairing this Committee. The subject of today's hearing is cleaning the air, greening New York City's working waterfront. Air quality is obviously an important issue for New York City, both because it is a direct influence on residents' health, quality of life and the enjoyment of the City's waterfront.

In 2009 the Port Authority of New York and New Jersey released a report called, The Clean Air Strategy for the Port of New York and New Jersey. This report lays out their strategy to reduce diesel and greenhouse gas emissions for the port. This strategy includes replacing outdated trucks with a regional truck replacement program; encouraging vessels in the port to use low sulfur diesel fuel, and potentially utilizing shore power to power passenger vessels docked at the cruise terminal at Red Hook, so those vessels do not need to run their diesel engines.

Any program that will potentially

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2 reduce the emissions of particulate matter, sulfur
3 and carbon dioxide should be given serious
4 consideration. And at the same time, it should be
5 remembered that the New York harbor is a major
6 shipping destination, and that any proposals need
7 to be balanced against the costs to the shipping
8 industry, its employees and consumers. The
9 Committee hopes to receive testimony on these and
10 other various programs intended to reduce
11 emissions in the New York Harbor and the impact
12 these programs are expected to have.

13 I'd like to mention that Council
14 Member Brad Lander is to my immediate left, and
15 other Committee Members will arrive as they do.

16 [Off Mic]

17 CHAIRPERSON NELSON: Oh, okay.
18 Councilman Lander has a statement. We'll go right
19 to you, Brad.

20 COUNCIL MEMBER LANDER: Thank you
21 very much, Chair Nelson for--thanks very much to
22 Chair Nelson for convening this important hearing.
23 Just as the Port of New York has been the engine
24 that has shaped our region, our city, in the past,
25 I believe our ports will guide our region's

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2 future. At a time when our roads, our bridges,
3 our tunnels are gridlocked and overburdened, we
4 need to look for real alternatives to moving the
5 freight and goods and ever growing volume of stuff
6 that's coming in to our city. Moving goods by
7 bulk over water is one of the greenest and most
8 efficient ways we have of moving bulk, moving
9 goods. And furthermore, our port is a critical
10 economic engine, directly supporting tens of
11 thousands of jobs in the region. Thank you.

12 At the same time, we've come to
13 recognize that this engine, our port, needs to
14 move to more sustainable practices to make our
15 environment healthier, to reduce our carbon
16 footprint, to attend to the health of neighbors
17 and the health of our citizens--and if the port
18 itself wants to survive, given increasing prices
19 for conventional energy over time. So, we've got
20 a great opportunity today to attend to that
21 dynamic, strengthening the port itself is
22 inherently an important part of sustainability,
23 but also moving significantly in the directions of
24 improving sustainability and health for neighbors
25 for the port and for the region.

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2 I'm excited to hear from the Port
3 Authority EDC about some of the steps they've
4 already taken, and the green seeds they've begun
5 to sew in the port, and that I believe will bear
6 fruit over time, that attend both to
7 sustainability and to productivity in economy.
8 And I think it's also a great opportunity to learn
9 more about best practices that folks are doing
10 around the country and around the world, to take
11 even better steps to make sure that what we'll
12 come to have is the greenest port on the eastern
13 seaboard, the greenest port in the world.

14 Again, both to make sure the port
15 is economically healthy, to make sure it's
16 sustainable, to make sure neighbors' health is
17 attended to, and also to attend to economic
18 opportunities. One thing I hope we'll have the
19 chance to explore a bit today is how the
20 opportunities of moving the port towards
21 sustainability creates green job opportunities for
22 local residents, just as the port has, for many
23 years to come.

24 I look forward to hearing from the
25 Port Authority and EDC; from other electeds; from

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2 community groups in neighborhoods like mine, that
3 are affected by the port; from labor and
4 environmental advocates, so that we can all learn
5 collectively about what's taken place, and think
6 about what the right steps will be, what the right
7 policy steps will be in moving forward, both in
8 the short term and the long term.

9 I want to thank Chair Nelson for
10 convening this hearing, and especially for the
11 hard work of Jeffery Baker and Colleen Pagter
12 preparing it, doing a lot of research. The
13 briefing paper on this is really an excellent
14 document that I would urge people to check out and
15 learn from, in addition to the testimony that they
16 did for the waterfronts community; and to my
17 staff, Michael Friedman Schnapp, and Lloyd Hicks,
18 for all their work; and I look forward to the
19 testimony.

20 CHAIRPERSON NELSON: Thank you,
21 Council Member Lander. I also--you thanked
22 Jeffrey and Colleen already, which is great. I
23 want to also thank Bob Newman, who puts this all
24 together with his incredible staff, and Sergeant-
25 At-Arms Israel, by the way, who is always keeping

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2 this place in order.

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3 [Applause]

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CHAIRPERSON NELSON: And my Deputy
5 Chief Aide, Steve Zeltzer [phonetic], who works
6 with the Committee all the time in my absence.

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The first person to testify is a
8 very important component of today's meeting. His
9 name is Richard Larrabee, and he's with the Port
10 Authority of New York and New Jersey. And is Mr.
11 Larrabee here?

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[Off Mic]

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CHAIRPERSON NELSON: Oh, thank you.
14 I didn't see Rich. Hi. Good to see you. Thank
15 you for joining us.

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RICHARD M. LARRABEE: Councilman
17 Nelson, Councilman Lander, thanks very much for
18 the opportunity to testify this morning. If it's
19 permissible I'd like to submit my testimony for
20 the record and give you a brief synopsis of it.

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As you said, my name is Richard M.
22 Larrabee. I'm Director of Port Commerce for the
23 Port Authority of New York and New Jersey. In
24 this capacity, I'm responsible, along with other
25 private and public partners, for the promotion,

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2 protection and the development of the Port of New
3 York and New Jersey.

4 The Port of New York and New Jersey
5 is the largest port on the east coast, and
6 consists of over 180 Coast Guard regulated
7 facilities and approximately 150 other pieces of
8 critical infrastructure. The Port Authority owns
9 or operates just a small portion of these
10 facilities, including six marine terminals and the
11 New York, New Jersey rail float operation.

12 In New York City, the Port
13 Authority owns the Brooklyn Port Authority Marine
14 Terminals and leases the Howland Hook Marine
15 Terminal in Staten Island from New York City. In
16 addition, the Port Authority owns and operates the
17 New York, New Jersey Rail Float Barge Operation,
18 which transports cargo-filled rail cards between
19 Greenville Yards in Jersey City, New Jersey, and
20 terminals at 51st Street in Bay Ridge, Brooklyn.

21 At the Port Authority, we're
22 committed to not only being the drivers of
23 commerce and trade, but also to bring good
24 stewardship to our environment. As the local
25 sponsor for the Harbor Deepening Program, the Port

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Authority worked with a regional air team, a consortium of State and federal agencies to develop initiatives to offset the emissions from this construction project. What we developed was a Marine Vessel Emission Reduction Program. Through this program, we've replaced the main or auxiliary engines of 25 harbor vessels, tugs, and 8 Staten Island Ferries. In 2010, this will mean emission offsets in the Harbor of 890 tons of NOx. The Harbor Deepening Program should complete construction by 2014, but the emission reductions will remain in the harbor, a legacy of the clean air program from the Port.

The Port is located in a region that is in a non-attainment area for federally mandated national air ambient quality standards for ozone, of which Nitrogen Oxide is a key element, along with fine particulate matter. Although the total contribution from all Port Authority marine 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

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into compliance.

In November of 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. In that same year, we brought together our port partners, the New Jersey Department of Environmental Protection, the New York Shipping Association, the US EPA Region 2, 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 for the Port of New York and New Jersey, over the course of about a year. The development of that strategy includes meeting with both the source specific sector stakeholders and environmental and community stakeholders. We'd like to applaud the work of all of our partners and participants throughout this process. Their insights and commitment to identifying and innovating actions for implementation was

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invaluable.

The Clean Air strategy identifies various actions to reduce emissions from all port-related sources. The Port Authority has begun to implement several of these actions, and I'll now describe in brief some of the projects that you've mentioned earlier, Chairman.

Oceangoing vessels, the ships that bring the cargo and passengers that come to the Port of New York, are the largest port-related source of all criteria pollutants, including Nitrogen Oxide and fine particulate matter.

Oceangoing vessels are also the third largest source of carbon monoxide and the second largest source of greenhouse gasses. Next month the Port Authority will launch the oceangoing vessel low sulfur fuel incentive program to encourage operators of oceangoing vessels calling on the port to utilize low sulfur fuel in their vessels' main engines and their auxiliaries. The Agency will invest up to \$6.3 million in this program. Under the proposed program, the Port Authority will reimburse operators of oceangoing vessels that call on the port up to 50% of the difference

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2 in cost between the high sulfur residual fuel they
3 now utilize and the low sulfur fuel they would
4 agree to use in their mains and auxiliaries.

5 To qualify for the fuel incentive,
6 the oceangoing vessels that participate in the
7 program also would be required to comply with
8 vessel speed reduction measures to reduce
9 emissions by reducing vessel speed to no more than
10 10 knots within 20 nautical miles of the port.
11 Both the proposed program and the vessel speed
12 reduction would target oceangoing vessels that
13 call at Port Authority Marine Terminal facilities.
14 We calculate emission reductions from this program
15 in the range of about 1,360 tons per year for
16 greenhouse gasses, 76 tons for NOx, and 67 tons
17 per year of particulate matter.

18 Cargo handling equipment, such as
19 straddle carriers and yard hustlers play an
20 important role in the port's goods movement
21 system, and are a necessary critical part of the
22 port's operations. Cargo handling equipment is
23 the second most significant source of all criteria
24 pollutants except NOx, for which it is the third
25 most significant source. It is also the largest

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source of greenhouse gases.

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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% of the cost to replace approximately 125 pieces of cargo handling equipment used at Port Authority terminals. The new equipment will meet federal on-road air emissions standards or most recent federal off-road emission standards. The tenants will pay the remaining 80% of the replacement costs, and remove the old equipment from the region. We calculate reductions for this program in the range of about 70 tons per year of NOx and 4 tons per year of particulate matter.

The majority of cargo arriving in our port is destined for locations within 150 to 200 miles of the port. Thus, approximately 85% of all cargo moves off Port Authority facilities by truck. Trucks are the top emitters of Carbon Dioxide and greenhouse gases, and the second largest emitter of Nitrogen Oxide; this is why the Agency has invested over \$600 million to develop

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2 an on dock rail terminal system known as Express
3 Rail. In New York, Express Rail can be found at
4 our Howland Hook Marine Facility.

5 As part of the clean air strategy,
6 the Port Authority, working with the natural
7 resources defense council, convened a truck
8 working group which included representatives from
9 government, including EPA Region 2, New York and
10 New Jersey state regulatory agencies, New York
11 City Mayor's Office of Sustainability, industry
12 representatives including New York Shipping
13 Association, and the American Trucking
14 Association, the Teamsters as well as
15 representatives from labor unions and
16 environmental and community groups such as the
17 Coalition for Healthy Ports, to discuss and
18 research the various options for a program to
19 phase out older trucks. In March of this year,
20 the Port Authority, with the help of EPA grants
21 through the American Recovery and Reinvestment
22 Act's National Clean Diesel Fuel Assistance
23 Program, for \$7 million launched an incentive
24 program to replace up to 636 pre-1994 trucks that
25 served the port on a frequent basis. The Port

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2 Authority is providing \$28 million to fund this
3 program. The regional truck replacement program
4 will provide motor carriers and independent owner
5 operators servicing the Port Authority's terminals
6 the opportunity to apply for grants and acquire
7 financing to replace their older age trucks with
8 cleaner, safer and more efficient fuel models.

9 Applicants who are eligible to
10 participate will receive a grant that will cover
11 up to 25% of the purchase of a new truck, and may
12 also qualify for a low interest financing at
13 5.25%. The truck replacement program aims to
14 replace trucks that have engine model years of
15 1993 or older with newer truck models of 2004 to
16 2008, equipped with model year 2004 or 2007 EPA
17 emission compliant engines. We anticipate
18 emission reductions from this program to be in the
19 range of about 1,675 tons per year of greenhouse
20 gases, 120 tons per year of NOx, and 14 tons per
21 year of particulate matter.

22 To reduce diesel engine emissions
23 as well as improve health and safety, the Port
24 Authority will also implement a plan to phase out
25 older trucks serving its marine terminals in New

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2 York and New Jersey. Starting in January of 2011,
3 port drayage trucks equipped with engine model
4 years of 1993 and older will be denied access to
5 Port Authority Marine Terminals. In addition,
6 starting in January of 2017, only trucks equipped
7 with engines that meet or exceed engine model year
8 2007 federal emissions standards will be allowed
9 access to our marine terminals.

10 The final program I want to share
11 with you is a plan for shore power at the Brooklyn
12 Cruise Terminal. The Port Authority was
13 successful in receiving a grant from our partners
14 at EPA for \$2.85 million for this project. If the
15 project moves forward, the Port Authority is
16 committed to investing \$15 million, pending
17 approval by our board, in the necessary
18 infrastructure to allow cruise vessels to plug in
19 while at berth, loading or discharging passengers.
20 Carnival Cruise Lines has agreed to convert
21 vessels that will visit Brooklyn to receive this
22 power at a cost of over \$1 million per vessel. If
23 instituted, this program has calculated emission
24 reductions of about 1,400 tons of greenhouse
25 gases, 90 tons of NOx, and 6 tons per year of

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particulate matter.

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Councilmen, the programs I have described today and the further information I have provided in my written testimony are but a 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 our other facilities, such as LED lighting of the George Washington Bridge. These projects are just 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

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2 partners in the City at all levels of government
3 and the community involvement, to make our port
4 the greenest on the east coast. Thanks for the
5 opportunity to submit testimony today, and I'd be
6 happy to answer any questions.

7 CHAIRPERSON NELSON: Thank you, Mr.
8 Larrabee. What's the response been to the
9 regional truck replacement program? How many
10 truck owners have taken advantage of the grants
11 for the purchase of the new trucks? How many
12 owners have taken advantage of the low interest
13 financing? How many truck owners have taken
14 advantage of both?

15 RICHARD M. LARRABEE: The program
16 is just getting kicked off. We've got 93
17 applications. We haven't finished one yet, but we
18 anticipate within the next month to have done
19 that. It's a program that I think is gaining
20 momentum. My sense is that initially owners and
21 operators of trucks were a little bit concerned
22 about spending money in a down economy. I think
23 through good communications with them through
24 individuals as well as groups, we've communicated
25 in a way where I think they now can appreciate the

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value of this program. Because it in the end not only replaces that older truck, which is the most emitting of our fleet, but it allows the driver or owner of that truck to be driving a newer truck with less costs and better fuel mileage. So, I think they're beginning to see the advantages of the program.

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CHAIRPERSON NELSON: The timing, the economical situation wasn't fortuitous in a positive way.

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RICHARD M. LARRABEE: Not for any of us.

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CHAIRPERSON NELSON: That's right. Do you think you may come close to meeting the deadline?

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RICHARD M. LARRABEE: Yes.

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CHAIRPERSON NELSON: January 1st, 2011?

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RICHARD M. LARRABEE: Yes.

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CHAIRPERSON NELSON: Tremendous. Now you said about 93. About how many do you expect--

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RICHARD M. LARRABEE: [Interposing]

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As I said, we know from a survey that we've done

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2 about two years ago that there were about 700
3 older trucks, trucks that--pre 1994 trucks, and so
4 that's the target that we're going after. And as
5 I said, we have funding for about 630 right now.

6 CHAIRPERSON NELSON: I'll hand it
7 over to Council Member Lander.

8 COUNCIL MEMBER LANDER: Thanks very
9 much, and thanks for your testimony and for, you
10 know, for the development of that comprehensive
11 strategy and for coming today to talk to us about
12 it. I'll start on the--I think this mic is not
13 working. All right, so let me follow up and start
14 on the truck program a little more. Just, I'd
15 like to start by asking, when you designed the
16 loan program--well, first, let me just clarify.
17 So the January 1st date is a regulatory date that
18 you've set that, which you're not going to allow
19 those trucks in port if they're pre '94, correct?

20 RICHARD M. LARRABEE: Correct.

21 COUNCIL MEMBER LANDER: So, I mean
22 hopefully by then we'll have loaned the 630, you
23 know, everyone will have been able to replace it
24 using this incentive program. But, regardless of
25 whether the incentive folks take the grants and

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2 borrow, you won't be allowing the trucks in on
3 January 1st, right?

4 RICHARD M. LARRABEE: That's
5 correct. Right.

6 COUNCIL MEMBER LANDER: So then
7 it's in everybody's interest to help make sure we
8 get that money out the door. And you talked just
9 a little bit about how you thought about designing
10 this program. And there concerns about the
11 incomes of the individual drives and whether
12 they'll have sufficient income to take advantage
13 of the loan components of the program. And as I
14 understand it the program, trucking companies are
15 not eligible for this program. So it means
16 essentially independent operators are the ones who
17 would be able to use it.

18 RICHARD M. LARRABEE: No, anyone
19 who owns a pre-1994 truck and is in the drayage
20 business and they have to demonstrate that.
21 There's a qualification process that they have to
22 meet. So it could be owner-operators, or it could
23 be licensed motor carriers. And we believe that
24 both will take advantage of the program.

25 We started this out with the idea

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2 that we wanted to be inclusive in the way we
3 designed this program. And I mentioned the truck
4 working group, and I mentioned the membership of
5 that group. A number of those members are here
6 today and will, I think, testify. But I think the
7 good news here, and I'd like to contrast it with
8 perhaps programs that are taking place in other
9 places.

10 First of all, we set about being
11 inclusive to start with. And in contrast to other
12 places where we saw legal actions being taken as a
13 result of those truck programs, we have those very
14 same people in the room with us designing the
15 program that we've put together. So, I think
16 that's the first plus. The second plus is that
17 because we're in a very, very competitive
18 environment, and you mentioned that in your
19 opening statement, we have to be very careful
20 about what additional costs we add to shipping
21 lines and to their customers. So we designed this
22 program so that it would not put an administrative
23 burden on those people, nor would it increase the
24 cost of their operations in the port. It's a
25 very, very important part of this program.

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2 Because, as I mentioned to you, the agency that I
3 work for has committed itself to doing this, but
4 has more importantly committed the financial
5 resources to make this program work. So in both
6 the--in all three of the programs, as I testified,
7 we're providing substantial financial resources to
8 support the program.

9 So when we looked at this notion of
10 how do we eliminate the older trucks, the truck
11 ban, which is being used in several other ports in
12 the US, was the mechanism? But we felt very
13 strongly that we couldn't just leave, particularly
14 independent truck drivers, on their own. And so
15 we designed this loan program, this low interest
16 loan that we're administering, and the program is
17 supported by the \$28 million that I mentioned.
18 And I think through this program as well as the
19 25% grant that the EPA grant has given us, really
20 provides a tremendous financial incentive for
21 either the licensed motor carrier or the
22 individual truck driver. And working through that
23 truck working group and working with organizations
24 in the trucking community, we feel very strongly
25 that we've put in place a program that's going to

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2 work and leave either one of those two owners in a
3 good financial situation. The good news is that
4 business is coming back. We've seen a 10%
5 increase in our cargo volumes this last year.
6 Admittedly, it's starting from a rather low point,
7 but we believe over the long run that the business
8 will be back and that this will be a vibrant
9 business for a long time to come.

10 COUNCIL MEMBER LANDER: Great.

11 Thank you. And I hope you'll, as you get more
12 data on how that program, it would be wonderful if
13 you share it with us or, you know, with the public
14 so we can just see how adoption is going between
15 now and January 1st.

16 You mentioned in your answer some
17 of the legal actions that have taken place around
18 other ports' efforts to do this. Specifically, as
19 we know, Los Angeles has taken sort of a more
20 aggressive approach on timetable and also on
21 moving folks toward being employees of companies
22 with the idea. Now, I think Congressman Nadler's
23 office will testify later today, not necessarily
24 specifically on the LA model, but on giving ports
25 the ability to regulate their labor and

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2 environmental standards. Broadly, without
3 speaking to what Los Angeles is doing, would the
4 Port Authority--does the Port Authority support
5 that legislation to give you the ability to
6 regulate labor and environmental standards at the
7 port?

8 RICHARD M. LARRABEE: And as you
9 probably can imagine, we work very closely with
10 Congressman Nadler's office. And we have been
11 involved in that discussion. You know, I think we
12 feel like we're on fairly firm ground in terms of
13 what we're doing, but, keep in mind the program
14 that I've described to you, in all three
15 dimensions, is a voluntary programs. Truck
16 drivers today that are driving pre-1994 trucks are
17 in compliance with state and federal regulations.
18 So, we're going above and beyond that in our
19 efforts to clean our port's air. Given that, we'd
20 like to make sure that we're in a fairly strong
21 position legally. And so, we see advantages of
22 making some changes in federal laws and in federal
23 policy. So, we've been supportive from that
24 perspective.

25 COUNCIL MEMBER LANDER: Now on the

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2 outcome of what we're going to get from this
3 trucks program, I guess I had a question about
4 your testimony, because the 2% number that you
5 cited in terms of port assets contributing to
6 greenhouse gas emissions, does that include
7 drayage trucks--

8 RICHARD M. LARRABEE: [Interposing]

9 Yes.

10 COUNCIL MEMBER LANDER: --or is
11 that just the maritime assets?

12 RICHARD M. LARRABEE: Keep in mind,
13 we all live in what's called a non-attainment area
14 for air quality. It's Long Island, it's New York
15 City and it's Northern New Jersey. That figure of
16 less than 2% is measured against those emissions
17 in that region. So, it's a relative--it gives you
18 a relative sense of how much the port is
19 contributing to the overall issue of air quality
20 in our region.

21 COUNCIL MEMBER LANDER: And it
22 includes the--

23 RICHARD M. LARRABEE: [Interposing]

24 Yes. It includes all the emissions from the port.

25 COUNCIL MEMBER LANDER: So how

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2 much, do you have any sense of what impact both
3 the, you know, this year's change of getting rid
4 of the pre '94 trucks and then the subsequent
5 change which I guess is not, you know, won't go
6 into place until 2017 to bring everyone up to 2007
7 standards--what impacts both of those steps will
8 have on a range of emissions?

9 RICHARD M. LARRABEE: Well, you
10 know, we've seen--we've already seen. We did a
11 survey in 2002 and then we did another one in 2006
12 looking at emissions. We did basically an
13 inventory of emissions during that period of time.
14 And during that period of time, because we were
15 redeveloping the port, we've changed out a lot of
16 equipment, and we've gone from older equipment to
17 much more modern. For instance, the cranes that
18 move cargo off of a ship to the land side, those
19 were all diesel engines before. They've all been
20 replaced by electric power. That program, over a
21 four-year program as an example, reduced emissions
22 from our port by 30%. So it gives you some sense
23 of what we've already accomplished. I think when
24 you look at the statistics from the Southern
25 California ports; they've seen significant

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2 reductions, in the range of 80% reductions, I
3 think, is the number. So, we're looking for some
4 fairly significant contributions. Now, again,
5 keep in mind that we are a very small portion of
6 that larger area. And so overall it's going to
7 help. We feel we have to do our part, I guess.

8 COUNCIL MEMBER LANDER: One thing
9 we'll have the opportunity to look at once we've
10 implemented the elimination of the pre '94s, and
11 then once LA in 2012, you know, brings everybody
12 up to 2007 standards, we'll also have the chance
13 to see what the impact of that step is. And I'd
14 like to leave open the possibility to urge us to
15 not wait five years to do that if LA is getting a
16 lot of results from it. Perhaps we can come back
17 and think about moving more rapidly to the 2007
18 step.

19 RICHARD M. LARRABEE: That was an
20 issue that was debated pretty vigorously in our
21 truck working group. 2017 was chosen as sort of a
22 compromise between the concerns that you just
23 raised and the other concerns of can our truck
24 drivers, either licensed owner carrier or an
25 individual, afford another truck. And of course,

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2 it also gives us some more time to see if we can
3 find some financial support for the next phase of
4 this. So I think I hear what you're saying, but I
5 think--

6 COUNCIL MEMBER LANDER:

7 [Interposing] Phasing it is the right answer.
8 We'll have some data from LA, we'll have some data
9 from here; we can take a look at whether we can
10 move to it more quickly. My last question on
11 trucks is just about whether you've had some
12 thoughts about what we could do to cut down on
13 idling while trucks are waiting to pick up their
14 cargo. At whatever standard they are, obviously
15 it's not ideal to have them idling. The logistics
16 are complex, but it's my sense that a lot of
17 technological strides are being taken in
18 logistics, and I wondered just whether some
19 thought's been given to enabling idling reductions
20 for those trucks waiting for their cargo.

21 RICHARD M. LARRABEE: The Chairman
22 mentioned our goal is to be the greatest port on
23 the east coast. Our second goal, followed very
24 closely by our first, is that we be the most
25 productive. Productivity is the most critical

1 factor in our world today, because it really is
2 the most--it's the biggest part of our competitive
3 edge. We have spent, as an Agency, \$2 billion
4 over the last ten years to modernize this port.
5 We'll spend another \$1 billion over the next five
6 to six years to allow larger, more efficient ships
7 to come in, to have much better handling equipment
8 at the terminals and to improve gates, to improve
9 truck turn times. We're moving more cargo by rail
10 than ever before. And we've, as I said in my
11 statement, spent nearly \$600 million to
12 dramatically increase our ability to move rail.
13 Every time you put a box on a rail car, you remove
14 1.6 truck trips from the road. So those are the
15 kinds of things that will eventually get to the
16 point that you make, which is any time something
17 stops, it's being inefficient. We don't want
18 trucks to stop anyplace. We have gates today that
19 are designed to weigh trucks and take all the data
20 necessary so the truck never needs to stop in that
21 process. We're not there yet, but we're getting
22 there and we're going to keep working on it,
23 because ultimately it's the factor that's going to
24 bring more cargo to this port or cause more cargo
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2 to go someplace else.

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COUNCIL MEMBER LANDER: That's great. I have a couple questions on other topics, but I'm done with trucks, so. Should I keep going?

CHAIRPERSON NELSON: No, you can keep going. I just want to mention again, this is all part of--we have to strike a balance somehow between the ultra environmentalists who believe that we're all doomed very shortly and the people at the other end of the spectrum; because we are doomed shortly if we just cause, create a tremendous economical turmoil. And we have to lean towards, of course, cleaner healthier air, but do it normally.

COUNCIL MEMBER LANDER: This is why I especially like those areas like the logistics approaches to cutting down on idling that sound like they actually make the port more productive and more economically efficient, while also reducing emissions. So those are obviously the super sweet spots.

On shore power, which I think over time can also be one of those by hopefully

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2 reducing the cost of power to ships--first, I want
3 to say a big thank you for the work that you've
4 done already in helping us get close there at Red
5 Hook at the Brooklyn Cruise Terminal where I hope,
6 I hope, we're getting closer to doing that. And I
7 want to thank you for the leadership that you've
8 taken. I wonder if you've taken a look sort of
9 beyond that at what the opportunities are for
10 moving to shore power at other of your terminals,
11 you know, on both sides of the harbor?

12 RICHARD M. LARRABEE: We have a few
13 opportunities to expand our container terminals
14 over the next couple of years, and I'll use
15 Howland Hook as an example. We're in the process
16 of working with now the current terminal operator
17 as well as New York City EDC to look at expansion
18 opportunities there. And we'd like to add a
19 fourth berth at that facility. If that berth is
20 built, it will be built with the ability to add
21 shore power. This is an issue that I think we are
22 going to continue to focus on. And again, the
23 efficiency of that process is critical to us,
24 because we have to find a balance between the cost
25 of that as well as the benefits that we get from

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2 it. So I think that's an important factor that I
3 would mention to you, as we look at the
4 opportunities for wind power, we are now going
5 through some data collection. We believe there's
6 an opportunity at one of our facilities to add
7 wind power, that would actually make the terminal
8 self-sufficient in terms of energy. And so, I
9 think those are the kinds of things that we can
10 foresee in the future as being part of this
11 program that we're talking about today.

12 COUNCIL MEMBER LANDER: Are you
13 going to have a long extension cord running from
14 the windmill to the ships, or...?

15 RICHARD M. LARRABEE: No.

16 COUNCIL MEMBER LANDER: That sounds
17 great. No, I'm glad to hear about it at Howland
18 Hook. I know Council Member Debbie Rose and our
19 colleagues on Staten Island would be glad to know
20 that that's in the plans, if we can put the
21 resources in place. Because I'm very excited
22 about getting to this at the cruise ship terminal,
23 but I hope then continuing to move that out across
24 more pieces of the port will also be in the plans.
25 And maybe once we've got a template in place and

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2 hopefully once we have a better shore power rate
3 from the Public Service Commission, some of the
4 challenges that we're going through here we will
5 not have to go through the next time.

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7 My last questions relate to bunker
8 fuel. Now, I guess my first question here is,
9 there are some new international standards coming.
10 And if those are going to mean that essentially
11 all the port serving ships, it doesn't make sense
12 for them to burn bunker fuel because the lower
13 sulfur fuel that they need to, you know, the
14 standards that they need to meet, will mean that
15 people aren't burning bunker fuel, then we're in
16 great shape. But, if for a range of reasons,
17 whether enforcement or otherwise, mean that you
18 still think a lot of ships will be burning bunker
19 fuel, I'd love to think about what steps we could
20 do about that. So I guess my first question is
21 what's your understanding of what the impact will
22 be of the new international maritime standards
23 about what ships are burning in port when they're
24 out of--not tied up?

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26 RICHARD M. LARRABEE: Probably one
27 of the most effective ways to manage this whole

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2 issue of air quality, particularly as it relates
3 to ships, is through international standards,
4 through MARPOL Annex VI at IMO, the US, as a
5 signatory to that, will bring those requirements
6 in place by 2012. We have also petitioned to
7 become an emission control area, which will
8 further reduce the amount of sulfur in that fuel.
9 So by 2010, the standards will have changed, and
10 all of the ships calling on our port, not just
11 Port Authority port facilities, will now be in
12 compliance. Those standards increase over time,
13 so eventually we will not totally eliminate, but
14 will dramatically improve the emissions from
15 vessels calling at the port in all of our
16 facilities. So it's a program that's been a long
17 time coming. I think it's a good example of the
18 kinds of things that we need to put in place. The
19 good news is because it's an international
20 standards, it is managed by not only flag states,
21 but by the US Coast Guard here, who boards and
22 makes sure that all these vessels are in
23 compliance.

24 COUNCIL MEMBER LANDER: Great. So
25 tell me if that means that we don't need to worry

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2 about what I'm about to ask. But one of the
3 things that we discovered in preparing for this
4 hearing is sort of a tax treatment imbalance in
5 New Jersey and New York, where they tax it through
6 their excise tax and we don't tax it. And that
7 seems unwise for a range of reasons, to tax the
8 cleaner fuel more than the dirtier fuel, as we do
9 in New York, and the imbalance between the states.
10 Now, if no one's going to be using bunker fuel
11 after 2012, I don't know that it's worth the
12 effort to explore changes to our tax policy. But
13 if people are still going to be burning bunker
14 fuel in some meaningful quantities, but blending in
15 a way that meets the sulfur targets, it might be
16 worth exploring our tax structure to at least tax
17 bunker fuel to the level that New Jersey does--and
18 maybe looking at putting the right incentives in
19 place so you have more incentive to burn a clean
20 fuel. Do you have any thoughts on that?

21 RICHARD M. LARRABEE: It's not an
22 area that I have a great deal of familiarity with.
23 I understand what you're saying. We'd be more
24 than happy to take a look at it in more detail and
25 maybe we can work with you and your staff to

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pursue that.

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COUNCIL MEMBER LANDER: That would be great. Thank you. You've brought us a lot of information and I'm sure we'll want to follow up and continue to work on it together.

RICHARD M. LARRABEE: Thank you.

COUNCIL MEMBER LANDER: Thank you, Mr. Chair.

CHAIRPERSON NELSON: You're very welcome. Just a few questions I had. PA committed to \$3.5 million; EPA an additional \$2.8 million was given to the Port Authority to enable cold ironing at Brooklyn Passenger Terminal. Do you think the funds will be sufficient? A combined total of 6--

RICHARD M. LARRABEE: [Interposing] No, those numbers will not get us to the point where we need to build that infrastructure. What I will tell you is that we are committed to at least \$15 million worth of investment if we can work out the rest of the details, which we're working very hard at.

CHAIRPERSON NELSON: Good. And I'll tell you, while I'm at it, can you explain

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how the name cold ironing was coined?

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RICHARD M. LARRABEE: I knew you were going to ask me that. I'd only be taking a stab at it, so I'll provide you an answer for the record.

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CHAIRPERSON NELSON: Good, and if you find out you can let the Committee know.

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RICHARD M. LARRABEE: Good.

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CHAIRPERSON NELSON: Strange expressions have popped up today.

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RICHARD M. LARRABEE: I suspect it has to do with, you know, when there were steam engines, cold ironing meant when you turned the power plant off it went cold, and it took quite an effort to get it back up to steam again. So it probably comes from that era, but I'll do some nautical research.

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CHAIRPERSON NELSON: Bunker fuel.

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[Laughter]

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CHAIRPERSON NELSON: I'm surprised you didn't come back with that. It comes with remnants from the - - so we can burn it again? Are the planned 3% annual reductions to pollutions a reduction from a baseline year or is it a year

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2 over year reduction?

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4 RICHARD M. LARRABEE: It's a
5 baseline year, and it's 3% per year for 50 years
6 basically. It's--the two governors have set a
7 standard for all of us to reduce greenhouse gases
8 by 80% in 50 years. So if you do the math it's
9 about 3% a year. And it's a significant
10 challenge, as I'm sure you can imagine. I think
11 we're well on our way in the program that I've
12 talked about today, but it is a significant
13 challenge.

14

15 CHAIRPERSON NELSON: Our grandkids
16 and great grandkids will profit from that, which
17 is great. For the truck replacement program, is
18 there any means testing to distinguish between
19 independent owner-operators who operate on the
20 margin and trucking companies that are profitable?
21 Is there any way to do a means testing on who
22 really needs it more? It would be very difficult
23 to do, I understand, but has it been ballyhooed
24 about?

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26 RICHARD M. LARRABEE: We have a, as
27 I'm sure you can well imagine, we have a fairly
28 robust process for vetting who ultimately gets

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2 both the grant or the loan or both. And
3 qualifications, we'd be more than happy to share
4 the process with you in detail. As to means
5 testing, I would say not to my knowledge, although
6 it is a program that we think we can cover all of
7 those trucks. In other words, there is a
8 sufficient amount of money. We're not going to
9 deny anybody with an older truck who makes an
10 application, either the loan or the grant as a
11 result of not being in line first.

12 CHAIRPERSON NELSON: All right,
13 well thanks for that. Okay. You know, it's hard
14 to tell who really needs it more. I mean, you
15 could be a big company and you may not be doing
16 too well either. One last question. What type of
17 fuel must be used by a vessel to qualify for
18 payments from the PA under the oceangoing vessels
19 low sulfur fuel program?

20 RICHARD M. LARRABEE: There is an
21 international standard for various grades of low
22 sulfur and ultra low sulfur fuel. I'm just sort
23 of pulling it out of my recollection, but I think
24 it's sulfur content of about 1.5%, and then it
25 gets further lowered in the next phase of that

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2 international program.

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CHAIRPERSON NELSON: Who is funding that, the oceangoing vehicles low sulfur fuel program?

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RICHARD M. LARRABEE: Well, what I said in my testimony was we're going to split the difference in the cost. So we know what bunkers cost today. We know what the ultra low sulfur fuel costs. We'll split the difference with the ship owner 50/50. They've got to provide documentation. They also have to be in compliance, as I mentioned, with our speed reduction program. And we'll get data from the US Coast Guard Traffic Center to make sure that that program is in compliance. And this is really a program, that other ports have done on the west coast, we know works. We're not reinventing the wheel. And the good news here is that, two things really. First of all, the ships that call here are used to doing this on the west coast. And secondly the companies that own those ships are very supportive of this program, so we think it's going to be successful.

CHAIRPERSON NELSON: What's the

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2 cost differential between number 6 oil and low
3 sulfur?

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RICHARD M. LARRABEE: I don't have
5 the number off the top of my head, but I can get
6 it for you.

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CHAIRPERSON NELSON: Because that
8 would be interesting. Okay whenever you can get
9 that if you can get it to this committee.

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RICHARD M. LARRABEE: Sure.

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CHAIRPERSON NELSON: I'd appreciate
12 it. Let me--any other questions? Mr. Larrabee,
13 we appreciate very much your time and your
14 testifying. And I think we've learned an awful
15 lot today, where we are going and where we were,
16 and hopefully where we're definitely going to wind
17 up--

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RICHARD M. LARRABEE: [Interposing]
19 Thank you.

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CHAIRPERSON NELSON: --after a
21 certain amount of time. Thank you so much.

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RICHARD M. LARRABEE: Thanks.

23

CHAIRPERSON NELSON: Okay. The
24 next panel, please, would be Andrew Genn from New
25 York City Economic Development Corporation. And

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2 from New York City DEP, Carter Strickland. Hi
3 Carter. Good to see you. Thank you, gentlemen.

4 ANDREW GENN: Good, good to be
5 here.

6 CHAIRPERSON NELSON: Thanks,
7 Andrew.

8 ANDREW GENN: Good afternoon,
9 Chairman Nelson, Council Member Lander and Members
10 of Waterfront Committee. My name is Andrew Genn.
11 I am a Vice President in the New York City
12 Economic Development Corporation in the Maritime
13 Department. And I'm very happy to be there this
14 morning, or this afternoon, to discuss EDC's
15 initiatives to support environmentally sustainable
16 maritime transportation. And before I begin, I
17 would like to take the opportunity to thank the
18 City Council for its ongoing support for the
19 working waterfronts, for the thousands of men and
20 women who make their livelihoods along the shore.
21 And we have--it's been too long since we did our
22 last boat trip, so we have to do that again.

23 CHAIRPERSON NELSON: That's right.

24 ANDREW GENN: New York City's
25 maritime industry plays a vital role in the

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2 region's development, supporting thousands of
3 jobs, generating billions of dollars in economic
4 activity. Today, the Port of New York and New
5 Jersey is the largest port complex on the east
6 coast, serving 30 counties in the New York
7 Metropolitan area, as well as a larger section of
8 the United States. Utilizing the City's extensive
9 waterfront for transportation services has
10 tremendous environmental benefits on its own.
11 Waterborne transportation is one of the most
12 energy efficient--or is the most energy efficient
13 and environmentally friendly ways to move goods
14 around the region, around the world. For example
15 a 15-barge tow can hold up to 22,500 tons, the
16 equivalent of 870 semi trucks, or 225 railroad
17 cars. Barges can move one ton of cargo 576 miles
18 on one gallon of fuel, so 100 miles better than
19 the railroads can. And the maritime industry in
20 our region removes more than 3 million trucks from
21 our roads every year. The carbon footprint of
22 oceangoing vessels today, and barges, is ten times
23 less than it is for trucks.

24 EDC plays a crucial role in
25 supporting the City's maritime transportation

1
2 infrastructure and ensuring that the port
3 continues to remain competitive in an ever-
4 changing shipping market. Maintaining a working
5 waterfront keeps thousands of high quality jobs in
6 the City and has a significant impact on the
7 City's air quality. To that end, EDC has actively
8 encouraged efforts to enhance and reactivate the
9 City's waterfront, while addressing port related
10 emissions. This is an important component of
11 PlaNYC's goal to reduce greenhouse gas emissions
12 and improve local air quality in New York City.

13 In Brooklyn, EDC has invested
14 heavily in supporting the industrial businesses
15 clustered on the Sunset Park waterfront. Last
16 year the City unveiled the Sunset Park Waterfront
17 Vision Plan, which will guide investment of more
18 than \$165 million in City funds and an additional
19 \$105 million in state, federal and private funds
20 in the industrial waterfront. This plan will
21 activate three and a half million square feet of
22 industrial space, create 11,000 jobs, add 22 acres
23 of open space and reduce regional truck traffic by
24 70,000 trips per year.

25 As part of the vision plan EDC, in

1
2 partnership with the Port Authority, is
3 spearheading the modernization and reactivation of
4 the Sunset Parks rail freight network, which will
5 enable critical rail connections for the area's
6 industrial tenants, and further encourage more
7 environmentally friendly transportation options.
8 Additionally, EDC is working to reconnect the
9 Sunset Park community with its waterfront by
10 developing the new 22-acre Bush terminal in brown
11 field--adjacent to--I'm sorry--the new 22-acre
12 waterfront park on the former brown field adjacent
13 to the Bush Terminal Industrial Campus.

14 EDC is aggressively working to
15 attract new maritime businesses to the waterfront,
16 which will remove trucks from the City's roads and
17 create jobs. In February of 2007, the City, with
18 the Council's support, executed a 15-year lease
19 with the Access Group of Atlanta, to develop a 74-
20 acre general cargo facility for automobiles and
21 break bulk at South Brooklyn Marine Terminal.
22 This project is expected to generate over 200 jobs
23 and reactivate a major marine terminal in the
24 region. Access will divert over 15,000 truck
25 trips per year by importing automobiles directly

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2 into Brooklyn by ship and barge rather than by
3 truck. What's even better is Access expects to
4 barge vehicles back to New Jersey, thereby
5 eliminating even more local truck trips. Access
6 will also be encouraging the use of the terminal
7 for locally destined break bulk goods like lumber,
8 plywood, construction materials, steel; and will
9 be seeing opportunities to create a marine highway
10 hub at SBMT.

11 Also within SBMT, Sims Metal
12 Management is building a \$44 million recycling
13 facility that will utilize barges to handle the
14 City's metal, glass and plastic recyclables for
15 the next 40 years. This state of the art facility
16 will include elements of design, sustainable
17 design, including a natural storm water bio-swale,
18 a green buffer and an environmental education
19 center. Sims also intends to market processed
20 glass, plastic, metal and paper to local
21 businesses to reduce the supply lines and lower
22 the City's carbon footprint. Additionally EDC's
23 leases with both Sims and Access require that all
24 off road vehicles within the terminal generate
25 zero emissions. And the leases mandate that they

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hire locally.

Another way in which SBMT is directly greening the port in Brooklyn is through its connection with Bush Terminal Park, as I mentioned before. The waterfront park was specifically conceived as a way to balance the reactivation of port activities in the area with new open space. And the park, with the support of the administration, Council Member Sara Gonzalez, Congresswoman Nydia Velazquez, and Congressman Gerald Nadler, the State of New York, 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, EDC 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 underutilized Pier 11 at the 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 in the City, create an additional 100 jobs,

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2 and eliminate an estimated 20,000 truck trips
3 between New York City and New Jersey. Since
4 moving in this spring, Phoenix has already hired
5 35 Brooklyn Residents. Additionally, Phoenix's
6 current fleet of low sulfur diesel trucks will be
7 retrofitted with CNG engines, making one of the
8 greenest truck fleets in the City. Phoenix is
9 also converting warehouse equipment from propane
10 to electric, and is building an onsite combined
11 heat and power plant that will run on natural gas.

12 By inducing ships with large
13 volumes of New York City-bound containers to call
14 at Red Hook by pursuing a cleaner truck fleet, by
15 recycling its own waste, by generating its own
16 power, Phoenix Beverages has brought a new
17 paradigm to New York City freight logistics.

18 And that's where I lost a paper.
19 I'm sorry. Okay, page 6 is gone. Okay, sorry
20 about that. The City recently extended the Port
21 Authority's lease for the largest port facility in
22 New York City, Staten Island's 202-acre Howland
23 Hook Container Port, through June 30th, 2058. The
24 extension allowed the Port Authority to make a
25 major capital investment of \$110 million,

1 including a channel deepening that will allow
2 larger ships to access the terminal. Howland
3 Hook's operator is also pursuing a major 39-acre
4 expansion that will add a new berth and
5 significantly increase the port's capacity. This
6 initiative further strengthens the City and
7 state's largest container terminal by providing
8 long-term sustainability and assurance that more
9 freight can arrive into the region by water
10 instead of by truck. The Howland Hook Expansion
11 will feature unique sustainability features, as
12 Admiral Larrabee pointed out, including
13 regenerative power yard equipment, cold ironing,
14 and an evergreen wall to create a bio diverse
15 bulkhead.
16

17 Mayor Bloomberg has charged the
18 City with ensuring that economic development and
19 environmental sustainability are not mutually
20 exclusive. EDC's maritime development initiatives
21 are prime examples of that mandate. Supporting
22 the port leads to fewer trucks on our streets and
23 cleaner air throughout the region. Despite these
24 enormous benefits, more can be done to make the
25 port a greener and better neighbor. Marine fuel

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2 is among the dirtiest used in the United States
3 and port activities do have an environmental
4 impact. Our goal is to work with our partners in
5 government to reduce emissions from the ships and
6 trucks that use our ports. Due to the complex
7 regulatory structure governing the port, much of
8 this effort can be accomplished only in
9 collaboration with our colleagues at the Port
10 Authority and at the EPA.

11 In 2015 the EPA will introduce new
12 emissions control area requirements that will
13 reduce the sulfur content of marine fuels. In the
14 meantime, EDC is working with the harbor craft
15 industry and ferry community to introduce these
16 lighter fuels now, ahead of the regulations.
17 Innovative program such as the Port of Los
18 Angeles's Clean Truck program are excellent models
19 for voluntary efforts aimed at taking polluting
20 older trucks off the roads and out of the ports.
21 Mayor Bloomberg has championed efforts to prevent
22 the federal government from imposing new
23 regulations that would make the implementation of
24 these programs impossible in other cities.

25 Despite our limited ability to

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2 directly regulate maritime and port activities,
3 the City is working several initiatives that will
4 help green the Port of New York City.

5 In PlaNYC, the City recognized the
6 need to work with the Port Authority of New York
7 and New Jersey to develop a clean air strategy.
8 Over the past year, the Mayor's Office, working
9 with EDC and DOT, the Port Authority, EPA, the
10 States of New York and New Jersey and industry,
11 participated in an unprecedented partnership to
12 produce an actionable and transparent plan for
13 reducing marine emissions. In October 2009, the
14 Port Authority released the Clean Air Strategy,
15 demonstrating that emission reductions from all
16 port related sources are feasible and measurable.
17 The strategy adopts voluntary measures supported
18 by funds from the Port Authority, principally, but
19 also other parties to reduce greenhouse gas
20 emissions from port activities by 5% a year, and
21 criteria pollutants--such as particulate matter--
22 by 3% per year. As a ten-year strategy this
23 equates to a 30% decrease in criteria pollutants
24 and a 50% decrease in greenhouse gas emissions
25 from the 2006 baseline levels, despite any port

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2 growth over the next ten years--a significant
3 improvement.

4 In March 2010, the parties that
5 developed the clean air strategy signed a
6 statement of intent signifying their commitment to
7 implement the actions identified in the strategy.
8 Also, in March 2010, the EPA and Port Authority
9 also launched a \$28 million truck replacement
10 program, partially funded by \$7 million from the
11 American Recovery and Reinvestment Act, to replace
12 the old trucks and to meet stricter pollution
13 standards.

14 Central to the City's contribution
15 to this effort are EDC's contract requirements for
16 tenants in waterfront properties, that's our hook.
17 An example would be Phoenix beverages, where we
18 were able to convert the truck fleets to low
19 emission vehicles--as well as improvements that
20 the City has done to the Staten Island Ferry
21 fleet, which significantly improved air quality.
22 The City fuels the ferries with ultra low sulfur
23 diesel, which contains no more than 15 parts per
24 million of sulfur as a means of further reducing
25 emissions from the maritime sector. The switch to

1
2 ULSD has produced immediate benefits to City
3 residents, well in advance of EPA's 2012 deadline
4 for the use of ULSD by ferries and similar
5 vessels.

6 In addition, EDC, DEP and the
7 Mayor's Office are working with the Port
8 Authority, the New York Power Authority, and
9 Carnival Cruise Lines on an ambitious plan to
10 bring the first cold ironing facility on the
11 United States' east coast to the Brooklyn Cruise
12 Terminal. This effort would make shore power
13 available for ships while in port, eliminating a
14 major source of port related pollution.

15 New York City's working waterfront
16 is an important part of our region's economy. It
17 supports thousands of job and promotes
18 environmentally friendly transportation. EDC
19 looks forward to continuing to work with you and
20 the Council and our partners in government to find
21 ways to make our port and maritime industry even
22 stronger and greener than it is today. Thank you.

23 CHAIRPERSON NELSON: Thank you Mr.
24 Genn.

25 [Off Mic]

1
2 CHAIRPERSON NELSON: --the fact
3 that Councilman Peter Vallone, Jr. has joined us.

4 CARTER STRICKLAND: Thank you,
5 Chair. I have no statement prepared. I'm here
6 just to assist if you have any questions.

7 CHAIRPERSON NELSON: You should
8 have told me. I was looking all over for it when
9 Andrew was looking for his. Just a quick question
10 then. Has EDC committed any money for the
11 building of cold ironing infrastructure at Red
12 Hook? And it's a three-parter, too. Have you
13 done any economic analysis of the feasibility of
14 cold ironing? And have you looked into cold
15 ironing for cargo vessels?

16 ANDREW GENN: Well, first off, the
17 cold ironing is most effective in a cruise
18 terminal because of the loads that the ships
19 carry. So, it's a very large load, because what
20 you have essentially is a floating hotel. So we
21 decided, you know, strategically, right, to look
22 first at the cruise ships and then look at the
23 cargo ships--but specifically ships that carry a
24 lot of refrigerated containers, which also
25 generate a large load.

1
2 In terms of our investment, you
3 know, we built the cruise terminal, a \$56 million
4 cruise terminal. And our support will really come
5 through the ongoing maintenance of the facility as
6 well as supporting, at least for a period of time,
7 the electric power rate differential between
8 burning the bunker fuel versus, you know, being on
9 the electric grid.

10 CHAIRPERSON NELSON: Can you talk
11 about cold ironing in Howland Hook?

12 ANDREW GENN: Yes, as part of the
13 berth 4 project, the expansion project, that is
14 one of the features of that, would be cold
15 ironing.

16 CHAIRPERSON NELSON: Okay. So
17 cargo vessels, okay.

18 ANDREW GENN: Yes. They're coming.

19 CHAIRPERSON NELSON: Councilman
20 Lander, do you have a question?

21 COUNCIL MEMBER LANDER: Well, yeah.
22 Let me follow up on this a little bit, just on
23 EDC's commitment on the rate. I think it's all of
24 our goal--we've written a letter and worked with
25 your office--to get the Public Service Commission-

1

2

-

3

ANDREW GENN: [Interposing] Thank

4

you.

5

COUNCIL MEMBER LANDER: --to set a

6

lower rate for shore power, which I think is the

7

right way to get to the rate that Carnival can pay

8

and that we can offer. But it sounds like you

9

were suggesting that if we don't get there quite

10

as soon as we need to, that EDC would help with

11

that differential in between the time, hopefully

12

tomorrow, that we reach an agreement and get shore

13

power up and running, so we don't lose the Port

14

Authority or the EPA's commitment of the capital

15

dollars.

16

ANDREW GENN: Yes.

17

COUNCIL MEMBER LANDER: And the

18

time that the Public Service Commission would set

19

the lower rate.

20

ANDREW GENN: Yes.

21

COUNCIL MEMBER LANDER: Is that

22

true; that you're willing to help do that?

23

ANDREW GENN: Yes. The City EDC

24

and as well as New York Power Authority.

25

COUNCIL MEMBER LANDER: And I mean

1
2 I know there's negotiations underway, so if you
3 can, give us some sense of what, you know--there's
4 been some conversation - - about what the rate is
5 currently, what Carnival pays other places, where
6 need to get to make this work.

7 ANDREW GENN: Exactly right.

8 COUNCIL MEMBER LANDER: Tell us as
9 much as you can about that, or...?

10 ANDREW GENN: Yeah, generally that
11 we're working on that formula. It's a negotiation
12 with an expectation of success.

13 COUNCIL MEMBER LANDER: Okay. And
14 I also understand, I guess it's important to say
15 for the record, that we are asking Carnival to
16 contribute here as well. We're not looking to the
17 public to subsidize the rate down entirely.

18 ANDREW GENN: That's right.

19 COUNCIL MEMBER LANDER: They can
20 help pay for cleaner power, but we've got to get
21 it to a point of reasonable additional
22 contribution from them.

23 ANDREW GENN: Yes.

24 COUNCIL MEMBER LANDER: Okay.
25 Okay, thank you. And I'm confident that, again,

1
2 our Staten Island colleagues and Council Member
3 Rose, when the time comes, will be looking to you
4 to really help carry forward shore power at
5 Howland Hook as well.

6 ANDREW GENN: Absolutely.

7 COUNCIL MEMBER LANDER: I have some
8 other questions.

9 CHAIRPERSON NELSON: Go. Sure.

10 COUNCIL MEMBER LANDER: All right.
11 Let me do my difficult ones first, then I'll come
12 back.

13 ANDREW GENN: I thought that's what
14 those were.

15 COUNCIL MEMBER LANDER: I'll come
16 back to the easier ones. Well, you know what?
17 Let me do one or two easy ones first, then I'll
18 come to the difficult ones.

19 CHAIRPERSON NELSON: I just want to
20 mention that Council Member Gale Brewer is here.

21 COUNCIL MEMBER LANDER: So, a
22 couple questions about sort of the regulatory
23 environment that we're working in. You mentioned
24 this in your testimony. I'm not sure I entirely
25 understand what you were saying about efforts to

1
2 prevent federal government from imposing new
3 regulations. So probably I just want to ask the
4 question that I asked to the Port Authority. You
5 know, is the City supportive of Congressman
6 Nadler's efforts to ensure that Ports have the
7 ability to regulate their workplace and
8 environmental regulations?

9 CARTER STRICKLAND: I can handle
10 this. There is pending legislation, and the City
11 has come out in support of that--

12 COUNCIL MEMBER LANDER:
13 [Interposing] Great. Thank you.

14 CARTER STRICKLAND: --legislation.
15 And it's in the spirit of allowing municipalities
16 and ports to experiment with different approaches,
17 and not to be hindered by interpretations of
18 federal law.

19 COUNCIL MEMBER LANDER: Great.
20 Thank you. Now, the other actor that I know that
21 has created some regulatory challenges for EDC's
22 efforts and many of the other efforts that we've
23 been looking at is the Department of State
24 Department of Environmental Conservation. And I--
25 they're not here today, but I wonder if you could

1
2 help us understand, I know this goes into a lot of
3 detail quickly, but if you could at least help us
4 understand a little bit what barriers are and how
5 we might move forward to a time when there
6 wouldn't be the regulatory barriers to doing some
7 of the things that we want to do?

8 ANDREW GENN: That's a great
9 question. Most states regulate, they have coastal
10 zone management regulations and they have Clean
11 Water Act regulations. And New York is unique
12 because the Department of State handles the
13 coastal zoning and DEC handles the clean water.
14 And I think that in itself is a--creates barriers
15 or creates a certain, you know, a bulkiness to
16 getting permitting done effectively in New York.
17 And it's something that, you know, we're taking on
18 as part of the WAVES, you know, the Waterfront
19 Vision and Enhancement program, as well as the
20 Maritime Infrastructure and Permitting group
21 that's meeting under the Waterfront Advisory Board
22 that the Council created. So, we're on it, but,
23 you know, it's going to take, you know, effort on
24 all of our parts to get to a place where we have a
25 more efficient permitting system in New York.

1
2 COUNCIL MEMBER LANDER: As you go
3 through that process, I think if you can give us
4 the information on the things that would be
5 helpful at the DEC level, obviously that's not
6 something that we can legislate here, but it's
7 certainly something that we can advocate on and
8 work with our colleagues at the state and try to
9 make sure it gets changed.

10 All right, having gone through my
11 easy questions, I have to talk a little bit about
12 Phoenix Beverage and what we're going to do there.

13 ANDREW GENN: sure.

14 COUNCIL MEMBER LANDER: So I
15 appreciated your testimony about the steps that
16 they are taking and about the ways in which
17 bringing those goods in by ship is better for the
18 region than bringing them in on long haul trucks.
19 And I wholeheartedly share that point of view.
20 We're better to bring them in and reduce those
21 regional truck trips. But I think we all
22 recognize that it imposes a localized burden, both
23 environmentally and from a health and safety point
24 of view.

25 And I'll say for starters that

1
2 while I think today you've talked about a good
3 range of programs, you know, I think there was a
4 good deal to be desired in the way that the
5 process played out in terms of what the local
6 commitments are, how EDC and Phoenix and the
7 community would work together to figure out what
8 the local agreements would be. The most immediate
9 of those being where the local trucks are going.
10 And I know we had a meeting last week.

11 ANDREW GENN: Sure.

12 COUNCIL MEMBER LANDER: And so I'm
13 not going to replay that out. But I just want to
14 be very, very clear that running all those
15 delivery trucks on local streets is not a short
16 term solution or a long term solution--whether
17 they're CNG or not. And we'll get to that in a
18 minute. And so, while I appreciate that you've
19 agreed to a temporary solution, that others in the
20 room have helped with, that will start next Monday
21 to get them off local street--that we need to keep
22 working to make sure they stay off local streets
23 for the long term, even after the reconstruction
24 of Van Brunt Street is completed.

25 ANDREW GENN: Yes. Yes, and you

1
2 know, we have our homework assignment. We have, I
3 think four to six weeks you gave us. And we
4 started today. We engaged with a traffic
5 consultant, and we were out in Red Hook today
6 looking at a way that a long-term solution could
7 work inside the terminal or adjacent to the
8 terminal, to get them off local streets. I think
9 that we really have to commend Phoenix beverages
10 and the Teamsters for working with us, showing
11 how, you know, organized labor and a good company
12 can work together effectively to solve problems.
13 The truck drivers have all been notified that a
14 new truck route is beginning and they must adhere
15 to it. And we'll be watching, you know, to make
16 sure that that, you know, is effective.

17 COUNCIL MEMBER LANDER: Great,
18 thank you. And I want to also express my
19 appreciation to the teamsters for being willing to
20 take place in this temporary solution. I
21 appreciate that you've gotten started. I know the
22 other elected officials in my neighborhood,
23 Senator Squadron, Assemblyman Millman and Council
24 Members Gonzalez and Levin also are--and both
25 Congress People, Congresswoman Velazquez, and

1

2 Congressman Nadler are also looking to make sure
3 that this gets resolved. You know, it is the, as
4 we discussed--I think EDC gave the community good
5 reason to believe the trucks would be staying
6 inside the Port, and we need to work to make that
7 true.

8 On the CNG, so I appreciate that
9 they're already meeting the low sulfur standards
10 and that they are going to be moving to CNG.
11 That's, to my understanding, a seven-year time,
12 that they have seven years.

13 ANDREW GENN: To do that.

14 COUNCIL MEMBER LANDER: I wonder,
15 are there benchmarks for converting some of those
16 over time? Or is it a seven-year deadline to get
17 them all done? Can we get some understanding of
18 how quickly they're going to be moving and what
19 the impacts of that are?

20 ANDREW GENN: Well, it's
21 interesting when we dug into why seven years,
22 because when we were negotiating the lease, they
23 were insistent. And what it really works out to,
24 Council Member, is it's two trucks a month being
25 converted, which is the least disruption to the

1
2 existing fleet and to their operations. So every
3 two months, a new set of CNG delivery trucks will
4 be delivered to Phoenix. And over time--we will
5 monitor that, because that is a default provision
6 in the lease with Phoenix.

7 COUNCIL MEMBER LANDER: And so have
8 they started? Do we have a couple CNG--

9 ANDREW GENN: [Interposing] Yes,
10 yes.

11 COUNCIL MEMBER LANDER: --out there
12 now?

13 ANDREW GENN: Yes. You know, the
14 last thing I heard is we would get the first
15 trucks this month. But I could confirm that for
16 you. We'll get back to you.

17 COUNCIL MEMBER LANDER: Great. And
18 if you could just keep reporting to us on how
19 that's going? And I think if they, hopefully,
20 we'll ask them as well. If it's going smoothly
21 and the costs are not significant then they could
22 start getting three trucks a month, four trucks a
23 month.

24 ANDREW GENN: Right.

25 COUNCIL MEMBER LANDER: We--

1

2 obviously it would be great. It's going to make a
3 big difference as those roll out. So, please do
4 let us know.

5

ANDREW GENN: Sure.

6

COUNCIL MEMBER LANDER: And are you
7 looking at something like this for other places,
8 to push CNG, not just low sulfur, as Howland Hook
9 opens, and I guess at the other existing terminals
10 that you guys have?

11

ANDREW GENN: Yeah. What we had
12 done in the leases, as I said with Sims and the
13 Access Group, was to mandate that they use the
14 zero emission vehicles inside the terminals. And
15 in terms of Howland Hook, you know, they'll be--
16 they're captured already in the Port Authority's
17 Clean Air strategy.

18

COUNCIL MEMBER LANDER: So that was
19 one thing I was going to make sure is true, is
20 that the Port Authority's Clean Air regulations
21 that we talked about apply to your--to the EDC
22 terminals--

23

ANDREW GENN: [Interposing] Sure.

24

COUNCIL MEMBER LANDER: --as well?

25

ANDREW GENN: Absolutely.

1

2

COUNCIL MEMBER LANDER: Okay.

3

Great. And then I guess my last question is just

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about taking advantage of the job opportunities

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that are created here. I know that there have

6

been, that there was an agreement at Access and

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some work with Phoenix as well. This seems like a

8

great place to consider, you know, both sort of

9

neighborhood based, sort of first source hiring

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programs, so that those communities that are

11

feeling the impacts, but also nearby, can make

12

sure that they're accessing good jobs in general

13

at the Port, but especially as we're taking steps

14

to make it more environmentally sustainable.

15

ANDREW GENN: Yes. Yes, and that

16

has been hugely successful. I think really with,

17

if I could put a plug in for Southwest Brooklyn

18

Industrial Development Corporation, because they

19

are for Phoenix the eyes and ears in terms of

20

finding new recruits for the Phoenix operation.

21

They'll be doing the same thing with Access and

22

Sims. But they'll be, you know, coordinating with

23

the other neighborhood groups and LDCs in Red Hook

24

and Sunset Park.

25

COUNCIL MEMBER LANDER: And let me

1
2 just urge that we just keep really building on
3 that model. Obviously the neighborhoods where our
4 port assets are, you know, bear an environmental
5 impact, local environmental impact that benefits
6 the region. You know and they're in many cases,
7 places, you know, low income neighborhoods in the
8 South Bronx and Sunset Park and the more that we
9 can do to build--not just be happy that jobs are
10 coming. And I think it's likely that local
11 residents will get them, but to really build local
12 partnerships in which the job sourcing is done
13 locally and there is ongoing conversation--so that
14 when something is taking place that community
15 groups need to speak up about, they've got good
16 relationships in place to do that.

17 ANDREW GENN: Yes. And I'd just
18 add that we have already begun those discussions
19 with Council Member Debbie Rose in a similar
20 fashion, yes.

21 COUNCIL MEMBER LANDER: Thank you.
22 Thank you, Mr. Chairman.

23 CHAIRPERSON NELSON: You're very
24 welcome, Council Member. Since it was mentioned,
25 the Waterfronts Management Advisory Board, I know

1

2

you're supposed to have it by May. I believe there's vetting going on now by an appropriate agency. Any update on that, when they might have enough members that can make that vetting process?

6

ANDREW GENN: Oh, when specifically we'll be done?

8

CHAIRPERSON NELSON: Within a month?

10

ANDREW GENN: Is it--I'm going to defer to my colleague within the audience. Katie, do we know?

12

13

CHAIRPERSON NELSON: Can you come to the front for a moment? Thank you, Katie. And just please identify yourself to make it official.

15

16

KATIE AXT: My name is Katie Axt. I am also with EDC.

17

18

CHAIRPERSON NELSON: Sure.

19

KATIE AXT: Currently, we are in the vetting process. It's 12 mayoral appointees. We hope to convene the first official board in September.

22

23

CHAIRPERSON NELSON: Okay. That would be fine. Hopefully we can do that. Sure. Roland walked in, okay, get Roland on there. And

25

1

2 Kelly and a few others, okay. Well, thank you so
3 much, gentlemen. We really appreciate your time.

4

5 ANDREW GENN: Thank you so much,
6 Council Member. Thank you.

6

7 CHAIRPERSON NELSON: Okay. Another
8 old friend, Robert Gottheim, representing
9 Congressman Jerry Nadler. Hey, Rob. Roland
10 Lewis, you have Chuck Schumer's timing, what he
11 did. Where did he go? Roland was just here a
12 second ago. Okay, he probably went out to do
13 something. He'll be back, I'm sure. And Rich
14 Castle, from Natural Resources Defense Council.
15 Is Richard still here?

15

16 RICHARD CASTLE: Yes.

16

17 CHAIRPERSON NELSON: Thank you,
18 Richard. And as soon as Roland comes in, will you
19 please save him a seat up there? I appreciate it.
20 Right. I guess, after Mr. Castle gets situated,
21 if you want to start.

21

22 [Off Mic]

22

23 CHAIRPERSON NELSON: Okay, sure. I
24 guess when Roland comes in he'll take a chair.
25 Rob, do you want to start?

25

ROBERT GOTTHEIM: Sure, thank you

1
2 very much. My name is Robert Gottheim. I am
3 District Director for Congressman Jerry Nadler.
4 I'm sorry that the Congressman couldn't be here
5 today. He is in Washington, Congress is in
6 session. So first, thank you Chairman Nelson and
7 Council Member Lander and Council Member Vallone
8 and Council Member Brewer, for having this hearing
9 today. And I'm going to read a short statement by
10 the congressman, and then I'll be happy to take
11 some questions.

12 Thank you, Councilman Lander and
13 others, for holding this hearing today regarding
14 green ports, air quality and for inviting me to
15 join you here today. As you may know, I have been
16 a passionate advocate and supporter of the Port of
17 New York and New Jersey for more than 30 years. I
18 fundamentally believe that an active port is
19 imperative for the economic vitality of the City
20 and region, and that our port must maintain its
21 position of dominance on the eastern seaboard of
22 the United States. And, as many of you know, I
23 strongly believe that Brooklyn must be a part of
24 that port.

25 But this is not a fight between New

1
2 York and New Jersey, Brooklyn and New Jersey. Our
3 competition instead is Halifax, Baltimore and
4 Norfolk. The Port of New York and New Jersey must
5 expand to ensure that we become the hub port on
6 the eastern seaboard. We must have the Pier 4--
7 Berth 4 pier extension in Howland Hook in Staten
8 Island, and invest in our port facilities in New
9 Jersey. And we must also plan to build a
10 container port in Brooklyn and invest in landside
11 access to it.

12 The economic future of our region
13 depends on the continued growth and development of
14 the port of New York and New Jersey. But the
15 expansion of the port must be done in an
16 environmentally responsible manner. With an
17 estimated 87 million Americans living in port
18 adjacent communities, which fail to meet federal
19 air quality standards, the pollution generated by
20 ports and port trucking is an issue that warrants
21 our attention. In the New York region, virtually
22 everything is transported by truck. We have some
23 of the highest asthma rates in the world, and we
24 are in a non-attainment area under the Clean Air
25 Act.

1
2 We also, as I mentioned, have one
3 of the major hub ports on the east coast. And
4 despite the fact that the economy has taken a
5 downturn, freight movement is still expected to
6 more than double by 2020. And with the upcoming
7 expansion of the Panama Canal, Asian goods will be
8 shipped directly to east coast ports. As I
9 mentioned, we are going to have to expand port
10 facilities throughout New York Harbor to avoid an
11 artificial lid on economic growth and congestion
12 that will increase the cost of doing business for
13 everybody, from the shipper to the consumer. That
14 is why I believe that we must have an effective
15 environment of programs in place, like the Port of
16 LA's Clean Truck Program, if we are to accommodate
17 an increase in goods movement without adversely
18 impacting the surrounding community.

19 The Port of Los Angeles began a
20 Clean Truck Program initiative to address the
21 highly polluting truck drayage system. In just
22 one year, the program has reportedly replaced
23 6,000 dirty diesel trucks with clean diesel and
24 alternative energy vehicles, eliminating 30 tons
25 of diesel particulate matter, which will reduce

1
2 diesel particulate pollution by an estimated 70%.
3 This is equivalent to removing 200,000 automobiles
4 from the road. We are unaware of another truck
5 emissions reduction program which has had such
6 remarkable success in such a short time period.

7 Unfortunately, the program has been
8 challenged in federal court. The current motor
9 carrier statute enacted as part of the Federal
10 Aviation Administration Authorization Act of 1994.
11 FAAAA, as we call it, allows state and local
12 entities to regulate truck companies only for
13 safety related programs, and an injunction has
14 been issued to temporarily block the city's
15 ability--the City of Los Angeles's ability to
16 directly enforce through concession agreements a
17 ban on motor carriers from bringing dirty trucks
18 into the port. The court injunction also prevents
19 the port from enforcing economic requirements that
20 will ensure expensive new clean trucks will be
21 properly maintained by ending the practice of
22 improperly designating employees as independent
23 contractors.

24 This requirement was determined to
25 be the best way to ensure that the cost of

1
2 compliance with environmental regulations was
3 borne by trucking companies instead of drivers.
4 The consequence has been devastating on workers
5 who are seeing their incomes fall by nearly half
6 because trucking companies continue to misclassify
7 their drivers as independent contractors, and
8 require them to pay for the operation and
9 maintenance of new vehicles. This in turn
10 threatens the efficiency of the regulations and
11 tremendous environmental progress made by the
12 clean truck program.

13 This is not only a California
14 issue, but a national one. Ports around the
15 country, like the port terminals in New York and
16 New Jersey, Oakland, Seattle and Miami are
17 grappling with similar obstacles presented by port
18 trucking, but are unable to implement a
19 comprehensive program, given the legal uncertainty
20 and injunction against the program in Los Angeles.
21 The Port Authority of New York and New Jersey also
22 recently adopted a program to phase out older
23 trucks. And you heard Rick Larrabee, Port
24 Director, talk about that earlier. That program
25 provides grants to purchase newer, clean trucks.

1
2 But it is not enough. Earlier this year the Port
3 Authority sent me a letter requesting an amendment
4 to the motor carrier statute, so that it can take
5 measures to more effectively improve air quality.
6 Based on these recent events, I believe that
7 federal law needs to be updated to ensure that
8 Ports can enact and enforce clean truck programs.

9 I am currently drafting legislation
10 to amend the Federal Motor Carrier Clean Truck--
11 sorry; I lost my place. I am currently drafting
12 legislation to amend the Federal Motor Carrier
13 Statue, so that ports can enact and enforce clean
14 truck programs similar to that of the Port of Los
15 Angeles, if they choose to do so. I am worker
16 with Chairman Oberstar and the entire
17 Transportation and Infrastructure Committee on
18 this important legislation, and stand ready to
19 work with all federal, state and local governments
20 to allow ports to establish sustainable green
21 growth programs that work for businesses, local
22 communities and workers. I again thank you for
23 this hearing and look forward to the assistance of
24 the Council to help pass in Congress an amendment
25 to the Federal Motor Carrier Statute and the

1
2 Federal Aviation Administration Authorization Act
3 of 1994, to allow ports to implement a clean truck
4 program. Thank you.

5 COUNCIL MEMBER BREWER: Thank you.
6 Whoever is next?

7 RICHARD CASTLE: Thank you. My
8 name is Richard Castle and I am a Senior Attorney
9 at the Natural Resources Defense Council. I'm
10 very pleased to testify to you today on behalf of
11 NRDC and our 1.3 million members and online
12 supporters. I thank you for the opportunity to
13 testify. Since 1993, NRDC's Dump Dirty Diesel
14 Campaign has worked in New York, California and at
15 the federal level to reduce diesel pollution at
16 our ports and from goods movement. Our advocates
17 have played central roles in the development of
18 clean truck programs at the ports of Los Angeles,
19 Long Beach, New York and New Jersey; in the
20 development of new EPA rules governing port
21 pollution sources; and in the development and
22 adoption of new international rules that will
23 dramatically reduce pollution from oceangoing
24 vessels off our shores and approaching our ports.

25 My written testimony gives a lot of

1
2 details. I'm going to summarize those details and
3 touch on four key issues. First, I'd like to
4 touch on the need for a region-wide approach to
5 reducing the environmental impacts of ports and
6 goods movement.

7 As a society, we all want what we
8 want when we want it, whether it's a TV, a new
9 car, a new pair of sneakers; we rely on the ports
10 system to get us what we want. But few people
11 want the pollution or even think much about the
12 pollution that comes with those goods as they get
13 to our house. We believe strongly at NRDC that
14 long term strategies for port development must
15 include a comprehensive approach to reducing air
16 emissions from goods movement. The Port
17 Authority's 2009 Clean Air Strategy is an
18 important first step towards this end, but of
19 course it's only a first step. And the key to its
20 long-term success will be how it's implemented,
21 what sort of follow through there will be and what
22 sort of additions will be added to it as
23 conditions change.

24 In addition, it's important to note
25 that in a city like New York there's a great deal

1
2 of goods movement that has nothing to do with the
3 port in any direct sense. Here are just a few
4 examples. Every day, thousands of trucks deliver
5 packages to homes and cities in every single
6 neighborhood, and they never come close to any
7 marine terminal. Every day, far too many trucks
8 sit in traffic along the Gowanus Corridor in
9 Brooklyn and along Canal Street in Lower
10 Manhattan, thanks to toll policies on the
11 Verrazano Bridge. Every day, because we have no
12 effective cross harbor or cross Hudson rail links,
13 tractor-trailer trucks crawl along the Cross Bronx
14 Expressway, carrying containers to New England
15 that we know could be delivered more efficiently
16 by rail, if the infrastructure existed to do so.

17 Now when we look at forecasts of
18 travel demand in the City, we see that passenger
19 car traffic is basically flat, while truck traffic
20 is forecast to continue growing far into the
21 future. In other words, if we want to solve the
22 City's congestion problems and related air
23 pollution and other environmental problems, we
24 have to address the truck side of the equation,
25 both port related and non-port related.

1
2 So we encourage you to explore
3 measures that will reduce the port related
4 emissions in the City. But also, to work with
5 your colleagues in other Committees, with the Port
6 Authority, with the Administration, to identify
7 measures that will reduce goods movement emissions
8 across the board. Over the course of the next
9 year, we'll be working and encouraging the
10 Bloomberg administration to do just that as they
11 prepare the next update of PlaNYC 2030 by next
12 April.

13 The second topic is of course the
14 Truck Replacement Program. Over the last year, I
15 co-chaired the Port Authority's Clean Truck
16 Workgroup, which developed this program. So it's
17 no surprise to you, I'm sure, to hear that NRDC is
18 a strong supporter of the Truck Replacement
19 Program, the TRP, as a key step towards cleaning
20 up the Port's trucks. The Port Authority is now
21 firmly on the path towards cleaner trucks and sent
22 a strong message to the industry, at every step,
23 that the days of our port being the landing spot
24 for the region's dirtiest trucks will soon be
25 over.

1
2 In the long run, however, the
3 successful implementation of this program will
4 require addressing the economic issues that have
5 led to a drayage fleet with so many old, dirty
6 trucks. As I often say, nobody drives an old
7 truck because they like the emissions. They drive
8 because they can't afford a newer truck. And we
9 recognize the TRP doesn't have some of the key
10 provisions that we were able to secure in Los
11 Angeles, such as cargo fees to subsidize newer,
12 cleaner trucks, and a concession agreement between
13 the Port and the LMCs that effectively enforces
14 the age-based truck bans.

15 We have a different model here.
16 It's designed for the very particular
17 environmental and operational conditions that
18 exist here at the Port of New York and New Jersey.
19 It's also worth noting that Los Angeles was
20 adopted in a very different moment in our economic
21 history, in a moment of plenty, whereas the TRP
22 was developed, as we all know, in a time of deep
23 recession in the region, at the port, and of
24 course the country. So there are similarities and
25 there are differences, but each have the goal of

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2 clean trucks. I think looking forward it's fair
3 to say that we expect there will be a need for
4 additional financial and operational incentives
5 and programs, that will be necessary to ensure the
6 long-term successful implementation of the goals
7 of the truck bans in the TRP. And we're already
8 working towards that.

9 As co-chair of the clean truck work
10 group, I'm personally committed, and NRDC is
11 institutionally committed to ensuring the future
12 steps address both the environmental and the
13 economic issues underlying the truck components of
14 the clean air strategy and the TRP in a successful
15 manner.

16 Third, I just want to say a couple
17 words about the shore power issue at the Brooklyn
18 Cruise Terminal. This issue, to us, is a no-
19 brainer. The concept of shore power is simple. A
20 docked ship can burn as much as seven tons of
21 dirty bunker fuel daily to run its electrical
22 generators. This bunker fuel contains as much
23 sulfur as 3,000 trucks, as the fuel in 3,000
24 diesel trucks or buses. Plugging in to shore-
25 based electrical power will be dramatically

1
2 cleaner and more efficient than burning on-board
3 bunker fuel. It's really simple. But
4 unfortunately, the Public Service Commission has
5 not yet set the electrical rate, called a tariff,
6 for the power to be supplied by ConEdison. For
7 the project to work, the rate has to be
8 competitive along with whatever incentives are put
9 on the table, with the currently cheaper
10 alternative of simply idling an extremely dirty
11 engine on an extremely dirty bunker fuel. It's
12 time for the PSC to set that tariff, establish the
13 electricity rate, and for the project to move
14 forward.

15 The last piece I want to touch on
16 before I close is the need for federal legislation
17 to protect port cleanup plans. NRDC believes that
18 the federal law already enables ports to move
19 ahead with truck cleanup plans, whether those
20 plans are base on the concession model of Los
21 Angeles, the registration model of Long Beach, or
22 the TRP here at the Port of New York and New
23 Jersey. Nevertheless, ongoing litigation is
24 challenging that view and we're living in a time
25 of uncertainty. We believe that amending the

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2 operative law, which Rob called AAAA, we tend to
3 call it the F4A, but the Federal Aviation
4 Administration Authorization Act--a real mouthful.
5 It would clarify that port programs, to protect
6 the environment, are not preempted by federal law.
7 The proposed amendment would not require any ports
8 to implement any particular program, or frankly,
9 any program at all. What the proposed amendment
10 would simply do, is protect Port Authorities that
11 want to mitigate the environmental and safety
12 threats posed by port trucking if and when those
13 ports decide to act. It's very simple, it's very
14 clear, and it's very necessary.

15 So, we strongly urge the Committee
16 to--and the full Council--to adopt a resolution
17 that helps Congressman Nadler's efforts, and that
18 clearly urges Congress to amend the F4A, or the
19 FAAAA, to specifically enable ports to create such
20 mitigation programs if and when they choose to do
21 so.

22 Thank you very much for the
23 opportunity to testify today. I'm happy to take
24 your questions.

25 COUNCIL MEMBER BREWER: Thank you

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2 very much. Next, Mr. Lewis?

3

ROLAND LEWIS: Good afternoon.

4

Thank you for the opportunity. I'm Roland Lewis,

5

the President of the Metropolitan Waterfront

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Alliance, an alliance of over 420, I think, 423

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organizations now and counting, dedicated to a

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cleaner, healthier, accessible and vibrant harbor.

9

And I just would say, parenthetically, that I came

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here a little late today from the harbor, having

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escorted Reid Stowe, who has spent 1,000 days out

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at sea, sailing back home to New York City just

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today. And you'll read about it and see it in

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tonight's news.

15

COUNCIL MEMBER BREWER: A very nice

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story about it in the New York Times today.

17

ROLAND LEWIS: Yes, yes. It was a

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remarkable, remarkable thing. But to see

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firsthand, of course, and be reminded about the

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business and unique character of our port was a

21

wonderful background for this--for our testimony.

22

I will not repeat what you've heard from NRDC and

23

EDC and Jerry Nadler's office.

24

One of the basic planks of the MWA

25

is to get trucks off the road and more goods on

1
2 the water transport. We applaud the City's
3 efforts in this vein to upgrade the rail system,
4 to move goods directly to--particularly the Port
5 of Brooklyn, so that we have fewer - - trucks on
6 the streets of New York. The maritime industry,
7 as we move--already takes 3 million trucks off the
8 road in any given year, and we can do much better
9 than that. We also have looked at the LA model
10 and are very encouraged by the progress they've
11 made there and we'd love to see that replicated
12 here in New York. We are also encouraged and
13 applaud the effort of the Council and others to
14 use low sulfur diesel and or bio fuel, alternative
15 fuels to clean the fleets of our tugs and other
16 boats that are on the harbor.

17 One point and one invitation.

18 We've been working with EDC to try and bring
19 ecological design to waterfront and port
20 development. It's a program called Design the
21 Edge; it's funded by the State of New York. And
22 it can encourage maritime facilities to have soft
23 edges that have more biological variety. This is
24 a, you know, our harbor is cleaning, is getting
25 cleaner. And the amount of fauna and flora in the

1
2 water is increasing, and this is something that I
3 think would make our port greener. This is
4 brought home--we're constructing an eco dock out
5 in Bay Ridge. And the Army Corp's one comment is
6 that they want to be sure that we are ready for
7 the harbor seals, which are returning to our
8 harbor in every growing numbers, maybe finding
9 this a likely place to sun themselves while in
10 between kayakers. So it's something to take into
11 consideration as we're talking about the Port.

12 The last thing I'd like to mention
13 is the comprehensive waterfront plan that this
14 Council, I think, and this Committee, very
15 farsightedly put forth, is now a reality. We are
16 going forward in every borough getting comments.
17 The MWA is also getting input. We are having the
18 Working Waterfront community come to the MWA on
19 June 23rd. I would invite everybody here who is
20 concerned about a greener port, to have their
21 voices heard at this outreach session with the EDC
22 and the Department of City Planning. Because the
23 ideas that we're hearing today should be made part
24 and parcel of the plan that will govern how our
25 waterfront is developed for the next ten years.

1
2 So again June 23rd. It will be at the Seamen's
3 Church Institute, and we look forward to seeing
4 many of you here to again give these ideas, and
5 also let them be memorialized in our new plan for
6 the waterfront. Thank you very much.

7 COUNCIL MEMBER BREWER: Thank you.

8 Council Member Lander, do you have questions?

9 COUNCIL MEMBER LANDER: Yes.

10 COUNCIL MEMBER BREWER: How did I
11 guess?

12 COUNCIL MEMBER LANDER: Thank you,
13 acting Chair Brewer. Yes, not too many this time,
14 though. Well, first I want to thank both Rob and
15 the Congressman and Rich for talking about the
16 federal legislation and suggesting that we do a
17 resolution in support of it. We'll certainly move
18 forward to try to do that, and it would be a great
19 step, and I want to thank the Congressman for his
20 leadership in helping make that happen. And
21 hopefully we can keep moving here to take steps
22 forward.

23 Mr. Castle, one question based on
24 your role in the Clean Trucks Working Group, I
25 wonder if any thought was given--so we've got now

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2 after January we'll have the 2017 deadline in
3 moving to 2007. And you talked and the Port
4 Authority also talked about trying to come up with
5 some financial incentives, as we're doing now, to
6 help folks convert. Did you think about providing
7 sort of additional incentives to those who do it
8 early? So, if we could put resources on the
9 tables, and those who adopt earlier would have a
10 more attractive package than those who only do it
11 when they have to, when obviously they'll have to
12 do it anyway.

13 RICHARD CASTLE: We did. And let
14 me try to summarize some of the thinking on that
15 point. When we got together last summer, we
16 looked at the data of the truck population. We
17 saw very clearly there was roughly 16, 17% of the
18 trucks that were frequent callers to the marine
19 terminals were pre 1994. Those trucks are too old
20 to be retrofit. And it was very clear that while
21 they're the tail of a truck inventory, they're a
22 bulge of emissions. And the first step was, how
23 do we create a program that will identify those
24 oldest and dirtiest and get them off the road as
25 soon as possible. And so that was the first

1
2 phase. But at the same time we recognized that
3 one of the great burdens that truck owners,
4 whether they're independent owner-operators or
5 LMCs have, is the financing of new equipment. And
6 that we wanted, to the extent possible, avoid the
7 situation where somebody buys a--gets rid of their
8 pre '94 truck, they buy a middle age truck, a 2004
9 or newer, they spend five years paying off the
10 loan on that truck and then instantly have to buy
11 a new truck. And we recognize that once we're
12 over that first hurdle of creating a mechanism to
13 get rid of the oldest and dirtiest, we want to get
14 to work at incentivizing people to leapfrog past
15 2004 and get to the newer trucks, that for the
16 people who do that, there's durability
17 improvements. There's reliability improvements,
18 there's fuel economy improvements--there's a lot
19 of good reasons why for people who make the
20 stretch there's going to be a payoff for doing
21 that. And so, the truck work group will be
22 getting back together and working on incentives to
23 make sure that happens. But already, the Port
24 Authority is already moving forward with
25 applications to EPA for federal funding for the

1
2 next round of diesel retrofit monies and diesel
3 replacement monies that would be open for 2007 and
4 newer engines--the idea being let's try to help
5 people get all the way.

6 You know, one problem you always
7 face in something like this is that there's a bit
8 of a tradeoff. You know, as I said before, nobody
9 owns a 20-year old truck because they like a 20-
10 year old truck; they own it because they can't
11 afford more. We have a large body of independent
12 owner-operators who have these old trucks. And we
13 want them to move towards cleaner trucks, but we
14 want them to do it in an economically sustainable
15 way for them. And I guess the compromise that was
16 reached was a program like we have moves them not
17 all the way to 2007 or newer trucks that are a lot
18 more expensive, but to a truck that is cleaner--
19 depending on the pollutant, 50 to 65-ish percent
20 cleaner--not quite as expensive, a little more
21 sustainable, and we get the volume. You know,
22 that same \$28 million pot goes a lot further if
23 you're using it for 2004 trucks than if you're
24 using it for brand new trucks that may be two,
25 three times as expensive. There's a lot of

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judgment calls on that; we grappled with them a lot. I think going forward everybody in the work group is really committed to figuring out how to do this in a way that works for the independent owner operators as well as everybody else working at the port, really committed to figuring out how to the extent possible everybody can leapfrog toward the cleanest truck. So only have to buy one truck; if they do take advantage of the financing, they only have to do one loan, not two loans.

That's a long answer, but I wanted to give you a bit of the flavor.

COUNCIL MEMBER LANDER: Thank you. And my only other question, I guess, is for Roland. You talked a little about the ferries, and I know the Staten Island Ferry, the Council and the Mayor worked together to that to be ultra low sulfur. There's obviously a lot of other of the smaller maritime crafts in the port who I think are, you know relatively low emitters-- certainly relative to those cruise ships and probably even to cargo ships. But I wondered if you had some more thoughts about things we could

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2 be doing to enable them, either require them or to
3 enable them, to also use ultra low sulfur fuels?

4

ROLAND LEWIS: I think require, you
5 know--there actually is, it's one of the Achilles'
6 heels of this argument. Getting the smaller fleet
7 to use it, especially the ferry operators and the
8 tug operators, a lot of them are older engines and
9 need to be retrofitted. The EPA does have
10 programs that will allow them to do that, to
11 retrofit their engines. I think the Council could
12 do a resolution toward--I don't think you have the
13 authority to require that private people--but you
14 know, a sense of the Council that this is a
15 priority for the City would perhaps force some of
16 the industry toward, or push some of the industry
17 in that direction.

18

The marginal difference in--I know
19 bio fuel a little bit more than ultra low sulfur--
20 is it is marginal. It's a couple cents on a
21 gallon, which in a marginal industry is tough.
22 But if we get everyone moving in lockstep, I think
23 just advocacy right now on the part of the Council
24 would be the best thing you can do.

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COUNCIL MEMBER LANDER: That's

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great. Before you arrived we talked a little bit also about looking at tax policy, because unlike Jersey, we don't tax bunker fuels.

ROLAND LEWIS: Right.

COUNCIL MEMBER LANDER: So, to the extent that, you know, we might just do it that way, put a--and I think this would probably take state legislation rather than city--

ROLAND LEWIS: [Interposing] Right.

COUNCIL MEMBER LANDER: -but put some marginal additional tax on bunker fuel. They hopefully choose to use the cleaner fuels, at least we could alternatively get some revenue to help support these other retrofit programs.

ROLAND LEWIS: Right.

COUNCIL MEMBER LANDER: Thank you.

COUNCIL MEMBER BREWER: Thank you.

I have a quick question. The work group at the Port Authority, that includes the unions I would assume, correct?

RICHARD CASTLE: Yes. In fact, you'll be hearing later from Christina Montorio, who is a key member of the work group and comes from Teamsters--

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COUNCIL MEMBER BREWER:

2

[Interposing] Okay.

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RICHARD CASTLE: And Change to Win-

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COUNCIL MEMBER BREWER:

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[Interposing] Okay. The other question I have,

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this is sort of a side issue, but when the trucks

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come in to New York, do you know if they get

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weighed at all? Because obviously heavy trucks

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are another challenge, not an environmental one so

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much, but obviously some trucks are heavy--

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overweight.

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RICHARD CASTLE: There are weight

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limits on the road, but I don't believe that

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trucks are being weighed when they come through

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the tunnel or over a bridge.

17

COUNCIL MEMBER BREWER: Right.

18

RICHARD CASTLE: There are probably

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people who could correct me. But I've certainly,

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in my own experience crossing bridges and tunnels,

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I've never seen any truck being weighed as it

22

comes through.

23

COUNCIL MEMBER BREWER: Okay. And

24

the other question with the PSC, this is on the

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1
2 other issue with the boats, is there movement on
3 that front in terms of making them follow some of
4 the suggestions that you outlined, the Public
5 Service Commission?

6 RICHARD CASTLE:: Well, there is an
7 ongoing proceeding, but we haven't seen a decision
8 yet from the PSC, and I hope that we see one, you
9 know, very soon, because it is holding up the
10 program. And it's a great program; it's a great
11 program for communities in Brooklyn that live
12 downwind from the cruise terminal, Red Hook,
13 Sunset Park and others. It's also a great program
14 for New York, because it really--this doesn't
15 exist anywhere on the east coast. And if we can
16 demonstrate that it works well, I think it's an
17 adaptable and a replicable model for other ports
18 and for places within our own port. So I do hope
19 that PSC acts and we can get moving.

20 COUNCIL MEMBER BREWER: Thank you
21 very much. Okay, thank you, panel.

22 RICHARD CASTLE: Thank you.

23 COUNCIL MEMBER BREWER: Christina
24 Montorio, who just was mentioned, from the
25 Teamsters; Daniel Ortiz; Victor Martinez and Amy

1

2 Traub.

3

[Pause]

4

5 these as well, along with the testimony. Thank
6 you.

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[Off Mic]

8

9 like to go? Go right ahead. Just pull the mic
10 towards you, and introduce yourself.

11

12 CHRISTINA MONTORIO: Thank you
13 Madam Chairwoman, Councilman Lander and the rest
14 of the Waterfront Committee for the opportunity to
15 speak today. My name is Christina Montorio, and I
16 am a representative from the Teamsters Port
17 Division, and a founding member of the Coalition
18 for Healthy Ports, a coalition of labor unions,
19 environmental organizations, community advocates,
20 fighting for clean air and good jobs at our
21 country's ports.

21

22 I'm here today to talk about the
23 port trucking industry, and as many others have,
24 to ask for your support for an LA-style clean
25 trucks program for our New York, New Jersey
region, and to encourage you to call on congress

1
2 to pass federal legislation that will make clear
3 Port Authority's ability to enact programs like
4 these--the legislation that Rob spoke on earlier.

5 In the New York City metropolitan
6 region, the impacts of diesel pollution from the
7 estimated 7,000 trucks that serve the seaport are
8 jaw dropping. The clean air task force estimates
9 that there will be nearly 1,400 premature deaths,
10 3,000 heart attacks, 50,000 asthma attacks and
11 220,000 lost days this year--all a result of the
12 intensity of diesel pollution in our region. This
13 air quality crisis in port adjacent regions like
14 New York City is an unintended consequence of a
15 system which misclassifies port drivers as
16 independent contractors, and forces individual
17 low-income workers to bear the cost of owning and
18 maintaining expensive equipment.

19 As Daniel Ortiz and Victor Martinez
20 will tell you today, making a living as a port
21 truck driver has become increasingly difficult
22 over the years. Trucking brokers classify Daniel
23 and Victor, and the majority of the 7,000 port
24 drivers, as independent contractors. This helps
25 trucking brokers keep their costs low, while

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2 passing the costs of fuel, tolls truck purchase
3 and maintenance and all the other expenses of
4 doing business on to the drivers, who often make
5 less than \$8 an hour with no health benefits.
6 Because drivers are paid so little, they drive the
7 oldest, most highly polluting trucks in the
8 industry. As Daniel and Victor will tell you,
9 they would like to drive clean trucks that aren't
10 spewing toxic fumes as they drive down public
11 highways. But the question is, if drivers can't
12 afford life's necessities like health insurance
13 and a fair wage, how can they be expected to fund
14 the huge costs associated with cleaning the air?

15 As Amy Traub from the Drum Major
16 Institute will tell you, a policy solution exists
17 that will address both the economic and
18 environmental injustice of the current system.
19 The EPA award-winning LA Clean Truck program
20 offers a sustainable solution to the broken port
21 trucking industry by putting the cost of newer
22 trucks where it belongs, on the capitalized
23 companies who establish drayage rates with their
24 clients. Unfortunately, Port Authority's ability
25 to enact programs like these have been called into

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2 question by a lawsuit from the Virginia-based
3 lobbying firm, The American Trucking Associations.
4 That lawsuit has stymied the landmark success of
5 the LA Clean Trucks program by allowing trucking
6 companies to put the cost of new trucks back on to
7 the drivers in Los Angeles, pushing many workers
8 into financial ruin. We can do better, but we
9 need the tools. We ask that the Council pass a
10 resolution supporting a comprehensive clean trucks
11 program for the New York, New Jersey region, and
12 urge Congress to pass federal legislation that
13 will make clear the Port Authority's legal ability
14 to do so.

15 And with that, I'd like to
16 introduce you to Daniel Ortiz, a port driver who
17 makes regular stops in the Greater New York Area.
18 Thank you.

19 COUNCIL MEMBER BREWER: Go ahead.
20 Thank you very much.

21 DANIEL ORTIZ: Thank you for this
22 opportunity. My name is Daniel Ortiz. I'm out
23 here to give my testimony. My name is Daniel
24 Ortiz. I have been a truck driver - - port for
25 nine years. I deliver containers in and out of

1
2 the port of New York and New Jersey, including
3 Howland Hook facility in Staten Island. When I
4 started driving trucks, I thought I could make a
5 good living because it is a skilled job. I was
6 also told I would be able to be my own boss. But
7 over the nine years, I see a lot of change in the
8 truckers, for the worse. More of us are no longer
9 employees, but we are instead independent
10 contractors, and we must carry the costs of owning
11 our trucks and taking care of them. I am
12 misclassified an independent contractor; I am at
13 the will of the trucking company. They say I am
14 an independent contractor, but they treat me like
15 an employee; tell me where to go, at what time and
16 for how much. I have no say in anything to this.
17 Meanwhile, I don't have any right to benefits an
18 employee does, no social security, no
19 unemployment, no benefits. I'm like I have no
20 future. This is difficult financially for me and
21 for all the drivers to earn a living, pay for all
22 the costs of the trucks and take care of my
23 family.

24 Last month, for example, I was paid
25 a total of \$5,000, averaging about 70 hours each

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2 week. Because I'm driving my trucks, which is
3 including my payment, insurance costs, parking,
4 fuel and maintenance, was about \$3,000 last month.
5 This left my family with \$2000 to pay off mortgage
6 and put food on my table. My mortgage loan is
7 more than \$1000. And this amount does not include
8 the tax I pay because I am misclassified as an
9 independent contractor. But the money isn't the
10 only problem. I sit behind the wheels of my truck
11 for 90 hours a week, sometimes I breathe in the
12 diesel fuel all the time. I want to drive a clean
13 truck because it's affecting me and my family. I
14 want to be here for when my grandchild grows up.
15 I would want him to know me.

16 The pollution also affects my
17 community, where I live, Newark. It's very close
18 to a lot of the port. And I know that my truck
19 isn't good for the air that my neighborhood is
20 breathing. WE are trying to change the situation,
21 because a lot of the drivers are I talk with want
22 clean trucks too. And we want to have more
23 stability with our work. As an owner-operator,
24 I've been learning that law favors trucking
25 companies, and not the truck drivers. The law

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2 should be changed so we could be successful. I
3 would think a clean truck program would protect
4 our drivers from being stuck on the bottom of this
5 system. - - If we are successful from being
6 recognized as employees, then with trucking
7 companies we would have to pay for those trucks,
8 and they would have to pay the driver fairly.
9 They law would be more balanced, and it would mean
10 a lot to me, and to my family, and to my
11 neighborhood. I am here today to ask you to
12 support the solution, asking congress to change
13 the law that's keeping me and my fellow truck
14 drivers from providing for my family. We should
15 be able to protect my community. And communities
16 are already - - from the pollution that affects us
17 today. Thank you very much.

18 COUNCIL MEMBER BREWER: Thank you
19 very much.

20 CHRISTINA MONTORIO: And Members of
21 the Council, Victor is going to speak, but Mark
22 Ramirez is going to translate for him, if that's
23 acceptable.

24 COUNCIL MEMBER BREWER: That's
25 fine, thank you.

1
2 VICTOR MARTINEZ [THROUGH
3 INTERPRETER]: My name is Victor Martinez, and I
4 thank God for the opportunity to be here today. I
5 have been a port driver for 12 years. I haul
6 containers in and out of the ports of New York and
7 New Jersey, including the Howland Hook port on
8 Staten Island.

9 I'm here today to tell you a little
10 bit about my life as a port truck driver and how
11 it affects me, my wife, and my two little girls.
12 First, let me say that I've always wanted to be a
13 truck driver. It's a skilled job and a job that
14 I'm proud to have. But the reality of being a
15 truck driver is different than what I could have
16 imagined. I am a professional truck driver, and I
17 should be earning a fair living. Instead, I'm
18 scraping by to make ends meet. I am misclassified
19 as an independent contractor, and as a result, I'm
20 forced to pay for all the expenses of being a
21 truck driver, including my truck, diesel, tolls,
22 maintenance and repairs.

23 I'm also responsible for equipment
24 that I do not own, but have to use in order to do
25 my job. The chassis that are used to put a

1
2 container on my truck are often old and sometimes
3 are not well maintained. If a tire blows out or
4 if a light stops working, I'm forced to pay to
5 have it fixed. If I were properly classified as
6 an employee of the company that I've worked for
7 for six years, that company would be responsible
8 for all of these expenses. But instead, they have
9 put it all on my shoulders, because I am
10 misclassified as an independent contractor.
11 Because of this, I am denied medical benefits and
12 all of the other rights and benefits, like
13 unemployment insurance, social security and
14 worker's comp I should receive as an employee.

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

22 Secondly, I'm worried about my
23 health. I sit behind a diesel engine for 50 or 60
24 hours each week. My family and I live in Newark,
25 not far from the ports. I know that the diesel

1
2 pollution is bad for my health and for my family
3 and for my community. Because of this and because
4 of the truck ban happening soon, I recently sold
5 my 1990 truck and purchased a newer, 2003 truck.
6 But getting a newer, cleaner truck has been more
7 difficult than I thought. My old truck was
8 completely paid for. I was able to barely make
9 ends meet and provide necessities for my family
10 then, but now that I have a new truck and truck
11 payments, I'm struggling to provide for my family.
12 We have had to sacrifice with my family, such as
13 the quality time that we spend together, to scrimp
14 and save because of the additional costs of my
15 truck loan.

16 I'm telling you my story because
17 the truck ban is going to put a lot of other
18 drivers in the same difficult situation that I'm
19 in. I believe that everyone that works as hard as
20 we do should be able to provide a better future
21 for our families. I feel that the only way we can
22 make this happen is with your help, helping us
23 representing the truck drivers. Thank you for
24 your time today, and I'm happy to answer any
25 questions you might have.

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2 COUNCIL MEMBER BREWER: Thank you,
3 Mr. Martinez. I think there's one more speaker.
4 Go ahead.

5 AMY TRAUB: Good afternoon. I've
6 got a really tough act to follow now. My name is
7 Amy Traub, and I'm the Director of Research at the
8 Drum Major Institute for Public Policy. One of
9 our primary projects at DMI is to highlight public
10 policies that have been successful in improving
11 people's lives and should be replicated in New
12 York and Elsewhere. And the Clean Truck program
13 at the Port of Los Angeles is one of the most
14 effective policies that we've found.

15 I just want to add to some points
16 that Congressman Nadler's office made about this
17 program. The Clean Truck Program improves air
18 quality and reduces global warming emissions and
19 also has the potential to improve the quality of
20 port trucking jobs--which we've heard really need
21 improvement here at the Ports of New York and New
22 Jersey--turning what are now low income jobs back
23 into the middle class jobs that they once were.

24 On the environmental front, what
25 Los Angeles has accomplished is pretty astounding.

1
2 Once they launched the Clean Truck Program in
3 October 2008, they have replaced more than 6,600
4 dirty diesel-polluting trucks that served the port
5 with cleaner models. That's going to remove 30
6 tons of diesel particulate matter from the
7 southern California air every year, cutting port
8 trucking emissions by 80%. And the improved air
9 quality there is also going to make a big
10 improvement in public health, reducing cases of
11 asthma, heart attacks and other medical problems.
12 There's one study that estimates that the region
13 could save as much as \$5.9 billion in medical
14 costs and productivity increases by 2025 as a
15 result of that program.

16 When the Drum Major Institute
17 convened a conversation with Los Angeles official
18 Sean Arian a couple of years ago, he also
19 highlighted some additional gains from the
20 program, including improved port security and new
21 opportunities to expand port operations and create
22 new jobs. And so, I've included a transcript of
23 that conversation for you, along with the copies
24 of my testimony. But now, as we've heard in Los
25 Angeles and the nation's other ports, including

1
2 the Ports of New York and New Jersey, we're facing
3 a real challenge. In the long run, you can't
4 maintain the environmental benefits from this
5 program without also addressing the broken
6 employment model in the port trucking industry.
7 We've heard from Mr. Martinez and Mr. Ortiz about
8 the untenable financial situation that they're
9 facing. And the research really suggests that
10 that's a typical situation. I got to meet Dr.
11 Bensimon this morning, who I understand will be
12 speaking later to this committee. And his study
13 finds that the 7,000 port truckers in New York and
14 New Jersey earn just \$28,000 a year on average.

15 Before Los Angeles launched its
16 clean truck program, the port there commissioned
17 an analysis that concluded the system won't work
18 if it's relying on independent truck drivers in
19 this financial position to maintain the trucks;
20 their margins are just too narrow. Already we're
21 hearing reports of truckers in California going
22 deeper and deeper into debt to finance required
23 environmental upgrades and maintenance. To keep
24 the trucks maintained and to sustain the
25 environmental benefits, you either have to keep

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2 adding more taxpayer subsidies to the program, or
3 you can do what LA originally wanted to do, which
4 is to make the powerful, profitable players in the
5 industry who can afford this responsible for the
6 trucks and their upkeep. In the process there's
7 the opportunity to make companies responsible for
8 their drivers too, giving port truckers the same
9 protection to things like fair wages and hours and
10 occupational health and safety that other working
11 people had. And so the original plan in Los
12 Angeles hinged on turning port trucking jobs back
13 into the type of solid, middle class jobs that
14 they were before the industry was deregulated in
15 the 1980s.

16 As you know, portions of the Los
17 Angeles Clean Truck program have been enjoined by
18 the American Trucking Associations, preventing the
19 Port of Los Angeles from enforcing the provision
20 that trucking companies treat their drivers as
21 employees. And now they're facing exactly the
22 same problem that their study predicted; the long-
23 term sustainability of the significant
24 environmental gains that they've made hinges on
25 the economics of thousands of individual low-

1
2 income port truck drivers. It's difficult to
3 believe that these gains can be sustained when
4 drivers cannot afford to maintain their trucks and
5 provide the basic needs for their families.
6 That's why the federal law must be updated, so
7 that it's not taxpayers and the truckers who are
8 paying to clean the air, but rather the companies
9 that profit most from the operation of our ports.
10 And so, I urge the City Council to adopt a
11 resolution supporting federal efforts to clarify
12 the law that governs port trucking. An amendment
13 to federal law would give the Port Authority of
14 New York and New Jersey the clear authority to
15 follow and build on models like the Los Angeles
16 Clean Truck Program, and effectively address the
17 issues associated with the current port trucking
18 system. Thank you.

19 COUNCIL MEMBER BREWER: Thank you
20 very much. Council Member Lander?

21 COUNCIL MEMBER LANDER: Thanks so
22 much to all of you for this testimony. I just
23 have one or two questions. First, about the
24 misclassification and whether that's been
25 challenged, how it's allowed. It sounds pretty

1
2 clear to me that you're employees. I mean, have
3 you or have the Teamsters challenged the
4 misclassification?

5 CHRISTINA MONTORIO: I think I can
6 field that one. In California, Attorney General
7 Jerry Brown has taken on a number of trucking
8 companies and filed lawsuits, litigation, that the
9 state has brought against those companies on the
10 basis of misclassification, and been successful;
11 won awards of upwards of \$4 million in one case,
12 and there's several others that I can't cite
13 particularly. The issue really is a systemic
14 problem. There are potentially cases that could
15 be found, but at the same time, it's such a
16 prevalent exercise it's more about changing the
17 mechanics of the industry, rather than, you know,
18 exhausting resources by attacking this company or
19 that company.

20 COUNCIL MEMBER LANDER: And then my
21 other question is, it sounds like everyone is on
22 the same page who has testified so far about
23 asking Congress to go ahead and pass the law that
24 would allow places like the Port of Los Angeles to
25 have the Clean Trucks Program. It wasn't as clear

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2 from the Port Authority's testimony whether if
3 they had that authority--and since they don't,
4 fair enough that they can't yet express it--would
5 they do it. As they designed the Clean Trucks
6 Program they spoke about seeking a balance so that
7 it could work both for employers and for
8 independent contractors. In your mind, are there
9 independent contractors who would want to maintain
10 that kind of ability? Or do you think that
11 industry-wide what we really have is an employer
12 and employee relationship, in which case, once we
13 get them the authority we ought to work with them
14 to make sure they take this step of implementing a
15 program like Los Angeles?

16 CHRISTINA MONTORIO: I think the
17 answer to your question is the latter. And I may
18 need some clarification on it if you don't think I
19 answer it. But we certainly would like to see the
20 Port Authority enact a program right away. As
21 studies have shown, as Amy cited in her testimony,
22 there--and I believe Professor Bensimon may speak
23 on here today--there is a serious concern about a
24 system that puts the emphasis, the cost
25 requirements for cleaning the air on individuals

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2 who are incapable of paying for it. So the Clean
3 Trucks Program attempts to address that by
4 changing the employment structure of the industry.
5 And so we'd certainly advocate the Port Authority
6 enact one, as soon as they were clear they had the
7 legal ability to do so.

8 COUNCIL MEMBER LANDER: Thank you.

9 CHRISTINA MONTORIO: Sure.

10 COUNCIL MEMBER BREWER: Thank you,
11 panel, very much. We appreciate your testimony.
12 And I'm sure that what you suggest will be
13 something that you look toward doing. Thank you.
14 The next panel is Daniel Wiley from Congresswoman
15 Nydia Velazquez's office; Melissa Umberger from
16 Pratt Center; David Bensimon, who was mentioned
17 earlier; and Kyle Wiswall from Tri-State
18 Transportation Campaign.

19 [Pause]

20 COUNCIL MEMBER BREWER: If you
21 could, when you're speaking try to summarize if
22 you have long testimony, that would be great. We
23 do have some time constraints. Thank you.

24 [Pause]

25 COUNCIL MEMBER BREWER: Go right

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ahead, whoever would like to begin.

DANIEL WILEY: Thank you Councilwoman Brewer and Lander--Councilman Lander, for your leadership on this. I'll try to summarize as much as possible. I think this is a very educational hearing and I'm glad I sat through most of it. I also want to recognize the work of Gerald Nadler on the Transportation Committee, with whom Congresswoman Velazquez works closely on the Southwest Brooklyn Waterfront. I think--

COUNCIL MEMBER BREWER:

[Interposing] You need to introduce yourself.

DANIEL WILEY: Oh, I'm sorry. Dan Wiley. I'm a community coordinator for Congresswoman Nydia Velazquez in Southwest Brooklyn.

I think east, west, we've got to do better than LA. We can do it here. We have Gowanda, the seal that washed up on the shores of the Gowanus Canal, which we're working together to clean up. We've got an incredible asset in the Sunset Park waterfront with a good plan to increase the rail infrastructure, make better

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2 intermodal facilities. We have the Brooklyn
3 Waterfront Greenway planned. We've got great
4 advocacy groups like Up Roads, which has been
5 advocating a long time for a green port, and also
6 COWNA, the Columbia Waterfront Neighborhood
7 Association, who has been doing a lot of good
8 advocacy. It's been great to hear from the
9 truckers and the people who are actually doing the
10 work on the waterfront to move our goods. We
11 definitely have to have a humane way of addressing
12 environmental issues that also includes economic
13 justice, social justice.

14 The Red Hook waterfront, of course,
15 is a very active place, and I just want to very
16 briefly highlight something that certainly
17 Councilman Brad Lander's been working on with us
18 for a while, and that is cold ironing. Of course
19 the Port Authority received nearly \$3 million in
20 Recovery Act monies to help build infrastructure
21 needed for the cruise line to hook up to
22 electrical power while docked at the cruise
23 terminal to reduce emissions. If they can do it
24 on the west coast, I think we should be able to do
25 it on this coast.

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2 I'd also like to recognize the Port
3 Authority, under Chris Ward's leadership, has been
4 looking forward. And I just came back last week
5 from a trip to Rotterdam where we were having a
6 Brooklyn Waterfront Rotterdam exchange and looking
7 at how they do things and how we can do things.
8 So we should also hold ourselves to a Rotterdam
9 standard too. And of course, participating in
10 that was also the Mayor's Office and the
11 Department of City Planning and DEP and EDC as
12 well, of course which owns a lot of this
13 waterfront--as well as the local community boards.
14 So I think working together we can reach this goal
15 to reduce pollution, improve the health of the
16 local community and demonstrate how a green port
17 can work. So, thank you very much.

18 COUNCIL MEMBER BREWER: Thank you
19 very much. Next?

20 MELISSA UMBERGER: Thank you for
21 the opportunity to testify today. My name is
22 Melissa Umberger and I'm speaking on behalf of
23 Pratt Center for Community Development. We're a
24 university-based non-profit organization working
25 to create a more just, equitable and sustainable

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New York.

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

So, today we're asking the Council to support a federal amendment to Motor Carrier Act, that would allow for the Port Authority of New York and New Jersey to design programs to meet higher environmental standards, to also 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 also support the speedy identification and implementation of a preferred solution to the limited--God Bless You--connectivity of the

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2 freight network east of the Hudson that will be
3 studied in the Port Authority of New York And New
4 Jersey's Cross-Harbor Freight Movement Project;
5 but also to build upon the work of and continue to
6 collaborate with constituencies and waterfront
7 environmental justice communities on the north
8 shore of Staten Island, Sunset Park and Red Hook
9 in Brooklyn, and in the South Bronx, that have
10 identified priorities and opportunities for
11 environmental improvements; and for the creation
12 of green collar jobs with local hiring
13 preferences.

14 The process and goals of the Clean
15 Truck Program initiate by the Port of Los Angeles
16 represents nothing less than the best, most
17 cutting edge model of collaboration to move
18 towards a collective solution to the issues that
19 poorly planned and implemented freight movement
20 practices engender. It is exactly this type of
21 coalition building that our region must embrace in
22 order to temper existing health crises,
23 environmental burdens and impediments to economic
24 growth. It's urgent that the City of New York
25 send a clear and strong message that we want and

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2 are ready to take these overdue steps forward, and
3 that impediments created by legal uncertainty are
4 removed. We call upon the City Council to support
5 this effort through a formal resolution, urging
6 for the update of the Federal Motor Carrier Act
7 that is supported by the Coalition for Clean and
8 Safe Ports, and in many of New York's
9 congressional delegation.

10 So to realize these goals in the
11 mid to long term, we must aggressively tackle the
12 single largest cause of the region's dependence on
13 truck traffic: insufficient freight connections
14 across the New York Harbor. The limited
15 connectivity dramatically hinders multimodal
16 freight movement to the east of the Hudson region,
17 preventing greater fuel efficiencies and a
18 reduction of vehicle miles traveled. A previous
19 study looking at cross-harbor rail goods movement
20 revealed that resolving the connections issue
21 would remove 1 million long haul truck trips from
22 the region's roads annually, while removing more
23 than 120,000 tons of pollution.

24 In addition to taking these actions
25 described, we call on you to help your

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2 constituents make the connections between so many
3 of their issues in freight by helping to turn on
4 the light so we can see the whole elephant, so
5 that we make sure that our freight movement
6 network is healthy, safe and help us reach the
7 goals that we all share. Thank you.

8 DAVID BENSIMON: Esteemed Council
9 Members, I'm David Bensimon, Professor from
10 Rutgers University. I'd like to thank you for the
11 opportunity to address you. Two years ago, along
12 with five or six of my students, I had the
13 opportunity to interview 300 port truck drivers,
14 like Daniel and Victor, and I'd like to tell you
15 what I learned from doing that.

16 On the basis of my study of 300
17 port truck drivers, I concluded that the Port
18 Authority's plan cannot succeed, because it does
19 not recognize the economic reality of the drayage
20 industry. The Port Authority plan provides grants
21 and subsidized low interest loans to the owner
22 operators who haul 80% of the containers in our
23 region, but even with the grants and subsidies,
24 these owner operators cannot afford new trucks.
25 The reason is simple; new trucks cost too much.

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2 Owner operators are forced, as the industry is now
3 constituted, to drive for rates that are too low
4 to pay for modern efficient diesel engines. They
5 are not credit worthy to take on leases of \$75,000
6 or more. The Port Authority's plan will not
7 replace 600 old diesel engines by the end of
8 September or by the beginning of the new year, and
9 600 truck replacements is a pretty modest goal
10 considering that in Los Angeles they replaced
11 6,000. I'd also add that the 1994 target for
12 replacement is kind of arbitrary. 2000 trucks are
13 dirty trucks that don't meet current diesel
14 standards. But we're not going to replace 600
15 plus.

16 The New York region will not get
17 the new trucks it needs to begin the journey to a
18 green freight transport system. The reason why we
19 need a new approach is that the current drayage
20 system is characterized by a marked imbalance of
21 power between the shippers who need to move their
22 containers from the ports to distribution centers
23 and warehouses, and the drayage companies which
24 haul the containers. Beneficial cargo owners,
25 huge firms like Wal-Mart, Target and Home Depot

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2 can dictate delivery prices that are so low that
3 drayage companies can only accept orders by using
4 owner operators to make deliveries in old trucks
5 that are poorly maintained.

6 This imbalance in market power has
7 been noted by economists studying the drayage
8 industry throughout the country. When these
9 economists have issued studies of proposed truck
10 replacement programs as the ports of Los Angeles,
11 Long Beach, Vancouver and Oakland, they have
12 always concluded that the port trucking industry
13 must be restructured so that there is a more
14 balanced distribution of market power. In order
15 accomplish that goal, a regulatory authority has
16 to set standards for trucking firms and bring an
17 end to the destructive competition that is now
18 responsible for the diesel emissions that blight
19 neighborhoods throughout New York City and the
20 Metropolitan region. And it's for that reason
21 that I support the amendment to the federal law
22 that Congressman Nadler's representative described
23 before, and I hope that this City Council will
24 pass a resolution to that effect. Thank you very
25 much.

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2 COUNCIL MEMBER LANDER: Thank you,
3 sir.

4 KYLE WISWALL: Good afternoon.
5 Thank you for the opportunity to testify. My name
6 is Kyle Wiswall. I'm the General Counsel and
7 Staff Attorney at the Tri-State Transportation
8 Campaign. We're a non-profit transportation
9 advocacy group working for a more sustainable
10 transportation network in New York, New Jersey and
11 Connecticut. Tri-State supports the increased use
12 of the ports of New York City as a cleaner
13 alternative to our over reliance on dangerous and
14 polluting truck traffic. Freight movement over
15 water is growing as short sea shipping in the
16 region increases, and will further grow when New
17 York City's solid waste management plans marine
18 transfer stations come online. We encourage the
19 City to move forward with the implementation and
20 to take measures to encourage the continued growth
21 of short sea shipping in and out of our ports.

22 While these measures will reduce
23 regional air emissions, we also need to protect
24 and improve the local impacts around our busy
25 ports. One place to focus is on the truck traffic

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2 doing business with the ports. Some measures that
3 can be taken that will improve the conditions
4 around the ports include the installation of
5 traffic calming and streetscape features that keep
6 trucks en route between ports and their
7 destinations, preventing detours through adjacent
8 neighborhoods. Large trucks create dangerous
9 conditions in small neighborhood streets, and they
10 bring the diesel emissions right up to people's
11 doorsteps, right up to their bedroom windows. We
12 can help keep trucks out of the neighborhoods and
13 lessen the impacts when they travel nearby through
14 traffic calming methods, such as narrowing
15 streets, reducing speed limits, installing medians
16 and roundabouts, designating pedestrian
17 crosswalks, providing landscaping, making bicycle
18 lanes, timing traffic signals and improving
19 signage.

20 A good example to look to where
21 they've done this before is the Cramer Hill Truck
22 Traffic Plan in Camden, New Jersey. That's a
23 four-phase plan that included traffic calming,
24 signage to direct trucks to a preferred route, and
25 then intersection improvements on that route to

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2 better accommodate trucks. In addition, the New
3 York State DOT is near completing an extensive
4 traffic calming initiative aimed at controlling
5 large truck traffic up in the Finger Lakes region.

6 We also support the implementation
7 of programs to assist truck operators doing
8 business in the ports to upgrade their older
9 trucks to cleaner and more efficient models, as
10 you've heard quite a bit about today in detail.
11 The Port Authority has announced their program
12 this past March, to phase out business with trucks
13 not in compliance with the 2007 federal emissions
14 standards, and to assist operators in upgrading
15 their own equipment. The City can also explore
16 the use of truck tolling at the ports to
17 incentivize off-peak cargo transfer times to
18 reduce or avoid congestion and idling. And
19 there's a program at the ports of Los Angeles and
20 Long Beach called Pier Pass that can be used as an
21 example of a program like that.

22 In addition to truck specific
23 measures, we do support strongly the use of shore
24 side power for ships. Cold ironing a cargo vessel
25 for one day--this is according to experience in

1
2 Long Beach--cuts emissions in an amount equivalent
3 to removing 33,000 cars from the road for that
4 day. Even after power generation on land is
5 accounted for, the emissions are cut by 90%. Tri-
6 State has advocated for similar smaller systems
7 for trucks at rest stops. We also support the
8 conversion of port cargo handling equipment from
9 diesel fuel to electricity.

10 Beyond the measures here before the
11 Committee today, on a broader scope, we urge the
12 City to include improvements, or rather to include
13 measures such as this on PlaNYC going forward.
14 The update to PlaNYC must better address regional
15 movement and green freight movement as New York
16 City grows in population. We look forward to
17 working with the City further toward achieving the
18 common goal of a cleaner, healthier and more
19 efficient New York City. Thank you very much.

20 CHAIRPERSON NELSON: Any questions
21 from my colleagues? Colleague? Okay.

22 COUNCIL MEMBER LANDER: Thank you.

23 CHAIRPERSON NELSON: We thank you
24 so much for testifying today. Thank you,
25 Professor.

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2 COUNCIL MEMBER LANDER: Thank you
3 so much for coming, Professor.

4 CHAIRPERSON NELSON: And could we
5 please request David Meade, Southwest Brooklyn
6 Industrial Development Corporation; and Sheila--
7 I'm sorry. Somashekhar. Did I get that? Okay,
8 and--from the Sustainable South Bronx. And Beryl
9 Thurman, North Shore Waterfront Conservancy of
10 Staten Island. One more panel after? Okay. So I
11 suppose Beryl. I see, okay.

12 DAVID MEADE: Good afternoon,
13 Chairman Nelson and members of the Waterfront
14 Committee. My name is Dave Mead. I'm the
15 Director of Business Services at Southwest
16 Brooklyn Industrial Development Corporation. I
17 just want to thank you for allowing me to make a
18 statement in support of the maritime industry and
19 Phoenix Beverages, their commitment to creating
20 jobs in Southwest Brooklyn.

21 My organization is a local economic
22 development organization. We advocate and provide
23 services to help businesses in the Sunset Park,
24 Red Hook, Gowanus neighborhoods basically grow and
25 create employment opportunities for local

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2 residents. Our organization is very excited about
3 the positive economic and community development
4 impact Phoenix Beverages will be making in Red
5 Hook.

6 As mention before in EDC's
7 testimony, the EDC did recently negotiate a deal
8 with the Port Authority for Phoenix Beverages to
9 consolidate its import operations from New Jersey
10 and Queens and relocate to Red Hook. Phoenix
11 Beverages is moving. It's anticipating 400 union
12 workers to the areas. They do anticipating
13 creating over 100 new jobs in the coming months.
14 In addition the organization that I work for, we
15 do workforce placement, and we've been working
16 with Phoenix Beverages since the beginning of this
17 year. And I'm happy to say we've been able to
18 place 20 local residents at Phoenix, and that's
19 been a great service and a great job creation
20 momentum we've been able to provide with Phoenix
21 being in Red Hook.

22 We also comment Phoenix, certainly,
23 for pledging to convert its vehicles within seven
24 years to the cleaner burning fuel, the compressed
25 natural gas, which is again going to dramatically

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2 reduce emissions for the community. Additionally,
3 Phoenix has built, as mentioned before, a heat and
4 power plant on the premises, which will provide
5 100% of their electricity needs, while taking 5
6 million kilowatts of usage off the grid annually.
7 These private investments are made possible simply
8 by locating distribution activities near
9 consumers, to increase efficiency and reduce
10 costs.

11 In closing, the current economic
12 climate is throwing into sharp relief the simple
13 fact that in the long run the City and our
14 organization need to work with the community and
15 industry leaders to maintain a productive balance
16 between historical industries on the waterfront
17 and the newly developed residential and commercial
18 areas further inland. SBIDC, Southwest Brooklyn
19 Industrial, supports Phoenix Beverages, their
20 commitment to growing the business, creating
21 employment opportunities for local Southwest
22 Brooklyn Residents, while being a good industrial
23 neighbor and corporate citizen. Thank you.

24 CHAIRPERSON NELSON: Thanks.

25 SHEILA SOMASHEKHAR: Thank you for

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2 allowing me the opportunity to speak today. My
3 name is Sheila Somashekhar, and I'm Greenway and
4 Greenbuilding Coordinator at Sustainable South
5 Bronx. Sustainable South Bronx works with the
6 South Bronx and other underserved communities as
7 they transform themselves into sustainable places
8 to live. We do this by providing a collaborative
9 model that addresses environmental, economic and
10 social concerns through policy change, green job
11 training, environmental education and community
12 greening programs. Our organization is rooted in
13 the Hunts Point community, a highly industrialized
14 waterfront community, whose waterfront is
15 significantly underutilized.

16 The Hunts Point peninsula's
17 waterfront is currently dominated by the New York
18 Organic Fertilizer Company, the Hunts Point
19 Wastewater Treatment Plant and the Country's
20 largest food distribution center, the Hunts Point
21 Terminal Market. Each of these highly polluting
22 entities is heavily truck dependent, and they are
23 major contributors to the 60,000 trucks that pass
24 through our streets every single week. These
25 trucks dominate our roadways and create

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2 significant physical and mental barriers to
3 walkability in Hunts Point. These barriers
4 include the trucks themselves, which impeded
5 pedestrian safety, and create noise pollution, as
6 well as the asthma triggers of fine particulates
7 and diesel exhaust.

8 The Hunts Point community's vision,
9 as laid out in the City's 2004 Hunts Point Vision
10 Plan, emphasizes an accessible waterfront and a
11 thriving business district. In the past,
12 industries have blocked community access to the
13 waterfront, however the community has made inroads
14 to waterfront access, and we currently enjoy
15 access to the Bronx River via Hunt Points
16 Riverside Park, and spectacular views of the East
17 River at Berretta Point Park. We firmly believe
18 that a working waterfront can also be a
19 recreational destination point which improves
20 public health in a community with some of the
21 highest rates of asthma and obesity in the City.

22 The largest community push for
23 waterfront access began in 2001 when Sustainable
24 South Bronx's founder, Majora Carter, while
25 working at another local non-profit called The

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2 Point CDC, secured a federal transportation grant
3 to increase the amount of open green space within
4 Hunts Point. That grant served as the seed money
5 for a multi-year participatory planning and design
6 process for the South Bronx Greenway. Just this
7 spring, the City started construction on these 11
8 miles of improved sidewalks, bike lanes and
9 planted medians, which upon completion will
10 provide green connections to and along the
11 waterfront. But this project will not be enough
12 to counteract the impacts of truck traffic on
13 public health and pedestrian safety.

14 By definition, Hunts Point is not a
15 port. We lack the waterfront infrastructure to be
16 a port; but the neighborhood is a center for
17 regional food importation distribution. Our
18 industries service the region and are well
19 positioned along the water, yet they're not taking
20 full advantage of the intermodal transportation
21 opportunities that a working waterfront allows.
22 In planning for the future of our waterfront, it
23 is important not only to recognize the localized
24 impacts of regional industries, but also the
25 regional opportunities to alleviate local impacts.

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2 Our vision for a working waterfront
3 would support and enable the mixed use of barge,
4 truck and rail for food distribution, thereby
5 alleviating the localized impact of thousands of
6 trucks at Hunts Point, and servicing our entire
7 region more efficiently with decreased fuel
8 consumption and greenhouse gas emissions.

9 Recognizing that a truly clean and sustainable
10 intermodal transportation system is a long-term
11 vision which would require investment in
12 infrastructure at the national level. In the
13 short term, we ask for major emissions reductions
14 efforts in existing truck fleets, and a real
15 opportunity for conversion of fleets to clean
16 burning fuels.

17 We support the passage of the
18 federal legislation that would allow the Port
19 Authority of New York and New Jersey to implement
20 environmental standards above and beyond current
21 federal requirements, and we support our brothers
22 and sisters within the Coalition for Healthy
23 Ports, who seek to address poverty and pollution
24 at New York and New Jersey Ports. A comprehensive
25 effort to green the truck fleets that frequent our

1 regional ports and service our industry would no
2 doubt result in cleaner air for all truck route
3 communities, including Hunts Point. A short-term
4 initiative that promotes cleaner trucks and a
5 long-term commitment to reduce our dependence on
6 trucks will go a long way in supporting the use
7 and success of the South Bronx Greenway, which
8 represents a decade of investment by the community
9 and the City's Economic Development Corporation.
10

11 So, in closing, as the City Council
12 considers greening the New York City waterfront,
13 we strongly urge that attention is paid to the
14 following community needs: safe recreational
15 access to the waterfront; a sustainable mixed-use
16 waterfront that can support existing industries
17 and the jobs that they provide, as well as improve
18 local public health; a long term commitment to the
19 reduction of truck traffic by intermodal
20 transportation and infrastructure; and a regional
21 commitment to greening truck fleets. Thank you
22 for the opportunity to testify on this important
23 issue.

24 CHAIRPERSON NELSON: Thank you.

25 BERYL THURMAN: Hi. Beryl Thurman,

1
2 North Shore Waterfront Conservancy of Staten
3 Island. And I'd like to say that we're not only
4 an environmental organization, we're an
5 environmental justice organization. So we're all
6 about conserving people as well as the
7 environment.

8 I'm the Director and President of
9 the North Shore Waterfront Conservancy of Staten
10 Island. And many times during discussions with
11 officials, I've been told that Staten Island's
12 North Shore is a working waterfront. But after
13 living adjacent to it for several years, I
14 honestly am not sure what is meant by working
15 waterfront. The term working waterfront has been
16 used to justify any negative environmental,
17 health, economic and social issues that the
18 residential communities are experiencing--
19 following by being told that businesses were there
20 before people. But then that brings us to which
21 came first, the chicken or the egg, scenario. In
22 our case, it was the Lenape Indians who came
23 first.

24 A working waterfront brings good
25 paying jobs. It is usually synonymous with an

1
2 operation that is not environmentally sound, but
3 is painted in the press with green washing to make
4 people think that it is--and requires skilled
5 labor and union affiliation to which people that
6 live in the environmental justice communities that
7 these businesses are located in, are not eligible
8 for because they lack the skills and union
9 connections.

10 And let me just say this, we are
11 very much pro having the ports cleaned up. But
12 our entire waterfront has docks where these
13 businesses bring in goods and different types of
14 services, but they go out by truck. And the
15 people that work at these places are not
16 necessarily from the local communities. And when
17 we ask about jobs, we're told that, you know,
18 there are 64,000 of us living along the waterfront
19 that, I'm sorry, we can't, you know, give you jobs
20 for this new business that's coming into the
21 community because it's not up to us. It's up to
22 the owner of this business. So we're being shut
23 out of the job market that we're actually, you
24 know, the host of this business. So I don't want
25 anyone to think that we are anti-truckers or anti-

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union in any such form; but we're not allowed the same opportunities and our young people are not allowed the same opportunities. So that dream of being middle income is not something that's happening for this community and for the people in these communities.

The exploitation of waterfront communities with the most vulnerable of populations is an ongoing problem. Millions and billions of dollars that are meant to be used to uplift and bring about social and economic change for these communities have never met its mark, not in 70 years. If these civil right issues had been resolved, we wouldn't be here talking about the same issues that were prevalent in the 1940s. 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 regulations 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're already working at a

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2 disadvantage from day one. And what I'm referring
3 to is the communities. I mean, they're starting
4 off of 70 feet or less of properties, industrial
5 properties that are near their homes that are
6 contaminated or that are emitting pollutions or
7 are discharging into the Kill Van Kull.

8 Every day, Staten Island's North
9 Shore residents are bombarded with one
10 environmental hurdle after the other, fighting for
11 the right to exist in the face of Manhattan's
12 ever-growing needs. Manhattan needs cement--put
13 the plant on Staten Island. Manhattan needs
14 natural gas--run the pipeline through Staten
15 Island. We are the throughway to other boroughs
16 and New Jersey and the place to dispose of
17 unwanted refuse. There is not a person born on
18 Staten Island or a person that lived on Staten
19 Island for more than three years that can't figure
20 out that it is money that drives the bus. How
21 else can a port be touted as Green, when it is
22 proposed to fill in 17 acres of an 80-acre tidal
23 wetlands and cove, where it is the only existing
24 tidal wetlands on the entire North Shore of Staten
25 Island and one of the largest existing tidal

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2 wetlands in New York City--a project that is in
3 favor of vessels that are too large to navigate
4 the Kill Van Kull or turn around should the
5 vessels make it too the berth, all the while being
6 adjacent to an environmental justice community?
7 Have we learned nothing about favoring commerce
8 over the environment and people with New Orleans
9 Ninth Ward, the destruction of wetlands and
10 Katrina?

11 We have a waterfront loaded from
12 contaminants from past industrial uses because New
13 York City does not require businesses to remediate
14 their properties before selling or abandoning
15 them. And zoning laws that encourage polluting
16 and contaminating businesses along the waterfront
17 within environmental justice communities by as of
18 right. There is a whole fictional enforcement
19 process that does not exist, not the way that
20 people believe it does. One of our greatest
21 threats comes in the form of us not being
22 prepared, not being storm resilient. There is not
23 one business, property or structure that would
24 survive a Class 1 to 4 hurricane, yet they operate
25 in a 100-year flood plane, and we are in the 100-

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Since when is a cement facility an 18-story silo and 60 trucks a day coming in and out of an environmental justice waterfront community green? There is a law about truth in advertizing and truth in lending, but no such law exists when it comes to green packaging. Being told randomly that trucks are going green sometime 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 are coming out of these ancient vehicles and into the residential communities? Not to mention what the drivers are inhaling.

Further, since some of the drivers live in environmental justice communities, the streets become their garages when they're 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, if we don't

1
2 deal with them now, they never will be dealt with.
3 New York City consists of islands. In a time of
4 sea level rising, storm surges and flooding, we
5 are Blanche Du Bois, depending on the kindness of
6 strangers in hopes of our survival. Thank you.

7 CHAIRPERSON NELSON: Thank you.

8 Okay. Let's see. Oh, I'm sorry.

9 [Off Mic]

10 CHAIRPERSON NELSON: Oh, thank you
11 so much. Thank you. I appreciate your testimony
12 and some might be up for the Civil Rights
13 Committee as a matter of fact. Keep that in mind.
14 And Adam Armstrong and Jamilah Mohammed
15 [phonetic], and Marian Feinberg. Okay there's--I
16 think the last panel. Okay.

17 [Pause]

18 MARIAN FEINBERG: Do you want to go
19 first?

20 [Pause]

21 JAMILAH MOHAMMED: Sure. I'd like
22 to the Chairman and Councilmember Lander for
23 inviting us here today and all the member of the
24 Waterfront Committee for the opportunity for me to
25 speak today. My name is Jamilah Mohammed. I am

1
2 an Organizer at New York Jobs with Justice. I am
3 here today to testify on behalf of Urban Agenda
4 and New York Jobs with Justice, to urge the
5 support of the Clean Trucks Program for good green
6 jobs and healthier ports in the City of New York.

7 New York Jobs with Justice and
8 Urban Agenda are both permanent coalitions of
9 community and worker organizations. We work in
10 strategic alliance to achieve a shared mission of
11 creating a more just, sustainable and prosperous
12 New York for all New Yorkers. In 2008, Urban
13 Agenda launched the Green Collar Jobs Roundtable
14 process, which convened over 170 organizations
15 around the City to develop a roadmap for building
16 a just, green economy. Through the roadmap, these
17 community, labor and environmental and civic
18 organizations articulated a clear path forward
19 with regard to transportation in a green economy.

20 This green economy should encompass
21 expanded mass transit, retrofitting of automotive
22 vehicles to reduce emissions and the sale, repair
23 and fueling of alternative automotives, such as
24 hybrid cars. Developing a plan for the
25 transformation of the current port system and

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2 truck fleets used throughout New York and New
3 Jersey region would be critical to the City's
4 reduction of greenhouse gas emissions; it would
5 ensure good green jobs for truck drivers, and
6 would tremendously reduce both noise and air
7 pollution in the communities that are currently
8 exposed to high truck traffic.

9 Too many New York City
10 neighborhoods suffer from this excess noise,
11 harmful particulates, vehicle exhaust and economic
12 degradation as a result of this high truck
13 traffic. And we see that the clean truck program
14 would be an effort to--would be an effort that our
15 communities have consistently been, you know,
16 advocating for, and something that they've been
17 looking for and demanding for years. Just this
18 week in the Bronx, the first medium duty electric
19 delivery truck in New York was unveiled, not too
20 far from the Hunts Point Coop market. Through
21 successful community, government and business
22 partnerships, they were able to take this
23 tremendous step forward and show not only what was
24 technologically possible, but also what is
25 necessary if we're able to create a healthier and

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2 cleaner and more economically sustainable
3 community.

4 Such efforts cannot be isolated
5 events. Our region needs to create broader
6 policies, like the Clean Trucks Program, to more
7 adequately address chronic pollution problems.
8 Moreover, such efforts must be matched with
9 concern for trucking jobs and how quality--and how
10 job quality also impacts these particular
11 communities. This is why it's absolutely critical
12 that truckers earn a family-sustaining wage and
13 that they have occupational, health and safety
14 protections.

15 Urban Agenda and New York Jobs with
16 Justice therefore strongly encourages the City
17 Council to pass the resolution supporting a Clean
18 Trucks Program for the New York and New Jersey,
19 and support federal legislation that would
20 authorize New York and New Jersey Port Authority
21 to make such changes. Taking such action would
22 ensure or help ensure environmental and economic
23 sustainability for all New Yorkers. Thank you.

24 CHAIRPERSON NELSON: Thank you.

25 MINA ROUSTAYI: Hi, my name is Mina

1
2 Roustayi, and I'd like to thank the Committee for
3 organizing this fabulous forum, opportunity, to
4 think about our waterfront. I'm a living example
5 of a resident at the area that surrounds the
6 waterfront that we've been talking about near Red
7 Hook Container Port. And I'm a member of the
8 Columbia Waterfront Neighborhood Association,
9 which represents the community around there.

10 Maritime shipping is a net
11 environmental benefit for New York City, but my
12 neighbors and I are as close as anyone can be to
13 all the environmental and traffic problems
14 discussed today--and who are suffering from an
15 unhealthy and diminished quality of life.

16 Understand this, the ships and diesel trucks
17 operating at the port take a real toll on the
18 health and safety of communities like mine.

19 Recently there is a park that's opened up and we
20 have a fabulous flow of traffic along Columbia
21 Street again. But the families are terrified of
22 the truck traffic just crossing the street. So,
23 and it will only get worse as more young families
24 move to Columbia Waterfront every day. So, CoWNA
25 applauds Councilman Lander for organizing this

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2 hearing, and we encourage the Council to adopt an
3 ambitious green agenda for the Red Hook Port, and
4 an innovative world class plan for New York City's
5 working waterfront.

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

18 New York likes to think of itself
19 as a leading city in culture and commerce.
20 Surely, we also could lead in designing exemplary
21 ways of reducing pollution, promoting
22 sustainability and creating a healthy city for us
23 all. Thank you for your consideration.

24 CHAIRPERSON NELSON: You're very
25 welcome. You have waited a long time also, Mr.

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Armstrong, and I'm sure you're passionate about this issue. So, you don't have to, but if you would somewhat summarize part of it.

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ADAM ARMSTRONG: I will, I will.

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CHAIRPERSON NELSON: Thank you, sir. And is this for the record? We have it for the record anyway.

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ADAM ARMSTRONG: I'll try and cut it down, yeah.

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CHAIRPERSON NELSON: Thank you.

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ADAM ARMSTRONG: If I'm cutting something down, I'd just like to also say something just briefly that's not in my thing.

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CHAIRPERSON NELSON: Sure.

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ADAM ARMSTRONG: Because the Port Authority Gentleman was saying that the non-containment area, the Port Authority contributes 2% of the pollution in that area. That non-attainment area, sorry, includes Connecticut, New Jersey, most of Long Island. The EPA says that the activities at the Port Authority creates 7,000 tons of NOx per year, 500 tons of particulates, 5,000 tons of sulfur. The Environmental Defense Fund says that it's 7.8 million, the equivalent of

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2 7.8 million cars. The ships contribute 90% of the
3 sulfur that is created at the ports, 40% of the
4 Nitrogen Oxides, 62% of the particulates. So I
5 just want to make that point that the truck issue
6 is being brought up here a lot and I'm right
7 behind it. And I think it's very, very important-
8 -but the ships are a huge part of the equation and
9 we cannot ignore it.

10 One fact, just for anyone in this
11 room that wants to know, the 17 biggest ships in
12 the world create as much sulfur as all the worlds
13 cars. 17 ships equal all the world's cars.
14 Anyway.

15 So I just wanted to say quickly
16 that I didn't know--we didn't know about port
17 pollution when we moved to Red Hook in
18 approximately 2000. And when the EDC decided that
19 they were going to build a cruise terminal at the
20 end of our street, most people thought it was
21 going to be okay. But, I looked into it further
22 and found out, as everyone here is discovering,
23 that the pollution that these ships create, and
24 other large oceangoing ships--container ships,
25 etcetera--create dangerous pollution. I just want

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2 to say that the EPA is on record as calling these
3 pollutants likely carcinogens, harmful to the
4 public generally--especially to our children, the
5 elderly, people with lung disease, those who
6 exercise outside, low income and minority
7 communities near ports. Now that is Red Hook.

8 At this time, in 2005 as the
9 terminal was being built, I also discovered this
10 cold ironing thing. I wrote to the Mayor's office
11 and others and was told that this practice was not
12 being considered at the new \$56 million state of
13 the art cruise terminal. The ships would be
14 idling in port. This is in 2005 I wrote the
15 letter. The equivalent of 12,000 plus cars idling
16 at the end of our street, per ship, per day in
17 port. While the cruisers on the ship of Queen
18 Mary II were sipping champagne, the kids of Red
19 Hook and beyond would be unknowingly sucking in
20 their ship's carcinogenic fumes. The EDC and Port
21 Authority seemed happy enough to live with this
22 tradeoff. It was all in the name of economic
23 development, right? And no one seemed to be
24 complaining.

25 Well, after the cruise terminal

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opened, let me just skim over this. I just wanted to make the point that no one seemed to want to be covering this story. I was writing letters. There was no one in government that brought up the issue. There was no one in the press that brought up the issue. The Mayor announced his PlaNYC, and it didn't seem to fit into his green agenda. Not one local politician cared to talk about the subject.

So it wasn't until this, EDC's move to bring Phoenix Beverages to our community again that again the port pollution came to the floor. The EDC had made assurances about the cruise ship terminal, and why were we to believe them now about Phoenix Beverages? Why would we believe that the expansion of the container terminal that was being brought now, why would we believe that the environmental impact was going to be fine and the trucks would be kept off the streets and they would be using low emission fuels? I mean, it seemed like the EDC and Port Authority, again, they didn't do an environmental impact statement, despite--to my mind--the moral obligation to do so. It seemed like the EDC and Port Authority was

1
2 brushing environmental and health concerns under
3 the carpet, as well as residents' concerns about
4 the overall merits of this plan, as long as their
5 bottom line goals were being met. Further
6 infuriating our community was the fact that this
7 was being imposed on a neighborhood already
8 carrying the burden of truck and transportation
9 company pollution, pollution from the BQE and
10 other sources; a neighborhood that's had to and
11 continues to fight off garbage dumps, chemical and
12 cement plants and other noxious uses; a
13 neighborhood which has over 10,000 people in
14 public housing; and a community where there are
15 high incidences of cancer and childhood asthma
16 rates are at 40%. My friend in Staten Island over
17 there can probably relate to all of that.

18 So it was in wake of all of these
19 protestations that the Port Authority came to Red
20 Hook in 2009 and announced it was going to do the
21 shore power. I asked the gentleman that was
22 presenting the shore power plan, William Nerfin
23 [phonetic] from the Port Authority, why it had
24 taken three years to get this happening. His
25 response was that he had only known about cold

1
2 ironing for a couple of years--this was in 2009.
3 That was a stunning statement from a
4 representative that's called the Port Authority.
5 Was it believable that I'd known about this
6 technology before them? Hardly.

7 Anyway, it was after this that I
8 discovered that all--that other ships that were
9 using the Red Hook Container Terminal were a
10 concern as well. The health effect of port
11 emissions--the generic term for pollution created
12 by ships, trucks, cranes, other machinery--were
13 not widely know. But we knew about this other
14 stuff that was happening in our--I discovered that
15 there was other stuff happening in LA, stuff
16 that's been discussed here today. And it was at
17 this time I tried to raise the awareness of
18 pollution issues in our neighborhood by starting a
19 blog, which is called A View From the Hook. So,
20 I'm just trying to skim here a little bit for you.

21 So just let me say that in the last
22 year or so, in response to growing awareness of
23 the impact of port pollution there have been some
24 meaningful moves--this situation with the Clean
25 Truck Program, the Brooklyn Cruise Terminal

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2 getting its go ahead to have cold ironing. But
3 the situation is the Public Service Commission is
4 troubling. They had taken up this case 14 months
5 ago, and it's still running its, what I've called,
6 circuitous and befuddling course. The feet
7 dragging in setting a shore power tariff is
8 despite the testimony of the EPA, which has called
9 ship emissions likely carcinogens, has said that
10 if cruise ships alone--not container ships or
11 anything else--if they were hooked up to shore
12 power, it would eliminate 100 tons of Nitrogen,
13 sulfur, six tons of particulates--that other
14 statement that I said from the EMA as well.

15 A letter from the Port Authority,
16 which was testimony to the Public Service
17 Commission about its rate setting lists other
18 effects from ship pollution: lung damage, cough,
19 chest pain, asthma, chest tightness, bronchitis,
20 reduce lung function growth in children, increased
21 risk of cancer and cardiovascular disease,
22 premature death. Additionally, in its testimony
23 the Port Authority cited a study that estimated
24 that monetized health cost to our residents of the
25 ships visiting the Brooklyn Cruise Terminal

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2 approaches \$9 million per year. \$9 million per
3 year is the cost of having the ships in our port
4 that weren't there five years ago.

5 That also, you can only imagine
6 what the effect is over the entire port,
7 considering a study in the port of Charleston,
8 North Carolina, that says that the impact of their
9 port, the 10th largest in the port--the Ports of
10 New Jersey and New York are the third largest.
11 The impact in the Port of Charleston is \$81
12 million a year in health effects.

13 So what I say to you is the
14 eventual implementation of cold ironing at the
15 Brooklyn Cruise Terminal will come many years,
16 many hundreds of harmful tons of Sulfur, Nitrogen,
17 particulates, inhaled by our children and billions
18 of dollars of health costs too late. But it will
19 be a worthy improvement that will eventually
20 result in great health benefits for our residents.
21 However, it's only the beginning. Like the
22 fledgling Clean Truck Program, these pollution-
23 mitigating practices need to be implemented
24 citywide.

25 As is the case with the clean truck

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2 program, we need advocates in government and
3 elsewhere to speak on behalf of the residents who
4 up until now have been ignored, or worse, seen as
5 collateral damage--victims of the City's pursuit
6 of economic development. Where were the
7 politicians asking questions about cruise ship
8 pollution in 2005? I didn't see them. Where were
9 the politicians calling for environmental impact
10 statements and pollution mitigating practices when
11 the EDC was planning the expansion of the
12 operations of the container terminal in 2008?
13 Where were the advocates for environmental
14 justice? I didn't see them. Today, where are the
15 advocates for citywide cold ironing
16 infrastructure--especially in an environment where
17 not only the health and environmental impacts have
18 been acknowledged, but where there is real urgency
19 to find ways to reduce our country's and the
20 world's reliance on oil and reduction in CO₂?

21 So when the political will comes to
22 finally deal with these issues, I'm aware that the
23 choices and assessments will need to be made about
24 where these expensive new investments will have
25 the most impact, etcetera. Perhaps the

1
2 practicality of a container port's location, as is
3 the case with Red Hook, abutting a dense and
4 already burdened residential population, with no
5 rail connection, will have to be ultimately
6 assessed. Regardless, we need to practically
7 efficiently establish these life-saving measures
8 to eventually, and hopefully quickly, green our
9 ports. We have to get going on this so we can
10 finally take these dangerous, yet avoidable
11 pollutions out of our harbor city's air. Then
12 Red Hook residents and the residents of our
13 entire city will finally be able to breathe
14 easy. Thanks. Sorry for taking your time.

15 CHAIRPERSON NELSON: Yeah, no. I
16 didn't want to cut you off. You're so gracious,
17 patient, waiting for everybody else to speak as
18 well. So we sympathize, no doubt. One has only
19 to think, imagine, you move by the water for the
20 good old healthy fresh air, and then you
21 discover what you discovered. That's where
22 we're at and we're going to try to alleviate as
23 much as possible.

24 MARIAN FEINBERG: Hello good

1
2 afternoon and I thank you for this opportunity
3 to testify and thank you for holding this
4 hearing. I recently retired as Environmental
5 Health Coordinator of For a Better Bronx.

6 CHAIRPERSON NELSON: I'm sorry.
7 Just for the record, if you could state your
8 name, ma'am.

9 MARIAN FEINBERG: Marian Feinberg.

10 CHAIRPERSON NELSON: Okay.

11 MARIAN FEINBERG: And in that
12 capacity, were--sort of led the work of our
13 organization with the Healthy Ports Coalition.
14 And, I don't want to repeat what other people
15 have said. I just really want to emphasize the
16 extent to which this is--cleaning up the ports
17 of Newark and Elizabeth is really a New York
18 issue, and not a New Jersey issue. For one
19 thing, we have a regional economy and that port
20 is a regional port in the same way that Hunts
21 Point Market is a regional market, and the Port
22 Authority of New York and New Jersey, which is
23 controlling this, we also--our tax money helps
24 to go to support that. And our government has

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some say in how that authority operates.

So, for one thing, just to really emphasize the situation in the Bronx and how we think this impacts, this whole situation, impacts on the Bronx, which is that, you know, New York is, as we all know, not really connected to the national rail freight system. Some of us have been fighting for a long time, despite what my predecessor said, in terms of really fighting, trying to get intermodal facilities in this city. And, you know, around the question of the Harlem River Yards, for example, to really fight to make that an intermodal facility instead of the garbage dump that it is today. And we are left with a situation where goods come in and out of the City by truck. And a lot of that, that trucking is coming out of the port, and coming over the George Washington Bridge. Although, I will say this week that I did speak with community organizations in Chinatown who are equally concerned about what's coming in and out of the Holland Tunnel and how it effects their

1
2 community as well. So I don't want to just grab
3 the spotlight completely for the Bronx. And I
4 know they would be here today if they could.
5 It's unfortunate that they couldn't.

6 But we are in a situation in the
7 South Bronx where we are, you know, bordered on
8 one side by the Major Deegan Expressway, on the
9 other side by the Bruckner and across the top by
10 the Cross Bronx Expressway, which as we all know
11 is the most congested piece of highway in the
12 entire United States. And the traffic situation
13 there has only gotten worse, since 9/11 when the
14 lower level of the George Washington Bridge was
15 closed to truck traffic. And so, the backups on
16 the Deegan and on the Cross Bronx are worse than
17 ever. And that traffic really--the truck
18 traffic on those roads really impacts the people
19 who live by the side of it. The Highbridge
20 neighborhood in the South Bronx, which is the
21 closest to where the connection is to the
22 bridge--while asthma hospitalization rates in
23 the rest of the City have diminished to a
24 certain extent due to some of the work of the

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2 Health Department and advocates and organizers,
3 the rates in Highbridge have stayed very high
4 and haven't seen some of the amelioration that
5 is true in other neighborhoods. And we believe
6 that it is because of that bridge connection
7 there. And also that that truck traffic gets
8 displaced onto streets, the worse the congestion
9 is on the highways.

10 We believe that a lot of the truck
11 traffic that's coming out of there actually does
12 end up, or at least a certain percentage of it
13 does end up in Hunts Point, gets repackaged and
14 gets distributed back--some of it even back to
15 New Jersey, as a matter of fact. And we're very
16 concerned about the Port Authority agreement,
17 that while it recognizes the extent to which
18 trucks need to be improved in terms of their
19 environmental impact, that it's helping--we
20 believe that if it were followed through, that
21 it would sort of increase the situation of sort
22 of almost indentured servitude of the drivers
23 and increase their suffering--and be like, sort
24 of like the subprime mortgage market only even

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2 less, with less choice. They're sort of being
3 forced into loans that they wouldn't be able to
4 pay. And those working conditions and those
5 worker misclassifications are something that
6 we're suffering from in the City as well. Not
7 to mention that some of these drivers actually
8 live in the City and that anything that's in
9 this region that brings down people's standard
10 of living and, you know, impacts everybody,
11 brings everybody down. Just like a rising tide
12 lifts all boats, a lowering tide lowers all the
13 boats.

14 And so we would really like to
15 encourage your support of the federal
16 legislation, and further work together and
17 further discussion about the regional economy,
18 the ports, the possibility of intermodal
19 facilities. I mean all those kind of questions
20 together and both in terms of economic
21 development and health, recreation--all the
22 kinds of issues that people have brought up
23 here. And thank you very much.

24 CHAIRPERSON NELSON: You're very

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welcome. We appreciate you all testifying. And I think Council Member Lander had a last word?

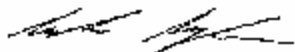
COUNCIL MEMBER LANDER: I just wanted to say thank you to the four of you. And I really do think it's a credit to the folks doing the work in the communities affected by the issues that we're talking about, both that they've put these issues on the table in a way that after a while has gotten folks moving, but also in a way that is really about a constructive dialogue. And what we've got is people pushing hard to make change. The agencies are doing their best to hear it and move forward, rather than--and I really think it's a credit to the folks who have come.

And I just want to note for Adam and for Mina, I assume you heard earlier that EDC said that until we can get the PSC to establish the lower rate, they will without exactly giving us a dollar figure, help subsidize the dollar difference, which makes me optimistic that we will be able to get there very soon. So.

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2 CHAIRPERSON NELSON: Yeah, it's
3 nice to live near the water. I do, in the
4 southern area with less industry. But should
5 there be a tsunami, yeah, I'll be drowned. And
6 you'll have to just deal with the pollutants.
7 It's just a tradeoff in life. But we have to
8 put an end to this, and that's why we're here
9 today. Thank you so much all for attending.
10 And so today's hearing, June 17th, the
11 Waterfronts hearing committee, is now adjourned.
12 Thank you so much.

C E R T I F I C A T E

I, Erika Swyler certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date 7/5/2010 _____