

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, December 15, 2010 9:27 PM
To: portofoakland@yahoogroups.com
Subject: FedEx Wins Ruling That Contract Drivers Seeking Benefits Aren't Employees

FedEx Wins Ruling That Contract Drivers Seeking Benefits Aren't Employees

By Karen Gullo - Dec 14, 2010 9:01 PM PT

☒ Description: FedEx Defeats
Drivers Claims' Seeking Full
Employee Benefits

FedEx saves money by using contractors because it doesn't offer them the same benefits and vacation time as it does employees.

FedEx Corp. drivers were found by a judge to be independent contractors in a nationwide series of lawsuits claiming the company treats them as employees and owes them full benefits.

U.S. District Judge Robert Miller in South Bend, Indiana, yesterday threw out claims of drivers in 20 class-action cases in California, New York, New Jersey and other states alleging the company misclassified their employment status and owed them back pay, overtime and other damages.

"We are very pleased with today's significant rulings from the federal District Court in Indiana," Maury Lane, a FedEx spokesman, said yesterday in an e-mail. FedEx, based in Memphis, Tennessee, is the second-largest U.S. package-shipping company after United Parcel Service Inc.

FedEx saves money by using contractors because it doesn't offer them the same benefits and vacation time as it does employees. The company has encouraged its contractors to consolidate routes and hire their own subcontractors in an effort to bolster its position that the workers are small-business owners and not employees.

The contractor model gives FedEx's Ground unit a cost advantage of as much as 30 percent over Atlanta-based UPS, University of Pittsburgh business professor Marick Masters has estimated.

Miller found that the drivers are independent contractors in 20 of the 28 remaining group lawsuits, and ruled in favor of FedEx on some claims in the other eight class-action cases, Lane said. In three cases, the court ruled against FedEx on at least one claim, he said.

Lynn Faris, an attorney for the drivers, didn't immediately return a voice-mail message.

Multi-District Litigation

The cases are part of a so-called multidistrict litigation, which allows suits filed in courts around the U.S. to be consolidated before a single judge for pretrial hearings.

Miller's ruling addresses whether drivers showed they were misclassified under each states' laws. In New York, for instance, whether an employment relationship exists turns on the degree of control the purported employer has over workers.

"FedEx doesn't have the right to control the drivers' means and methods of how they go about their work," Miller said in the decision. "FedEx's results oriented controls don't result in employee status."

The case is *In re FedEx Ground Package System Inc. Employment Practices Litigation*, 3:05-md-00527, U.S. District Court, Northern District of Indiana (South Bend).

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To contact the editor responsible for this story: David E. Rovella at drovella@bloomberg.net.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, December 22, 2010 7:17 PM
To: portofoakland@yahogroups.com
Subject: Key Stories of the Week
Attachments: image001.gif

NY Judge Blocks Mandate to Retrofit Diesel Trucks **Says most diesel truck owners exempt from costly retrofit mandate**

BUSINESS WIRE, December 22, 2010 02:28 PM Eastern Time

NEW YORK--New York Supreme Court Justice Donald A. Greenwood ruled in favor of private industry, economic development and the people of the state of New York on Dec. 15. The judge ruled on behalf of the plaintiff, Riccelli Enterprises Inc., saying heavy duty vehicles owned and operated by private companies doing business with NYS are not required to comply with onerous and expensive regulations promulgated by the Department of Environmental Conservation.

This is "a significant victory for industry and commerce was handed down the other day," explained Kendra Adams, Executive Director of the NYS Motor Truck Association stated: "This is a landmark decision. From the beginning, we've felt that the regulations extended much further than the original intent behind the legislation. NYSDEC really took broad strokes in their interpretation of the new legislation."

When the Legislature passed the legislation in 2006, was intended to require advanced emission control systems for government-owned trucks because federal money was available to pay for the retrofit. Private industry did not have federal money to pay for such retrofits, but the DEC still expanded the legislative intent of the law to include private-sector heavy duty trucks.

If NYSDEC remained unchallenged, experts estimated that it would have cost billions of dollars to the state economy. A fragile economy was spared what could have been devastating blow.

Leading the charge for the Plaintiff and challenging DEC's requirement was one of the state's leading environmental law firms – Gilberti, Stinziano, Heintz and Smith in Riccelli Enterprises Inc. v. NYSDEC.

In its decision, the court ruled that the Legislature did not grant NYSDEC the statutory authority to require diesel retrofits to vehicles that were not owned, leased or operated by the state or a limited number of private companies that contract with the state.

William J. Gilberti, lead counsel for Riccelli, said "a significant victory for industry and commerce was handed down the other day." He noted that Judge Greenwood had the foresight to see that these "unlawful regulations would have cost billions of dollars to an already damaged economy. A number of major businesses would have been out of business and thousands of employees and ultimate consumers would have suffered."

From: <http://www.businesswire.com/news/home/20101222006121/en/NY-Judge-Blocks-Mandate-Retrofit-Diesel-Trucks>

EPA, NHTSA Took Lead Role on Greenhouse Gas Rules in 2010

By Eric Miller, Transport Topics

After several years of anticipation throughout the trucking industry, the U.S. Environmental Protection Agency and National Highway Transportation Safety Administration finally in October released their joint proposed rule to regulate greenhouse gases for the commercial transportation sector.

The 306-page joint rulemaking would regulate grams of carbon dioxide per ton-mile and gallons of fuel per ton-mile, rather than simply miles per gallon, the basis for automobile standards.

The two agencies proposed dividing heavy-duty trucks into nine categories based on size - Class 7, Class 8 day cab and Class 8 sleeper - and the height of the cab's roof: low, mid-height and high.

Based on the categories, the limits for CO₂ emissions in 2014 would range from 65 grams per ton-mile for a low-roof Class 8 sleeper to 118 grams for a high-roof Class 7 day cab, and the fuel-efficiency marks would range from 6.3 gallons per 1,000 ton-miles at the low end to 11.6 gallons at the high end.

But EPA's announcements in 2010 were not limited to the truck rule.

Also in October, the agency said it was revisiting its guidance for selective catalytic reduction technology in heavy-duty trucks as a result of a court settlement with truck maker Navistar Inc. in April.

In April, Navistar announced the out-of-court settlements with EPA and the California Air Resources Board over its court challenges to EPA's formal guidance regarding the use of SCR to meet federal 2010 diesel engine emissions-reduction standards.

Navistar, the only heavy truck maker using exhaust gas recirculation technology to reduce emissions, had alleged in court documents that pollution controls on SCR engines could be defeated easily.

Navistar said it withdrew the lawsuit because CARB officials signed a written agreement that "addresses the issues that prompted the court action." At that time, EPA pledged to review its SCR guidance and hold a joint workshop on SCR with CARB.

Also, in August the EPA issued a proposal to designate scrap tires and used oil as solid waste, a suggestion that ATA said could be extremely costly for the trucking industry because they would increase fees to dispose of the materials because of a decline in the number of outlets available to burn them as fuel in industrial furnaces.

EPA's proposal would reduce options for truckers to discard the materials because most of them treat scrap tires as a useful commodity, even contracting with third parties to deliver them to beneficial end-use markets, ATA said.

Although lawyers are still going through the fine print, trucking industry and truck engine manufacturer executives generally have said so far that the sweeping new truck rule is workable.

However, environmental groups at a November public hearing said the standards should be tougher.

The proposed regulation not only is flexible enough to be matched with a variety of truck models, sizes, weights and functions, but it also sets a greenhouse gas emissions reduction standard that truck engine manufacturers believe is technologically attainable, said Glen Kedzie, vice president and environmental affairs counsel for American Trucking Associations.

"The responsibility under the terms of the rule doesn't fall on the shoulders of the fleets; it falls on the shoulders of the manufacturers," Kedzie said. "At the end of the day, they have to show that they have achieved the targets that are set under the rule."

U.S. House Approves Diesel Emissions Reduction Act; Congressional Passage of Bipartisan Environmental Legislation Reauthorizes Successful Program for Five More Years

December 21, 2010

Washington, D.C. – The Diesel Emissions Reduction Act (DERA) now just needs President Obama's signature for the bipartisan legislation to be reauthorized for five more years as the U.S. House of Representatives approved DERA this morning by a voice vote.

The U.S. Senate had unanimously approved the legislation on December 16th. President Obama is expected to sign the reauthorization into law.

"Today's passage of DERA is a significant environmental and political accomplishment for the U.S. Congress. The House and Senate have proved that bipartisanship can be attained on major environmental initiatives," said Allen Schaeffer, the Executive Director of the Diesel Technology Forum (DTF).

"Passage of the DERA reauthorization will play a major role in our nation's effort to expand our clean air initiatives. In its first five years, DERA has proven to be one of the nation's most successful clean air programs.

In addition, DERA has provided an average of \$20 worth of environmental and health benefits for every \$1 spent. That's a tremendous return on investment for any federal program.

"The bipartisan action by the House and Senate will benefit communities in every state in the nation."

DERA (H.R. 5809) is a five-year reauthorization of the highly-successful program created in 2005 to establish voluntary national and state-level grant and loan programs to reduce diesel emissions by upgrading and modernizing older diesel engines and equipment. The bipartisan legislation was introduced on November 18th by U.S. Senators George Voinovich (R-OH) and Tom Carper (D-DE) and cosponsored by several of their colleagues including Environment and Public Works Committee Chair Barbara Boxer (D-CA) and Ranking Member James Inhofe (R-OK). The House sponsors were U.S. Reps. Doris Matsui (D-CA) and Laura Richardson (D-CA).

DERA is being supported by a unique and diverse coalition of more than 500 environmental, health, industry, labor and government organizations.

DERA Background Information

DERA funds are used to clean up the nation's older diesels, by retrofitting or replacing them with new technologies that significantly reduce the soot and emissions. EPA estimates there to be an estimated 11 million older diesel trucks, buses, and equipment in use today.

Since 2005, the federal government has invested roughly a half-billion dollars through DERA to improve America's air quality by upgrading and modernizing older diesel engines and equipment through engine replacements and retrofits that would include new pollution-cutting filters and catalysts.

When all of today's older diesels have been replaced by new models that meet current EPA standards, at least 110,000 tons of particulate matter (or soot) and 2.6 million tons of smog-forming nitrogen oxides will be eliminated from the nation's air. This is the equivalent of taking 13 million of today's trucks off the roads.

California Isn't Broken

December 20, 2010 LA Times, By Bill Lockyer and Stephen Levy

In the last month or so, an echo chamber of insults has engulfed California. An online opinion editor for the Wall Street Journal even called California "the Lindsay Lohan of states," describing our state as having squandered its promise.

Critics have suggested the state will default on its debt payments, that it is addicted to spending and that it has a hostile business climate. The criticism is long on inflammatory rhetoric, but it lacks any evidentiary foundation.

First, let's look at the default threat. California has never failed to make its bond payments on time and in full, not even during the Depression. And there is no chance we will smudge that pristine record.

Payment of debt service is constitutionally protected, with bond payments required even when the state is operating without a budget. Debt service has second call on general fund dollars, right behind education. Under the California Constitution, making sure bond investors get their money is a higher priority than providing healthcare to kids, protecting the environment and keeping our communities safe.

During the current fiscal year, general fund revenues are expected to total \$89.4 billion. Education spending under Proposition 98 will total \$36 billion. That leaves \$53.4 billion available to pay debt service on bonds more than eight times the \$6.6 billion the state will need.

Our critics say we are addicted to spending. But the numbers show that isn't true. Thirty years ago, general fund expenditures totaled about \$7.43 for every \$100 of personal income. In the 2009-10 fiscal year, that ratio was almost \$2 less, at \$5.52 for every \$100 of personal income. In the current fiscal year, per capita general fund expenditures will total \$2,246, less than the \$2,289 spent 10 years ago and roughly equal to the inflation-adjusted level of 15 years ago.

Moreover, state and local government has grown slimmer relative to California's population. In 2009, the state had 107 state employees per 10,000 residents, the fourth-lowest proportion in the nation and 25% below the national average. California also has the sixth-lowest combined number of state and local government employees relative to population, 12% below the national average and 16% below Texas.

California's current budget woes have been caused by the devastation visited on our revenue base by the recession, not a failure to curb spending. In the three fiscal years preceding this one, general fund expenditures fell by \$16 billion.

And what about the claim that we have a hostile business climate?

Companies build new facilities, and move or close other facilities, all the time. If you compile anecdotes and look only at the folks who leave, it is easy to buy the "business is fleeing" mantra. But the Public Policy Institute of California reports that from 1992 to 2006, business relocations to other states accounted for just 1.7% of California's job losses. Nationally, an average of about 2% of job loss in states was due to businesses moving out.

From 2000 to 2009, the number of businesses per capita in California held steady, while the number dropped slightly in Texas, Arizona and Nevada.

California's manufacturing and film sectors supposedly are suffering a job exodus. And it's true that California has seen huge manufacturing job losses 600,000 jobs, or nearly 33% of the total since 2000, were lost. But the nation overall has not fared any better. And in some traditional manufacturing powerhouses, the job disappearance has been worse. Massachusetts lost 37% of its manufacturing jobs; North Carolina lost 44% and New York 39%. Meanwhile, California's share of the nation's film industry jobs grew slightly from 2000 to 2010, from 44% to 45%.

Certainly, the state's unemployment rate is above the national average, but that is largely due to a bleak time for the construction industry. Construction spending in California declined from \$100 billion in 2005 to \$40 billion last year, as we went from building 200,000 new homes a year to fewer than 40,000 and the state lost more than 600,000 construction-related jobs.

Still, over the last decade, California has seen strong growth. From 1999 to 2009, the state's GDP rose by 27.2%. That's better growth than in the U.S. as a whole, which saw GDP growth of 20.2%, or in Texas, where GDP grew by 25.9%.

By another important measure of a state's competitiveness and economic future venture capital investment, California continues to tower above all other states.

In 2000, California firms captured 42% of the nation's venture capital funding. In the second quarter of this year, California's share rose to more than 50% \$3.06 billion of \$5.9 billion was invested here. Massachusetts ranked a distant second behind California with \$698 million. Texas attracted just \$212 million. These numbers show that venture capitalists believe California is still the best place in the nation to find innovative entrepreneurs and productive workers.

California no doubt faces serious challenges. But our obstacles are not insurmountable.

Fiscally, we have to get smarter, think longer and stop hoping for a miracle. Californians have to assume more responsibility for deciding what they want government to do and how much they're willing to pay for public services. We have to design a saner system for financing public schools.

We will meet these challenges. California has the most diversified economy in the country. It has the most diverse population, and the youngest. These are huge advantages. But we also possess the unmatched imagination and entrepreneurship of our people and their abiding frontier spirit. A few insults aren't going to get us down.

Bill Lockyer is the state treasurer of California. Stephen Levy is director of the Center for Continuing Study of the California Economy.

SIDEBAR: Mr. Lockyer and Levy are typical bureaucrats and have conveniently forgot to talk about California's public pension's debt, unemployment insurance debt to the feds and aggregate bond debt, with historic bad credit rating.

\$500-billion Public Pension's Debt - In April of this year it was exposed publically that there is a recognized shortfall in just three major public employee pension funds (CalPERS, CalSTRS and the UC Retirement System) far worse than expected. According to financial investigators and analysts, these three funds face a \$500 billion shortfall, about six times this year's state budget.

http://articles.sfgate.com/2010-04-07/opinion/20838306_1_pension-funds-funds-face-uc-retirement-system

Using risk-free rate assumptions, combined with the recent market decline, it is estimated that California's three largest pension funds face a shortfall of approximately \$500 billion.

This research team also discovered that understating liabilities is only one element of a broader accounting and fund management problem. Public employee pension funds project an expected rate of return on investments, but

downplay market volatility and uncertainty.

That means that funds ignore the wide range of possible investment outcomes, including outcomes when investments underperform expectations. For instance, it was discovered - irrespective of how we discount future liabilities - that there is a 44 percent chance that CalPERS will be at least \$250 billion underwater in the next 16 years. That means the money has to come from somewhere.

Solutions to this mounting crisis require that more money be injected into pension funds today and that funds invest in less risky assets. Contributions should also be made to pension funds on a steady basis, unlike in the past when payments were allowed fluctuate with market conditions.

\$16-billion Unemployment Insurance Debt – In November of this year it was announced that in addition to the \$500-billion ongoing pension crisis, California is also now facing an unemployment insurance fiscal crisis as it borrows from the Feds to pay off its current obligations, and will owe them \$16 billion for it by 2012. That is if the unemployment rate stays in the 12% range, which is likely. The back-story lead back to bad decisions made under former Gov.s' Grey Davis and Schwarzenegger that will be haunting next-former Gov. Jerry Brown forever!

\$60-billion in Bond Debt and the Lowest Credit Rating of Any State - For 35 years, California led the nation in job creation and standard of living. The Golden State responded by taxing, borrowing and spending itself into an increasingly uncompetitive economic position. Today, California boasts the highest tax rates, the highest number of unemployed residents, the lowest credit rating and the largest deficit in the U.S.

With its golden luster fading, businesses are leaving in droves. Instead of fixing a broken model, California wants a federal co-signer. California's phenomenally large capital-gains tax base had buoyed the state's revenues for decades. The top 1% of taxpayers generated over 40% of tax revenues; 250,000 people have done the heavy lifting for a state of 36 million.

From 1994 to 2007, this top-heavy tax system flourished, as virtually every investment class benefited from a bull market. Explosive growth allowed the state to collect over \$25 billion of capital gains-driven taxes annually. Since 2007, though, these investments have soured, and losses have created tax shelters that will offset 80% of those capital gains taxes for the next five years.

In order for California's budget house of cards to remain standing, the state legislature asked voters to approve \$7 billion in new taxes on May 19. According to recent polls, the legislature's tax, borrow and spend initiatives appear to be failing miserably.

If California is unable to borrow to pay its bills, the State Controller can sell Registered Anticipation Warrants (RAWs). Investors will buy RAWs--and because it is a personal felony for the State Controller to fail to pay as cash becomes available, default is not an option. California politicians are desperate to avoid the pay-go legal discipline that would come from issuing RAWs.

California has approximately \$60 billion of outstanding debt, with \$10 billion of that issued this year. Bonds sold in January yielded 4%, but investor fear recently drove interest costs to 6.1%.

The recent 2009-2010 budget review by the non-partisan Legislative Analyst's Office estimated that even if the public approved the \$6 billion of tax increases on May 19, California faces \$77 billion of annual deficits over the next 5 years. (Please see the table below.) But if these initiatives fail, the deficit will climb to over \$100 billion.



Description: 0504_deficits.gif

No commercial bank or insurance company in the world is willing to provide credit backing for California, because any future downgrade of the state would imperil the company's solvency. Providing federal guarantees for California would substantially increase the risk that the U.S. could lose its AAA sovereign debt rating. The rating agencies will not look kindly on the feds if they assume the debt of the world's sixth largest economy.

Furthermore, U.S. guarantees of California's state debt would have a materially adverse effect on the ability of other municipal and state government to borrow because of a "crowding out" effect. When the Federal Reserve temporarily provided guarantees of \$9.5 billion for AIG's short-term borrowing last September, the \$4.5 trillion commercial paper market almost collapsed. With world stock markets crumbling, the Fed quickly had to guarantee the entire U.S. financial system.

Inevitably, guaranteeing California debt will force the U.S. government to become the lender of "last resort" for all local and state government as the next round of the credit crisis devastates markets.

If the U.S. government does decide to help, it should buy RAWs. They would allow the government a responsible avenue to aid California--without establishing a precedent that could have horrible unintended consequences.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, October 08, 2010 2:06 PM
To: portofoakland@yahoogroups.com
Subject: Air board backs off heavy equipment rule

LOIS HENRY: Air board backs off heavy equipment rule

The Bakersfield Californian | Thursday, Oct 07 2010 04:41 PM

Last Updated Thursday, Oct 07 2010 04:41 PM

The good news is the California Air Resources Board announced Thursday it has agreed to back off of implementation of a rule restricting construction equipment emissions until 2014.

The bad news is how it got this far in the first place.

CARB adopted the rule in 2007. It was supposed to go into effect this year requiring retrofit, repowering or replacement of most heavy equipment in the state in a staggered manner depending on whether it was a small, medium or large fleet. The Legislature, recognizing how the recession had decimated California's construction industry, delayed implementation of some of parts of the rule.

Still, it was looming.

Last September, the Associated General Contractors of America paid independent researchers to dig into CARB's estimates of how much pollution the construction industry was actually spewing into the air.

They found CARB's numbers were off -- way off.

The industry would be below CARB's target levels for nitrogen oxide (NOx) for the next 11 years and below the particulate matter (PM2.5, or tiny particles of dust and soot) targets until 2014, without having to do a single thing.

And by 2014, manufacturers are expected to come out with engines that burn "as clean as natural gas" on all new equipment, driving down emissions even further as older equipment is retired.

Typical CARB, they ignored the report until the association filed an emergency petition and then got "right on it" and came out with its own report -- finally -- last month.

Sure enough, CARB's new report showed its original estimates off by 300 to 500 percent, according to Brant Ambrose, manager of Downs Equipment Rental in Bakersfield.

Some of the reason was the staggering downturn in the economy, but some of the reason was just, well, "they didn't give a reason," Ambrose said. "They were just wrong."

During a conference call Thursday, one reporter asked CARB chairwoman Mary Nichols how CARB could have gotten its estimates so far off.

"We're not in the business of attacking each other's studies," she said adding that CARB was trying to improve its data and "the important thing is we're moving forward."

The new agreement will back the rule up a few years, give contractors easier annual targets to meet, exclude more equipment than was excluded originally, give credits to those companies that had already begun modifying equipment and offer companies more incentives to modify or replace machinery.

All good.

But I have to say I'm with Ambrose when he said:

"If it was the oil or tobacco industry coming out with this kind of flawed research, someone would be in prison.

"But CARB seems to get a pass every time."

Funny how that works.

Opinions expressed in this column are those of Lois Henry, not The Bakersfield Californian. Her column appears Wednesdays and Sundays. Comment at <http://www.bakersfield.com>, call her at 395-7373 or e-mail lhenry@bakersfield.com

Kaplan, Rebecca

From: Facebook [notification+zic=veze@facebookmail.com]

Sent: Thursday, October 07, 2010 6:33 PM

To: Kaplan, Rebecca

Subject: Bill Aboudi suggested you add a friend on Facebook.

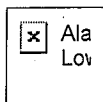
facebook

Hi Rebecca,

Bill Aboudi suggests you add Alan Lowenthal as a friend on Facebook.

Send request:

Add Friend



Alan Lowenthal

Thanks,
The Facebook Team


To view this friend suggestion and send a friend request, go to:

http://www.facebook.com/n/?reqs.php&mid=31871f2G4cd575f1G15a6e29G2f&n_m=rkaplan%40oaklandnet.com

This message was intended for rkaplan@oaklandnet.com. If you do not wish to receive this type of email from Facebook in the future, please follow the link below to unsubscribe. <http://www.facebook.com/o.php?k=a894cf&u=128905777&mid=31871f2G4cd575f1G15a6e29G2f> Facebook, Inc. P.O. Box 10005, Palo Alto, CA 94303

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, October 07, 2010 11:02 AM
To: portofoakland@yahoogroups.com
Subject: Selecting the Right Port for Your Transport Needs

 Description: Inbound Logistics logo

TEN TIPS | October, 2010

Having trouble viewing this newsletter?
[Click here to view in your web browser.](#)

Selecting the Right Port for Your Transport Needs

Ports around the country vie to be the first choice for shippers' supply chains by providing a wealth of intermodal connections, capacity, and distribution facilities. Various member seaports of the American Association of Port Authorities offer the following strategies for selecting a port to fit your specific shipping needs.

1. Consider proximity.

You can cut transportation costs by using a port located near your trading partners. Also be sure there are warehouse, distribution, and transload facilities nearby that can accommodate your containers and other cargo loads.

2. Examine workforce availability.

The port should have access to an experienced workforce with a reputation for reliability. Don't just shop price — reliability and good service are equally, if not more, important. Make sure port management has a good relationship with its existing labor force.

3. Evaluate the port's investment in its infrastructure.

The port should be taking steps such as enhancing its navigation channel access, reducing landside congestion, expanding terminal capacity, and working on better intermodal options for improved goods movement. It should also have a plan for handling periodic increased ocean and intermodal volume.

4. Know the port's restrictions.

Weight limits for various cargoes vary by city and region. Overhead obstructions (bridges, tunnels, pedestrian walkways) and dimensional restrictions (vehicle/trailer length, width, and height) can hinder port access, while routes into and out of ports might require trucks to encounter multiple traffic lights or drive through light commercial or residential areas.

5. Look for a stable, predictable regulatory environment.

Consider a port that has a strong relationship with and proven record of collaborating with industry, regulators, and legislators — including on environmental issues — to benefit shippers. Make sure the port is compliant with federal security initiatives.

6. Note Foreign Trade Zone (FTZ) access.

If you are involved in zone-to-zone transfers, exporting, international returns, or quality control inspections, select a port that has an approved and active FTZ to take advantage of the cost reductions associated with these activities.

7. Prepare for the unexpected.

Consider a port that offers alternative services to container transport, such as an ability to handle traditional break-bulk cargo; oversized, over-dimensional project cargo; or roll-on/roll-off cargo ranging from automobiles and tractors to military equipment.

8. Calculate the port's savings potential.

Determine if the port has processes in place to reduce overall transportation costs. For example, is there adequate capacity to eliminate congestion? Are procedures streamlined to reduce loading/unloading times and prevent delays? Ports with facilities for transferring fuel, food, water, waste materials, and supplies all in one place can shave hours off a vessel's time — and costs — at dock.

9. Investigate the port's container and vessel tracking tools.

What kind of technology capabilities does it have? Can you also use those tracking tools for Internet access, e-mail, and text messages? Does the port provide a toll-free number?

10. Check the operating hours.

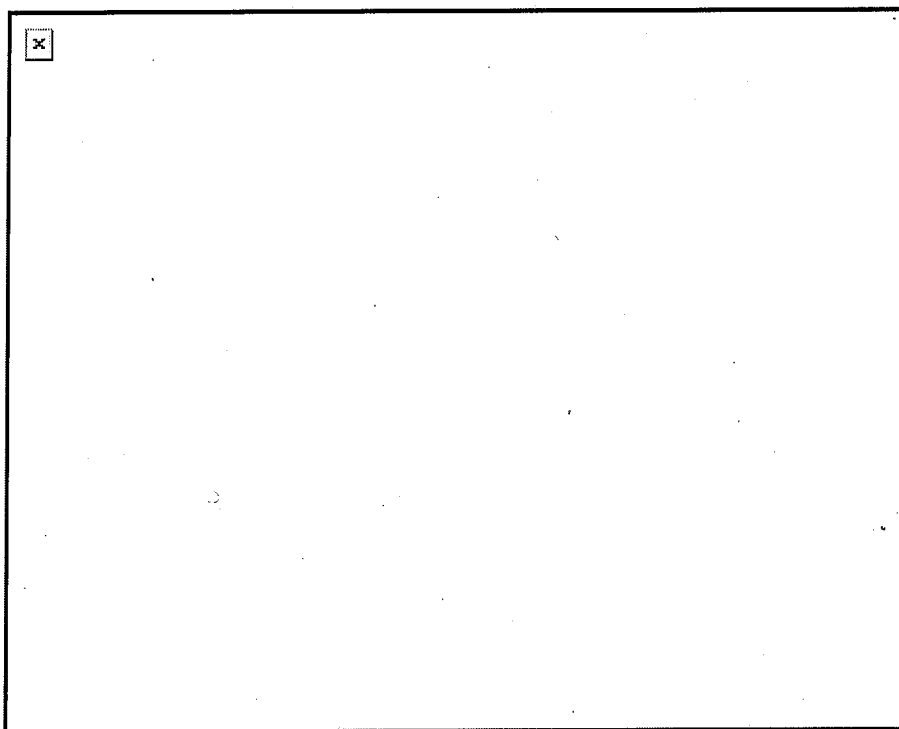
Does the port have convenient operating hours to access port services? Investigate the dwell times between ship and rail.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, September 23, 2010 9:33 PM
To: portofoakland@yahogroups.com
Subject: Amports, car company may ink deal

Benicia's best news source, now as always

Amports, car company may ink deal



THE 2011 CODA sedan.
Courtesy photo

Electric vehicles would be completed here

By Donna Beth Weilenman
Staff Reporter

If a new Southern California company and Amports come to agreement, 14,000 zero-emission electric cars would be completed in a Benicia assembly plant before they're introduced to the motoring public next year.

Santa Monica-based CODA Automotive could bring as many as 100 new jobs here if it agrees to import its sedans to Benicia from China, where production begins.

The two companies are in negotiations, but K. Forrest Beanum, CODA Automotive's vice president of public affairs and communications, said contracts could be signed by next month.

Randy Scott, general manager of Amports at the Port of Benicia, concurred, saying the agreement is in draft form. "They're a very important customer," Scott said.

Once the vehicles arrive at Amports by container through the Port of Oakland, their major drive train components would be installed — and that's where Benicia comes in. "The final car assembly would be in California — in Benicia," Beanum said.

Beanum said his company has "an aggressive timeline" for vehicle production, and getting the vehicles to Benicia "needs to happen as soon as possible." Production could start as soon as January, Scott said.

Beanum's company began looking outside Southern California for an assembly plant when it realized its campus in Oxnard couldn't handle the job. Benicia's port provides easy rail and interstate access: □ It is near I-80 for east-west transport and I-680 and U.S. 101 for shipping north-south, Scott said. "It's very connected," he said.

Amports also has the right facilities in place, Scott said. "Part of why they chose Amports is because we have the infrastructure," he said.

Scott said Amports is speaking with representatives of PG&E about installing equipment so his company can give the electric vehicles their initial charge. Electric cars can't move on their own without that charge, so unlike gasoline-powered vehicles, the sedans won't be driven off the arriving ships.

Another advantage for Benicia is its location, Scott said. It's well-positioned for Northern California distribution, within range of San Francisco, Sunnyvale, Sacramento and Petaluma, he said.

CODA's current plans are to remain in Southern California, Beanum said. Its use of the Benicia port is temporary, though he declined to specify whether "temporary" meant months or years.

Up to 60 percent of the vehicles that would be completed here would be for private consumers, with the balance being used by fleets, Beanum said.

CODA takes its name from a musical term that marks the end of one movement and the beginning of the next, Beanum explained. "We see this car as the launching of the movement away from fossil fuels, energy independence and the growth of jobs," he said.

The CODA sedan uses a 728-cell lithium iron phosphate battery that comes with an eight-year, 100,000-mile warranty. The battery can be charged completely in six hours, using the same 220-volt outlets most homes have for such appliances as clothes dryers.

See the company's website, www.codaautomotive.com, for more details on the car's attributes.

Benicia Economic Development Manager Amalia Lorentz called the potential addition to the port "a very exciting prospect." Though city government itself wasn't instrumental in luring CODA to Benicia, "our pro-business climate didn't hurt," she said. "Benicia is a good place to run a business, and that's something Amports could sell."

While she understands the automotive company still intends to remain in the Los Angeles area, Lorentz

said, "We'll be trying to keep them."

She's also excited about Amports' new customer's product. "This puts us on the map for electric vehicles," she said.

<http://beniciaherald.wordpress.com/2010/09/24/amports-car-company-may-ink-deal/>

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Tuesday, October 05, 2010 5:29 PM
To: portofoakland@yahoogroups.com
Subject: CARB critics: Science behind diesel rules remains flawed

October 5, 2010

CARB critics: Science behind diesel rules remains flawed

Three years ago the California Dump Truck Owners Association had 1,700 members – mostly small to mid-size trucking companies based in the Golden State.

The economic downturn and a series of expensive in-state emissions rules hit the group's truckers hard in 2007 and 2008, dropping membership by half to its current 850 members.

Lee Brown, the CDTOA's executive director, said the organization's members have had the competitive playing field tipped severely against them because of several diesel regulations implemented by the California Air Resources Board.

Equipment that large motor carriers replace and retrofit every few years is typically maintained longer by owner-operators and small trucking businesses, Brown said. Because CARB has implemented rules requiring more rapid engine and reefer replacement, a small trucking company's competitive edge – its attention to maintenance and flexibility – is partially wiped out.

"CARB is like this agency with no oversight and unlimited power. It's almost like the Gestapo of the 1930s," Brown said.

"Everybody wants clean air; there isn't one trucker in the U.S. that doesn't want cleaner air," Brown said. "But everything comes at a cost. You can't force the guy in the supply chain that can least afford it to become responsible for cleaning our air. We're seeing a huge downward trend. It's the perfect storm for these guys to go under."

Brown said he wonders if CARB will ever stop creating regulations, no matter how much air quality improves.

CARB Spokesman Dimitri Stanich disagreed.

"We'd be happy to go out of business if we attained clean air," Stanich told *Land Line*. "We create regulations in order to clean up the air because we still haven't met the federal standard for clean air.

"If we don't meet those standards, then we will be penalized with a reduction in federal transportation funds. So yes, the air is cleaner than it has been in a very long time, but we still fail and fall short of meeting the federal definition of clean air."

CARB has pursued reductions of pollutants through rules for many sources, including commercial diesel trucks. As tough as idling, port and reefer rules has been on truckers, CARB's most expensive rules to date have yet to be fully approved.

The air quality agency is scheduled to approve the on-road truck and bus rule in December, which will ban trucks by engine age. The regulation is expected to cost truck owners an estimated \$10 billion.

Critics, including UCLA Research Professor Dr. James Enstrom and the CDTOA, say that a scandal surrounding original research behind the rule has been replaced by an EPA review of similar studies.

The review examined several California studies that the CDTOA and Enstrom say did not show a strong relationship between diesel particulate matter and early mortality.

The EPA's review examined whether particulate matter as a whole – including dust, smoke from forest fire and other sources – affect mortality. Rather than directly tie diesel to the mortality question, the CDTOA says, the EPA review looked at particulate matter and separately stated that diesel exhaust is "known to have many, many different types of compounds within it that are carcinogenic."

"The word diesel is used three times in the whole report," Brown said. "They have been caught with their pants down with the science – because those reports individually show there is no correlation

between diesel and premature deaths, at least in California. Yet they're trying to say this EPA review justifies all these regulations."

Linda Smith, chief of CARB's health impacts section, said CARB staff chose to apply the EPA's review of particulate matter to the on-road truck and bus rule because the EPA's research took a more comprehensive approach than numerous California-based studies.

"We do feel that EPA actually evaluated all the research in a very comprehensive way, and it was a very recent review, and it included all of the California-specific studies," Smith said.

Later in the interview, Smith said she wanted the public to know that CARB staff themselves did not conclude the effects of particulate matter, but the agency felt very good about EPA's review of research on the topic.

"We feel it's so comprehensive and so good, we just decided to follow it," Smith said.

Diesel makes up about 10 percent of the total particulate load in California, Smith said.

Enstrom said CARB is making his argument for him.

"You're down to 10 percent. Even if they stopped all diesel in California, they would only drop PM by 10 percent," Enstrom said. "But that wouldn't lead to the prevention of any premature deaths – because there is no link between diesel and premature deaths."

Stanich disagreed.

"Diesel PM is a toxic air contaminant, which is a classification for compounds known to contribute to serious health threats, including but not limited to premature death," Stanich said in an e-mail.

"The federal EPA has formally recognized fine PM as having a causal relationship to premature death. Diesel PM alone contributes more than 70 percent of the airborne carcinogens in CA air," Stanich wrote.

"Research has shown that though trucking industry workings are generally more healthy than the general population, they endure more cardiopulmonary disease due to their exposure to diesel exhaust. Though some may dismiss these findings as a minimal risk, ARB is required by law to minimize this threat to public health."

The back and forth seems to never end, yet the stakes are high. Before the latest revision of the on-road truck and bus regulation, CARB had estimated complying with the rule would cost trucking companies \$10 billion.

Enstrom told *Land Line* he isn't aware of a single epidemiologist with a Ph.D. among CARB's employees, something he says is imperative if the agency is going to blame portions of the transportation industry for early mortality.

Smith said CARB has two such epidemiologists, though CARB did not respond to a request to name those individuals.

Momentum changing?

A mixture of political pressure and CARB's own changes may signal a momentum shift, even as new diesel rules are enacted.

In late September, CARB released a revised version of the on-road truck and bus rule, which they say will cost trucking companies less to comply with.

In late September, Gov. Arnold Schwarzenegger signed a bill into law requiring CARB to fully explain the agency's enforcement fines that stem from air quality regulations.

Also in late September, OOIDA's Board of Directors voted unanimously to support the passage of Proposition 23, which would suspend the 2006 global warming law that many California diesel regulations are enforced under the authority of.

Brown is hopeful that CDTOA's numbers will rebound in coming months and years.

The organization, which was founded in 1941, has seen its share of wars, recessions and several generations of California air regulators.

"We'll see," said Brown. "If the general public here comes out on Nov. 2 and crushes all these propositions that are anti-business, and supports the ones that are pro-business and anti-tax ... I think people will be hearing these small-business people for the first time in a long time."

– By *Charlie Morasch*, staff writer

charlie_morasch@landlinemag.com

Kaplan, Rebecca

From: Edward Kangeter IV [edward@customalloy.com]
Sent: Thursday, September 09, 2010 7:40 AM
To: PWA Call Center
Cc: Foster, Frank; Bob Tuck; Bill Aboudi; George Burt; Michael Herling; Alfred Saroni III; Markus Niebanck; Steve Lowe; Sean Sullivan; Nadel, Nancy; Kaplan, Rebecca
Subject: Illegal Dumping on Hanna St between Peralta St & 32nd

Dear Public Works,

See the attached photo's of the Illegal Dumping on Hanna St between Peralta St & 32nd

9/30/2013



Edward B. Kangeter IV
Chief Executive Officer

CASS, Inc.

2730 Peralta Street
Oakland , CA 94607 , U. S. A.
TEL: 510.893.6476

E-MAIL: edward@customalloy.com
WEB-SITE: <http://customalloy.com>

Recycling for our future.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Sunday, September 05, 2010 9:39 AM
To: Jai Jennifer (nrejai@aol.com); GeorgeEMcDaniel@aol.com; Steve Lowe; DeVizEnt@aol.com; newsfromsanjiv@aol.com
Subject: Political Power

Political Power

By Doug Bloch

"Walter Reuther defined power one day. He said, Power is the ability of a labor union like the UAW to make the most powerful corporation in the world, General Motors, say, 'Yes' when it wants to say 'No.' That's power."

-Reverend Martin Luther King, Jr. August 16, 1967

When Joint Council President Rome Aloise hired me as Political Director, he made one thing clear: the top priority is to build Teamster political power to support contracts and new organizing campaigns.

We are one of the largest unions in Northern California with room to grow in almost every industry we represent. We have a political foundation built by Chuck Mack that spans almost four decades. Our members know that being a Teamster means being able to provide a better life for our families, but our pensions, health care, and our future are under attack. And what about all the hard-working men and women toiling every day in non-union work places that deserve the opportunity to organize with us? We need to fight to protect what we have, but if we don't grow, we are sure to wither and die.

Politics are a part of every single thing we do as a union. But if we don't get more involved, our children might think of unions as something in the history books.

This November's election provides about as clear a contrast between candidates as we will ever see. On the one hand, the "Wall Street Wonders" (Whitman and Fiorina) are attempting a hostile takeover of the State of California by spending hundreds of millions of their own money to secure a seat in power. Meg Whitman spent a record \$100 million to win the Republican primary, and right now, months before the traditional start of campaign season, she's spending \$500,000 each and every day.

Regardless of your party registration, this election calls on all of us to vote "Union" when we get to the polls. Whitman and Fiorina have built their platforms around busting unions; Brown and Boxer have stood with unions for more than 20 years. Whitman plans to lay off 40,000 state public employees if elected; Brown gave public employees and farm workers the right to collectively bargain. Whitman wants to roll back the 8-hour work day, guaranteed meal and rest breaks, overtime, prevailing wages, and Project Labor Agreements. She and Fiorina want to run the state like a business, but for them,

running a business means contracting out jobs, and cutting services.

According to the Sacramento Bee, Meg Whitman became eligible to vote in 1974 and she didn't even register until 2002. After she registered, she missed half the local, state and federal elections held until 2007. She didn't vote in the recall election that swept Schwarzenegger into office or the special election he called in 2005.

We can't possibly hope to outspend Whitman and Fiorina, but we can beat them in the streets. In August, Rome and our political staff are hitting the road to let you know what the plan is. Here's the schedule:

Political Action Meetings

August 14

At Local 853 from 9 a.m.-noon 2100 Merced Street, San Leandro For members of all Bay Area locals

August 21

At Local 439 from 9-11 a.m. 1531 E. Fremont Street, Stockton For members of Locals 439 and 601

At Local 150 from noon-2 p.m. 7120 East Parkway, Sacramento For members of Locals 150 and 137

August 28

At Local 431 from 9-11 am 1140 West Olive, Fresno For members of Locals 87, 431 and 517

At Local 386 from 1-3 pm 1225 Thirteenth Street, Modesto For members of Locals 386 and 948

We've seen our pensions, mortgages, home values, and our union battered by those who think that deregulation and letting business run the show are the answer to the nation's ills. These business interests hate unions because we stand up and demand that they be accountable to workers. A vote for Whitman and Fiorina is a vote for big business. A vote for Brown and Boxer is for an economy that works for working families. On November 2, vote Teamster.

Doug Bloch was named to the newly-created position of Joint Council 7 Political Director in June. He'll be coordinating Teamster political mobilizations, conducting trainings for local political directors, and promoting the DRIVE program. To get involved in the Teamsters' political program, contact Doug at doug@teamjc7.org

http://www.teamstersjc7.org/news-stories/1008_power.html

Kaplan, Rebecca

From: Edward Kangeter IV [edward@customalloy.com]
Sent: Wednesday, September 01, 2010 12:40 PM
To: PWA Call Center
Cc: Foster, Frank; Bob Tuck; Bill Aboudi; George Burt; Michael Herling; Alfred Saroni III; Markus Niebanck; Steve Lowe; Nadel, Nancy; Kaplan, Rebecca; Toribio, Anthony
Subject: Illegal Dumping on Hanna St between Peralta St & 32nd

Dear Public Works,

See the attached photo's of the Illegal Dumping on Hanna St between Peralta St & 32nd





Kaplan, Rebecca

From: Kaplan, Rebecca
Sent: Thursday, June 02, 2011 9:27 PM
To: Ronald Light; bill@abtruck.com
Subject: RE: RE: State air board truck rules...

SHALOM! HERE IS MY ROUGH DRAFT (NOT FOR PUBLICATION) OF MY COMMENT LETTER ABOUT THE DIESEL EMISSIONS RULES I WELCOME ANY COMMENTS OR SUGGESTIONS YOU MAY HAVE...

THANKS!

-R KAPLAN

P.S. HAVE YOU HAD AN ATTORNEY LOOK AT THE PROPOSED RULE AND/OR SEND A LETTER?

ROUGH DRAFT!!!

COMMENT FOR TRUCK BUS, DRAYAGE, TRACTOR-TRAILOR, OFF-ROAD AND LSI 2010 (ON-OFFROAD10) - 15-1.

California Air Resources Board

I write to comment on the recent decision of the Board to perpetuate the disparate treatment of Port truckers verses non-Port truckers in your diesel regulations.

As Oakland's elected city-wide Councilmember, and a member of the city-port liaison committee, I have witnessed extensively the impacts of the ARB's attempts to implement Phase I of these diesel rules, as they manifest in the real world, and I am responsible to speak up for the well-being of all the people of Oakland. As a longtime environmental advocate with experience in transit oriented development and alternative fuels technology, I am a committed, strong supporter of the goals of the ARB to reduce dangerous emissions, both in terms of local air pollution and in terms of global climate impacts. I know we must reduce diesel pollution emissions, both for human health and for environmental sustainability. It is possible to implement diesel regulations which would achieve these goals, but the proposal now under consideration would NOT do so.

The ARB is poised to implement a dangerous, environmentally harmful, economically harmful decision – and I believe it is possible that you do not intend to do so. I believe it is possible that the ARB does not intend to inflict environmental and economic harm on the already-struggling West Oakland community. However, the proposal currently in consideration, to perpetuate the disparity between the regulation of Port and non-Port trucks, will cause these harms if it is not revised or mitigated. It is entirely possible to make achievable, straightforward changes to your diesel regulations which would solve the problems I outline herein, and would improve their effectiveness. I will share some of those at the end of this letter, and I would be

9/30/2013

happy to work with you to implement a more effective strategy.

I believe the serious negative impacts of the now-pending decision have not been analyzed or even genuinely attempted to be examined. In particular, in addition to the need to study the impacts of each of the two policy actions – to extend the deadline for reduction of emissions from diesel vehicles on our local streets, roads, and highways, while making more strict the diesel emission regulations on vehicles that operate on ports and railyards – **the ARB must analyze the impact of the two actions when looked at together.**

It would be inappropriate and unlawful to proceed to implement these policy proposals at this time, without mitigating, or even looking at, the serious, harmful impacts of the Board's proposal.

The disparity between diesel emission regulations on-port and off-port causes serious harms to the environment, to human health, to social equity, and to economic opportunity and jobs.

(The new proposed policy not only does not fix the harms – it in fact exacerbates and worsens harms – not only the financial harms to a specific and underserved community, but also environmental harms – are in fact MADE WORSE by the policy of disparate treatment – and these harms, which are caused by the ARB's Board action, not only has not been justified by any other overriding purpose, but in fact, has not even been considered in your decision-making.)

HARMS SPECIFICALLY CAUSED BY the ARB Action (to hold Port trucks to stricter emissions standards than non-Port trucks).

- 1) Created an entirely new dangerous hazard to the environment and human health by motivating people to swap vehicle loads on the streets of West Oakland. Since high-polluting trucks ARE ALLOWED BY YOU to drive throughout the community – they are only not allowed into the Port – they can drive to near the Port, and then swap with a Port-compliant vehicle to drive the load into the Port. You motivate this conduct with your policy, by having disparate rules for Port and non-Port trucks. This causes idling and truck traffic through a high-pollution residential community, as well as the actual load-switching taking place in the community. These actions endanger the community both with the threat of being hit by trucks going to inappropriate places, and exposes the local community to much higher levels of diesel particulate emissions as trucks drive and idle through and into the community in West Oakland. The decision to perpetuate the gap between rules for Port and non-Port trucks will only worsen this situation.
 - a. Some of your documents suggest that you might be able to solve this problem by having a new rule to prohibit this type of load-swapping. This is an interesting theory, which I suspect would be very difficult to implement, but it did suggest that you might be actually trying to mitigate the harms of your disparate policy. Thus, I inquired of ARB staff what the budget, and number of staff assigned, would be for this new enforcement power which you propose to create, to stop the practice of load-swapping which your disparate policies have caused. The staff answer which I received is that the new budget dedicated to this proposal to create a new enforcement power, at this point, is ZERO! And the number of staff who will be assigned to engage in this new enforcement power, is ZERO!! If you do not actually implement the no-swaps (drayoff) rule, in other words, if you do

not put up signage, distribute information letting drivers know about the new rule, and provide the personnel to staff both the informational and the enforcement components of the new policy, then it would NOT be correct to say that you plan to solve the problem. If you pass a new rule here, but provide NO budget to inform people about it and NO budget and no staff devoted to enforcing this entirely new enforcement power, then you, in actual fact, ARE NOT creating a new enforcement system and ARE NOT mitigating the harms you are causing through your policy of disparate treatment of Port and non-Port trucks. If you adopt a new enforcement power but do not fund its implementation then your action could be most accurately described as "pretending to solve the problem" or perhaps "talking about solving the problem" rather than actually solving it. And thus, you would not have mitigated the harm you are causing. Enforcing this new rule would require enforcement personnel to actually be situated in the area near the Port, and be patrolling that area in an ongoing, full-time way.

- 2) Focused, targeted, economic devastation is aimed discriminatorily and unfairly exclusively on one low-income community, and is racially disparate treatment and is not justified by any rational relationship to any legitimate goal: The ARB is called upon to reduce air pollution throughout California. One part of this goal is served by regulating emissions from diesel vehicles. Diesel trucks are a genuine source of air pollution emissions, and thus, regulating the emissions and requiring steps to reduce diesel emissions are important steps. The need to further reduce diesel pollution is a state-wide need, yet the current ARB proposal, rather than treating this as a statewide responsibility, is instead focusing the requirement to take the next steps at this time exclusively on one small, low-income group, made up disproportionately of people of color. Under the proposal now being considered, the long-haul truckers in California would have their requirements loosened. The trucks which drive in our neighborhoods, deliver to our local stores, and emit in our communities would be allowed to continue to do so – those trucks would be exempted from taking action at this time to reduce their particulate emissions – at the same time, **the small minority of Port truckers, would be obligated to make upgrades not being expected of others, and would be obligated to fund these upgrades themselves.** So, the ARB is choosing to reduce diesel emissions only by a small amount at this time. But the literal price – the dollars that will need to be spent in this State to make this reduction in diesel emissions – that cost will be borne only by one small group of the people who can least afford it – the low-income people who drive at our local port – while other, often wealthier, truck drivers who drive elsewhere within our State and within our Communities would be exempted at this time from taking any action.
- 3) In order to reduce emissions from high-polluting diesel vehicles, ARB could offer financial payments for taking a non-compliant vehicle out of service. But that is NOT proposed. Instead, the more-polluting vehicles will be moved off the Port, but will STILL be IN USE! If the vehicles emit too highly to work on the Port (which has no adjacent homes nor schools) then those same vehicles certainly should be considered too highly polluting to drive through our communities working in other non-Port areas, where they often do travel adjacent to homes and schools. Due to its location many of the older vehicles which you propose to kick out of the Port of Oakland – those higher-polluting trucks are most likely to end up in the nearby area, and thus, to end up emitting in the already struggling community of West Oakland. (If you proposed to buy up, take out of

service, or otherwise redistribute the older vehicles, then you would not be causing this problem. But since your proposal is simply to move the higher-polluting trucks off the Port, into non-Port use, you are CAUSING them to end up working in the nearby community – where they would end up – and thus, causing higher exposure to diesel pollution to the people in the West Oakland community).

- 4) When the rules were initially proposed years ago, Port Truckers were told repeatedly at numerous meetings that the proposed early upgrade rule for **Port Trucks would be Funded! This turned out to be a huge problem, as the funding provided was not adequate to the task.** As many truckers directly involved have already written – the funding mechanism was difficult, there was absolutely not enough money provided to cover everyone, many of the lowest-income and non-English speaking truck drivers ended up left out, and the process to seek the funding was difficult and inaccessible for many truck drivers. **For the Phase II now under discussion, there is NO evidence whatsoever to ensure that funding will actually be provided.** The whole notion that it might be fair to force a small minority of trucks drivers in California to cover the whole financial cost of improving the diesel emission situation in California at this time never would have been justifiable to adopt in the first place, had it not been for the funding promise which was publicly made at that time. A promise that was NOT kept. Now, for Phase II, the ARB is not even making a promise to provide the funding. And is not proposing to mitigate the disparate economic harm caused by the failure to adequately fund Phase I, even though funding for Phase I was publicly promised. Under the current understanding, in which the State will NOT be funding the next steps, it is entirely morally and legally indefensible to disparately place the entire financial burden for reducing diesel truck emissions in California exclusively on one small group of truck drivers.
- 5) **Claiming that the disparate rule is justified because it is to protect the health of nearby residents is not valid.** To many it appears simply odd and bizarre, as well as unfair, that Port truckers would be held to a higher standard, and forced to spend vast sums of money at this time, that non-Port truckers are not required to do. Certainly from a global warming and climate change perspective, there would be no justification for selecting out amongst trucks in California the smaller number of Port trucks, rather than other trucks. However, the ARB has repeatedly publicly asserted that the justification, and, in fact, the entire reason, for the selective restriction of Port trucks is due to the desire to protect the community near the Port from dangerous diesel emissions. While this type of disparate treatment puts a disproportionate share of the economic harm on the nearby low-income and underserved community – where a disproportionate share of the economically-harmed truck drivers live -- this was supposed to be justified by the idea that cleaning up Port trucks would thereby especially help to reduce dangerous diesel emission exposures in those same low-income and underserved communities near the Port. However, this is turning out not to be the case. Your own regulations attest that the human health harm from diesel particulate emissions is focused on those in the immediate area of the emission, for example, your standard of 1,000 feet from a freeway/diesel emissions as a standard for homes and human health risk in ARB-approved regulations. On the Port property, the trucks are absolutely never immediately adjacent to a home or a school – never idling under residential windows, and generally NOT within 1,000 feet of sensitive uses, such as homes and schools. In contrast, non-Port trucks are often and regularly to be found working and travelling and

emitting particulate matter in areas surrounded by houses, schools, hospitals, and in the community. Since the trucks being kicked out of the Port under the ARB's rules can, and do, turn up working within the community, closer to homes than they would have been had they stayed at the Port, and since the ARB does NOT take these trucks out of service, but merely encourages moving them to be in service in a different location – not only is overall air quality not being improved, the community living near the Port is not being protected from dangerous particulate emissions.

- 6) Some have alleged that the ARB's disparate treatment of the lower-income Port truckers verses the wealthier and better-connected non-Port truckers is a willful act of discrimination, to protect the more powerful interests from having to spend money on emission reductions, while forcing those with less power to bear the entire burden of the statewide effort to reduce diesel emissions. At this time, I am not endorsing that view, as I continue to believe it may be possible that the Board intends to adopt a fair and effective policy, and may simply not have been aware that your policy does not achieve its advertised goals. Have you conducted an equity impact analysis of your proposal to perpetuate the disparate treatment of Port and non-Port trucks? Have you conducted an environmental impact analysis of this proposal to perpetuate disparate treatment? Please send any such documents that you have prepared in the course of making this decision. In addition, I urge you to take close note of the extensive evidence of the negative impacts of your disparate policy, not only in my comments but from many others as well. Prior to receiving this information, you might have been able to assert that you did not "intend" to cause the harms your policy is causing. Now that you have been informed of them, on the record, then if you were to continue to propose to disparately enforce the next step of diesel emission reduction rules against this small group of truck drivers, and if you continue to move ahead to implement this without mitigating the harms caused by your policy of disparate treatment (including the issue of the funding for the upgrades), then, at that time, your action disparately causing harm to a specific community could then be considered to be *intentional*, as, at this time, you have been informed of the harms of the disparate treatment policy.

At this time, I urge you to take the following action:

- 1) To defer the next Phase of the Port truck compliance by a length of time NO LESS THAN the length of time that non-Port truckers are being extended.
- 2) To commit to resolving the issue of the lack of funding for implementation, and to commit to resolving the issue of the non-existence of the required NOx filter, by a time well before the deadline for the next Phase of the Port (Drayage) Truck rule.

Rebecca Kaplan

Oakland City Councilmember At-Large

RKaplan@oaklandnet.com

510-238-7308

9/30/2013

From: Ronald Light [mailto:ron@weststate.org]
Sent: Tue 5/31/2011 9:21 AM
To: Kaplan, Rebecca
Cc: miguel@horizonoakland.com
Subject: Fwd: RE: State air board truck rules...

Rebecca -- Please see attached document

FYI -- The personal response Miguel received from Mary Nichols was researched and written by Cynthia Marvin. It's an eight-page refutation (hard copy only) of most every point we've attempted to make thus far. It's their first official response to us since the December meeting where the proposal to delay implementation was rejected. In tone their response is still very hard-line, although from talking with Mark Ross I felt like some kind of accommodation might be a politically acceptable solution. Just my current take on things.

Also, this coming Friday ends a 15-day comment period during which CARB is displaying the new language of the drayage bill as modified at last December's board meeting.

<http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10.htm>

Subject: RE: State air board truck rules...
Date: Tue, 31 May 2011 01:49:05 -0700
Thread-Topic: State air board truck rules...
Thread-Index: AcwfIRkrAuIT5chNT9SIhn590aasiwASSEaV
From: "Bill Aboudi" <bill@abtruck.com>
To: "Kaplan, Rebecca" <RKaplan@oaklandnet.com>
Cc: <ron@weststate.org>,

<miguel@horizonoakland.com>

Shalom, we are not having very good luck in communicating with CARB, I believe Miguel just received a letter from Mary Nichols, we met with BAAQMD board member (Mark Ross) last week and have been trying to meet with our representative on the CARB's board (Mr Ken Yeager) no luck yet.

I will copy Ron & Miguel for them to update you also.

Bill

9/30/2013

From: Kaplan, Rebecca [mailto:RKaplan@oaklandnet.com]
Sent: Mon 5/30/2011 4:27 PM
To: Bill Aboudi
Subject: State air board truck rules...

Good afternoon, I hope you are doing well, and sending you best wishes.

I wanted to follow up on the conversations about the Air Resources Board's truck emission rules for port/drayage trucks.

Have you had any recent communication with anyone at the State agency about it? Who is the person there you have been talking to?

I want to call to follow up, but before calling them, I wanted to make sure I have the most recent info about your discussions with them.

Best wishes!

shalom,

-R Kaplan

--
West State Alliance

"The voice of the Port of Oakland trucker"

P. O. Box 24372

Oakland, CA 94623

415-370-6588 (cell)

510-903-1868 (voicemail)

wsa@weststate.org

www.weststate.org

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Monday, August 30, 2010 7:31 AM
To: portofoakland@yahoogroups.com
Subject: Judge's Ruling on Los Angeles Clean Trucks Program Delights Some, Dismays Others, Surprises Many

Judge's Ruling on Los Angeles Clean Trucks Program Delights Some, Dismays Others, Surprises Many 08/29/2010

By George Cunningham

The ruling handed down by federal Judge Christina Snyder upholding every element of the Port of Los Angeles clean trucks concession plan was a big shocker to many in the industry and a nice surprise for those who supported the plan. It was not at all the scenario the American Trucking Associations had in mind when it filed suit against the Port of Los Angeles and Port of Long Beach in June 2008. Although the ATA later settled its differences with the Port of Long Beach, the ATA and the Port of Los Angeles continued to battle it out in court. An eight-day trial in the case was held in April, but the ruling wasn't handed down until late last Thursday.

Common wisdom had been that Judge Snyder would uphold the port's right to require truckers to sign up for a concession, but would rule against the port's plan to require that all drivers be employees of the drayage companies that pick up and deliver cargo at port terminals. That rule - the most controversial provision of the Clean Trucks Program - would ban owner-operators from servicing port terminals and open the drayage industry to unionization by the Teamsters Union.

Also a surprise to many was the judge's rationale for the ruling. She agreed with the ATA's argument that the port was preempted by the federal government from requiring trucking companies to use employee-drivers or regulating off-street parking. And she agreed that the safety exemption, which allows local agencies to restrict trucking when it comes to safety did not apply in either of those cases.

But she disagreed with the ATA when it came to the port's claim that it was a market participant and as such it could require certain conditions from the companies with which it did business. The ATA argued that since the port does not itself purchase drayage services or participate directly in the drayage services market, it was not a market participant.

Judge Snyder, however, said the law allows the port to be considered a proprietor even if it does not buy anything. As a landlord, the port has the proprietary interest in maximizing its profits and operation. While the federal government preempts local agencies from regulating trucking, it does not prohibit a public agency from taking proprietary actions that require certain terms from companies doing business on its property.

Of course, it's not all over yet. The ATA says it will appeal. The stakes are huge.

If the Port of Los Angeles prevails in the case, it will open the door for unionization of port drivers by the Teamsters union.

The union legally is not able to organize drivers under the current system in which owner-operators are considered independent contractors. Once the drivers are employees, union organizers will go to work.

The union is already hard at work at other ports as part of a "blue-green" political alliance with environmentalists. The Teamsters have made no secret of their plan to organize drivers at ports nationwide. Industry is doing whatever it can do to thwart that plan, so last week's court ruling was greeted with dismay and bitterness by many business folks.

Meanwhile, others were celebrating the decision. The **Natural Resources Defense Council** and the **Coalition for Clean Air** posted releases and blog articles praising the ruling as a victory for clean air. The Mayor of Los Angeles and the Port of Los Angeles Executive Director released **statements** praising the judge's decision. And New York Congressman Jerrold Nadler, who is pushing for a similar plan at the Port of New York and New Jersey, said the decision was "good for the environment and good for labor, and paves the way for the implementation of other clean truck programs around the country."

The battle may not be over until the fat lady sings - and that fat lady could well turn out to be the U.S. Supreme Court - but the movement by ATA and others to quash the Port of Los Angeles Clean Trucks plan has been significantly damaged.

Judge's Ruling

--The Cunningham Report

http://www.cunninghamreport.com/news_item.php?id=1345

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Monday, August 30, 2010 7:35 AM
To: portofoakland@yahoogroups.com
Subject: The Neutral Chassis Model: Who Will Gain, Who Will Lose, Who Knows?

The Neutral Chassis Model: Who Will Gain, Who Will Lose, Who Knows?
 08/29/2010

By Yvonne Smith

On Oct. 4, Maersk Line will cease to provide chassis for containerized cargo at California ports. Rather than providing the chassis in conjunction with ocean freight, Maersk will require drayage companies to lease chassis through Direct ChassisLink (DCLI), a division of Maersk Equipment Services Corporation. On the surface, the system seems simple. DCLI will lease chassis for \$11 per day, and the drayage companies will in turn, bill their customers for the cost. The drayage companies are free to use the DCLI chassis for Maersk containers - or containers from any other steamship line - and truckers are free to use the same chassis for multiple deliveries or pick-ups in a single day.

The new system has already been introduced in most other U.S. markets that Maersk serves. It was launched last year in the Northeast and on June 1 in Gulf and Pacific Northwest ports. The program began at Southeast ports on July 1 and is scheduled to start at inland locations in Southeast and Gulf states on Sept. 7. Other steamship lines have announced plans to exit the chassis business in the months ahead.

Sixty days into the program, some Seattle-area truckers say the new business model is working well.

"It's been a non-issue," says Kent Christopher, president of Western Ports Transportation as well as president of the intermodal group of the Washington Trucking Association.

Christopher says he leases DCLI chassis exclusively for Maersk containers and picks them up at the Port of Seattle's Terminal 18. After a delivery is made and the chassis is returned to the terminal Christopher gets a bill from DCLI, and he passes the cost along to the customer. To date, customers have paid their bills.

"We have an agreement that whatever number of days it takes (to get the container unloaded and to return the chassis), that is what the customers are going to be billed," Christopher said. "People who are using Maersk Line know this is a cost they are going to have to bear - it's not a point of argument."

Yet some skeptics question if the system is really going as smoothly as Christopher says.

"Why all of a sudden is a shipper, who fights for every 50 cents, willing to pay a chassis fee when he's never been willing to pay it before?" asked one Seattle-area terminal official, predicting that steamship lines that exit the chassis business will ultimately lose customers.

In California, some truckers question DCLI's claims that one chassis can be used for multiple transactions in a single day. The more likely scenario will involve the use of one chassis for one transaction for

multiple days, they say.

A case in point: Bill Aboudi, owner of AB Trucking in Oakland, says that when he is scheduled to make an early-morning delivery to a customer in San Francisco, he retrieves the container at an Oakland marine terminal the day before. Under the DCLI model, he will incur a two-day chassis fee by the time he drops the container the next morning. If the customer takes several days to unload the container before releasing it, Aboudi may be charged for four days' use, or more.

"It's like gambling as to whether the customer will pay for four days of chassis rental," he says.

Because Oakland truckers often serve customers in the San Joaquin Valley, they may not be able to return a chassis to a terminal on the day it is released by a customer.

"My customer may agree to pay a one-day fee for the chassis, but if I get stuck in traffic coming back from Sacramento or Stockton, I will get charged for a second day," says Oakland trucker Dominick Lee, adding that his customers are "extremely concerned" about the chassis rental fees.

Even Southern California truckers who haul cargo to rail yards say that multiple transactions with a single chassis in a single day are unlikely. One trucker says unless he pays a \$50 "flip" charge at an intermodal yard, he is required to leave the chassis with the container until the container is loaded onto the rails. He fears that when he returns to the yard to get his chassis, it may be gone.

"My competitor may pick it up, and it is forever lost while that company runs back and forth with the chassis they are not leasing," he said. "I would hope that whoever has designed these programs has made provisions for that, but I don't trust them enough."

One Southern California port official says the neutral chassis policy may be beneficial for truckers who will no longer waste time "flipping" chassis when containers are erroneously loaded onto chassis from the wrong steamship line. Truckers also will spend less time returning chassis to the correct terminal, if neutral chassis can be taken to multiple locations.

"Equipment leasing companies will ultimately perform," he predicts.

Nevertheless, some terminal operators have their concerns.

"This is going to be a difficult undertaking. There are too many details that no one is giving consideration to," said John DiBernardo, vice president of SSA Terminals.

All of the steamship lines at SSA's Pier A terminal at the Port of Long Beach now use the same chassis pool because they all participate in the same vessel-sharing agreement. When the terminal needs a chassis to move a refrigerated container to a wash rack, or to segregate hazardous cargo from other containers, the chassis are borrowed from the pool, usually at no cost to the terminal.

Once steamship lines get out of the chassis business, terminals will lose flexibility to use chassis as needed, DiBernardo fears.

If multiple steamship lines switch their chassis operations to multiple third-party rental companies, DiBernardo also questions where the chassis are going to be stored.

Citing SSA's hefty lease payments to the Port of Long Beach, DiBernardo says, "We are not prepared to allow a (chassis) leasing company to set up shop at our terminal."

Yet if the chassis are moved off-site, will they continue to be maintained by the ILWU?

"That is for them to answer, I don't want to touch that," DiBernardo says.

With so many questions about the system, one might think the steamship lines that are planning to make changes in their chassis policies would meet with terminals, truckers and shippers to address their concerns. Yet DiBernardo says that when he has contacted the lines, he has been told only that they will take his concerns "under advisement."

During the past year, DCLI has met with stakeholders at meetings and conferences on the East Coast. The company has yet to announce similar meetings in California.


Considering that the Maersk is the first steamship line to roll out a new business model for chassis in California, the company may want to consider a series of meetings in the state to address stakeholders' concerns. That may be the only way Maersk can ensure that this roll-out goes smoothly, without rolling over those entities that handle their cargo or who ultimately pay their bills.

-- The Cunningham Report

http://www.cunninghamreport.com/news_item.php?id=1346

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, August 19, 2010 11:26 AM
To: portofoakland@yahoogroups.com
Subject: Trucking Adds 5,900 Jobs in July

 Recreation

Trucking Adds 5,900 Jobs in July U.S. Jobless Rate Remains 9.5%

By Frederick Kiel, Staff Reporter

This story appears in the Aug. 16 print edition of Transport Topics.

Trucking added 5,900 jobs in July as payrolls in the private business sector increased by 71,000, despite an overall loss of 131,000 jobs, largely because temporary census jobs ended, the Department of Labor reported Aug. 6.

The unemployment rate remained at 9.5%, Labor said, because about 180,000 people stopped seeking work in July and were removed from the unemployment totals.

"I'm not surprised that trucking continues to boost employment, especially since large truckload carriers are beefing up their driver recruitment departments," Bob Costello, chief economist of American Trucking Associations, told Transport Topics. "I suspect there are some driver additions, but that is not the bulk of the hiring, at least not yet."

"Overall, job creation is lower than one would expect after such a deep recession, but the private sector is adding employment, which is positive," Costello added.

ATA's weekly economic report, issued after the Labor Department's release of employment statistics, said that the key point in the report was that the private sector has added jobs for seven consecutive months, totaling 630,000.

BLS said that manufacturing increased by 36,000 jobs in July, raising total gains in the sector by 183,000 in the past seven months.

"The primary weakness of late has been government jobs," Costello added.

Government employment fell by 202,000 in July, from cuts in federal, state and local employment, DOL's Bureau of Labor Statistics said, with the main reason being, "the departure of 143,000 temporary Census 2010 workers from federal government payrolls."

"In July, employment in transportation and warehousing edged up by 12,000," BLS said. "Since a recent low in February, transportation and warehousing has added 56,000 jobs."

Trucking payroll jobs have grown by 8,900 to date this year, BLS said.

Initial news reports were gloomy.

"Economic recovery sputters as companies add only 71,000 jobs in July," the Washington Post said in the headline on its website story.

The New York Times said that the private-sector employment increase fell short of the 90,000 new jobs in the "consensus" expectations of economists.

"Figures released [Aug. 6] confirmed that the United States economy slowed in the spring, and the Department of Labor's monthly statistical snapshot of hiring pointed toward a stall in hiring this summer, as employers failed to add jobs at the rate they were earlier this year," the Times said in its story.

"I think many economists were overly optimistic when the recovery started," Chris Brady, president of Commercial Motor Vehicle Consulting, Manhasset, N.Y., told TT.

"This is still a recovery but a real, real sluggish recovery," he said, "because consumers are still increasing their savings and paying off debt, and consumer demand is the main force in this economy."

Brady pointed out that household wealth was still down a national average of 22% from its peak in 2007.

"Government action is not going to change consumer behavior," he said. "We've always said that we expected freight to slow down in the second half of the year because retailers and wholesalers have replenished their inventories by now, and future orders depend upon consumer spending."

Fleets have been just as cautious as their customers, Brady said.

"For carriers, no one has seen a reason to be overly aggressive in expanding capacity," he said. "They've instead increased utilization of the fleets they had to maximize profits. They'll also get more pricing power as freight increases down the road in this recovery."

Like ATA's Costello, Brady said the most important aspect of the report was the steady recovery in private-sector jobs.

"In addition, the BLS generally misses a lot of new jobs in the early stages of a recovery, because a lot of them are created in start-up businesses," Brady said.

President Obama said in an Aug. 6 speech posted on the White House website, "We've now added private sector jobs every month this year, instead of losing them, as we did for the first seven months of last year."

"We also know, from studying the lessons of past recessions, that climbing out of any recession, much less a hole as deep as this one, takes some time," Obama said. "The road to recovery doesn't follow a straight line."

Kaplan, Rebecca

From: Kaplan, Rebecca
Sent: Tuesday, May 31, 2011 9:29 AM
To: Ronald Light
Cc: miguel@horizonoakland.com; bill@abtruck.com
Subject: RE: RE: State air board truck rules...

Thanks much for forwarding this, I will be contacting CARB this week.

Can you also send over the 8-page response you got from them? I want to make sure I'm up on what they are saying in order to be more effective in changing this.

If you don't have a way to email it, you could fax it to the Council offices at fax number 510-238-6910 (be sure to add a cover page specifying this is for Councilmember Kaplan -- as other Council offices share that fax).

Thanks much and best wishes!
-R Kaplan

From: Ronald Light [mailto:ron@weststate.org]
Sent: Tue 5/31/2011 9:21 AM
To: Kaplan, Rebecca
Cc: miguel@horizonoakland.com
Subject: Fwd: RE: State air board truck rules...

Rebecca -- Please see attached document

FYI -- The personal response Miguel received from Mary Nichols was researched and written by Cynthia Marvin. It's an eight-page refutation (hard copy only) of most every point we've attempted to make thus far. It's their first official response to us since the December meeting where the proposal to delay implementation was rejected. In tone their response is still very hard-line, although from talking with Mark Ross I felt like some kind of accommodation might be a politically acceptable solution. Just my current take on things.

Also, this coming Friday ends a 15-day comment period during which CARB is displaying the new language of the drayage bill as modified at last December's board meeting.

<http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10.htm>

Subject: RE: State air board truck rules...
Date: Tue, 31 May 2011 01:49:05 -0700
Thread-Topic: State air board truck rules...
Thread-Index: AcwfIRkrAuIT5chNT9SIhn590aasiwASSEaV
From: "Bill Aboudi" <bill@abtruck.com>
To: "Kaplan, Rebecca" <RKaplan@oaklandnet.com>
Cc: <ron@weststate.org>,

<miguel@horizonoakland.com>

Shalom, we are not having very good luck in communicating with CARB, I believe Miguel just received a letter from Mary Nichols, we met with BAAQMD board member (Mark Ross) last week and have been trying to meet with our representative on the CARB's board (Mr Ken Yeager) no luck yet.

I will copy Ron & Miguel for them to update you also.

Bill

From: Kaplan, Rebecca [mailto:RKaplan@oaklandnet.com]
Sent: Mon 5/30/2011 4:27 PM
To: Bill Aboudi
Subject: State air board truck rules...

Good afternoon, I hope you are doing well, and sending you best wishes.

I wanted to follow up on the conversations about the Air Resources Board's truck emission rules for port/drays trucks.

Have you had any recent communication with anyone at the State agency about it? Who is the person there you have been talking to?

I want to call to follow up, but before calling them, I wanted to make sure I have the most recent info about your discussions with them.

Best wishes!

shalom,

-R Kaplan

9/30/2013

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West State Alliance

"The voice of the Port of Oakland trucker"

P. O. Box 24372

Oakland, CA 94623

415-370-6588 (cell)

510-903-1868 (voicemail)

wsa@weststate.org

www.weststate.org

From: "Kaplan, Rebecca" <RKaplan@oaklandnet.com>
Date: December 22, 2009 2:11:22 PM PST
To: "Bill Aboudi" <bill@abtruck.com>
Subject: RE: NORTHERN CALIFORNIA PORT AND RAIL
TRUCKERS ASSOCIATION (NCPRTA)

Hi Bill, how goes?

Sorry I couldn't come to the meeting, schedule conflict.

I wanted to touch base and find out how the meeting went, and what CARB said.

Also, who are the specific people are CARB who are working on this?
(As I also intend to call them directly to follow up, but I'd like to hear first what happened at the meeting, so I'll have a better idea what to say to them next).

Thanks & best wishes!

-Rebecca Kaplan

510-238-7308 (office)

510-301-8480 (cell)

--

West State Alliance -- www.weststate.org
P. O. Box 24372
Oakland, CA 94623
415-370-6588 (cell)
510-903-1868 (voicemail)
"The voice of the Port of Oakland trucker"

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, March 18, 2010 11:35 PM
To: portofoakland@yahogroups.com
Subject: Oakland mayor requests more money for truckers

Oakland mayor requests more money for truckers

By Cecily Burt

Oakland Tribune

Posted: 03/18/2010 03:59:35 PM PDT

Updated: 03/18/2010 08:36:01 PM PDT

A few hundred truckers who haul cargo at the Port of Oakland and were among the last to order new particulate filters for their rigs now have until June 30 to comply with strict new state air quality regulations that took effect Jan. 1.

About 1,300 mostly independent drivers failed to get any of the \$22 million in grant money awarded last year to put toward new diesel trucks or new diesel filters when the fund ran dry.

All drivers serving California ports are required to replace trucks manufactured before 1994 or install diesel filters on rigs manufactured from 1994-2003. The filters trap up to 85 percent of dangerous diesel particulates that can get caught in the lungs and cause cancer or severe respiratory problems for drivers and people living and working near busy ports.

An additional \$11 million was made available over the New Year's holiday to help truckers who did not get grants last year. Of the more than 800 who reapplied, 42 received new truck grants and 666 ended up getting filter grants.

Unlike last year's fund, which awarded drivers \$50,000 each toward the purchase of a new truck or paid the entire cost of a filter, minus sales tax, the new round of funding limited filter grants to \$5,000, even though about \$6 million was unspent and returned to the state. Although filter types differ, an average cost is \$16,000, and many of the drivers could not afford to pay the difference.

Several nonprofit lenders stepped forward and helped about 300 drivers get loans before a Feb. 5 deadline, but there are doubts whether the drivers will be able to keep up with the payments.

Those 300 drivers are being given more time to get their trucks upgraded, said Mary Fricke, spokeswoman for the state Air Resources Board. Drivers who were able to finance filter purchases privately last year have until April 30 to get the new equipment installed on their trucks.

All of the drivers who were shut out of last year's grant funding had hoped to receive another \$8,000 each from a Department of Labor grant sought by the Oakland mayor's office, but that money is not likely to come through. Mayor Ron Dellums has continued to lobby local, state and federal officials, including those at the White House, for money to help the independent drivers keep their jobs.

Just this week Dellums wrote to the California State Air Resources Board to ask that the unspent portion of the \$11 million grant — approximately \$6 million — be used to help truckers pay down their filter loans. Dellums is also requesting some flexibility in the use of the excess funds so that drivers can use the excess grant funds as a down payment on a new truck if they wish.

Margaretta Lin, senior aide to the mayor who has been working on the issue since last year, said officials say they want to help, but so far that hasn't translated into checks for the truckers.

"We remain hopeful but the bureaucracy is a challenge," Linn said.

Contact Cecily Burt at 510-208-6441. Check out her blog at www.ibabuzz.com/westside.

Key dates

- Jan. 1: New state air quality regulations takes effect for trucks hauling at California ports.
- Jan. 8: Deadline for drivers who did not receive filter grants in 2009 to apply for new round of funding.
- Feb. 5: Deadline to secure financing to bridge gap between grant amount and filter cost.
- April 30: Deadline for filter installation for driver who ordered filters in 2009.
- June 30: Deadline for filter installation for drivers who ordered filters this year.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, March 10, 2010 8:01 PM
To: Kaplan, Rebecca
Subject: Fwd: The Clean Tech Gold Rush: Where to place your bets in your Investments and in your Career.

Jobs!

Begin forwarded message:

From: "Benjamin Deal" <bdeal@cleanenergyfuels.com>
Date: March 10, 2010 6:29:17 PM PST
To: "Benjamin Deal" <bdeal@cleanenergyfuels.com>
Subject: The Clean Tech Gold Rush: Where to place your bets in your Investments and in your Career.

The Clean Tech Gold Rush: Where to place your bets in your Investments and in your Career.

Thursday, April 01, 2010 from 5:30 PM - 9:00 PM (PT)

<http://cleantechgoldrush.eventbrite.com/>

Clean Tech is one of the few industries growing in the Bay Area right now. The Clean Tech industry is poised for explosive growth across Solar, Wind, Electric Vehicles, Biofuels, and even Nuclear.

We've assembled a world-class panel of Clean Tech Investment Analysts / Journalist, Clean Tech Venture Capitalists, Clean Tech Retained Executive Recruiters and CEOs.

Join us at Club AutoSport's gorgeous automotive enthusiast club in San Jose to ferret out where to invest in the Clean Tech industry and how to position your next career move to capitalize on this exciting opportunity!

When: Thursday, April 1st

5:30-7:00pm Check In, Networking, Complimentary Hors D'Oeuvres and Cash Bar

7:00-8:30pm Panel Discussion

8:30-9:00pm Networking and Wrap-Up

Generously Hosted/Sponsored by:

Club Auto Sport
521 Charcot Avenue
San Jose, CA 95131
408.521.7123

Cost: Tickets start at \$25 to purchase go to
<http://cleantechgoldrush.eventbrite.com/>

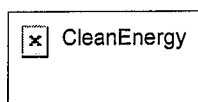
Clean Energy will be participating in this event providing information about the natural gas industry and future opportunities.

Let me know if you have any questions and I look forward to seeing you on April 1 at Club AutoSport.

Sincerely,

BEN DEAL

Business Development Manager



direct: 415.385.9574

bdeal@cleanenergyfuels.com

www.cleanenergyfuels.com

For latest NATURAL GAS INDUSTRY NEWS click - <http://www.pickensplan.com/news/>

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, March 05, 2010 10:02 AM
To: Lin, Margaretta
Cc: Lopez, Marisol; Oliphant, Theo; cpeterson@portoakland.com; Miley, Christopher; Kaplan, Rebecca; gpcobb@oaklandpic.org; raycarlisle@nidonline.org; GeorgeEMcDaniel@aol.com; robyn.hodges@acgov.org; Matthew Davis; gordon@portcommissioner.com; Msandifur@portoakland.com; cmarvin@arb.ca.gov; dbreen@baaqmd.gov; ron@weststate.org; miguel@horizon oakland.com; dominick@vatransportationinc.com; Huff, VaShone; POPSKY@aol.com; brian.woeip@yahoo.com; Kathy@Fitztrucks.com
Subject: PILOT STUDY WILL SHOW WHETHER A SIX-YEAR-OLD TRUCK CAN BE MADE AS GREEN AS NEW

www.cunninghamreport.com

PILOT STUDY WILL SHOW WHETHER A SIX-YEAR-OLD TRUCK CAN BE MADE AS GREEN AS NEW

New truck retrofit technology will soon be tested in Southern California that may make it possible for a six-year old truck to meet 2010 emissions standards.

The product has been developed by Shadowood Technology, Inc. of Southfield, Mich., and is currently on EPA's emerging technologies list for clean diesel products. Shadowood officials say the product, known as the TEC 2010, is currently being tested on model year 2004-2006 trucks in Texas and Virginia and will be tested in Southern California this summer.

Shadowood's technology uses hydrogen from the fuel supply to reduce nitrogen oxide as well as other pollutants found in a truck's emissions. It is designed to continuously clean pollutants, even when the truck is not running hot enough to generate high-temperature exhaust – thereby addressing concerns that current diesel retrofits require hot exhaust temperatures to operate effectively.

The California pilot study will focus on 2006 model-year trucks to be used by Genesis Intermodal Delivery Inc. in their drayage business. The 30 vehicles to be used in the study have been supplied by Cascade Sierra Solutions, an Oregon-based non-profit that specializes in clean truck technology and financing.

The study will test Shadowood's assertions that the retrofits will reduce diesel particulate matter, carbon monoxide and hydrocarbons by 90 percent and nitrogen oxide by 65 percent. If the retrofits work as expected, they will be available for purchase as EPA verified technology by the end of the year.

Mark Adams, general manager of Genesis Intermodal, says he is optimistic about the pilot study.

"I am hopeful that this will satisfy CARB, and will allow us to go in and out of the port without paying green fees," Adams said, adding that because of the economy, he cannot pass the port's \$70 "dirty truck" fees onto his customers. As a result, Adams seldom makes calls to the Port of Los Angeles or the Port of Long Beach in his pre-2007 trucks, and focuses mainly on deliveries between rail yards and businesses in Southern and Central California.

Adams says the first of the Shadowood retrofits will be installed on several trucks this week. If the

technology works, he will install it on his entire 100-plus truck fleet.

Sharon Banks, Cascade Sierra's CEO, says if the pilot study is successful, a trucking company will be able to purchase a four to six-year-old truck, along with the Shadowood retrofit, and bring the truck up to 2010 standards for about half the cost of a new vehicle. Companies that already own 2004-2006 trucks will be able to upgrade the vehicles for about a fourth the cost of a new truck.

Because California regulations do not require truck technology beyond the 2010 level, Banks says, "If it really works the way they say, that truck will never have to be upgraded again."

The pilot study is being financed by the EPA.

Kaplan, Rebecca

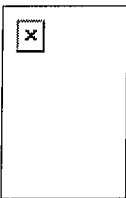
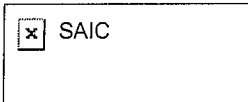
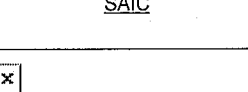
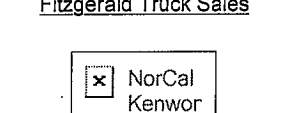
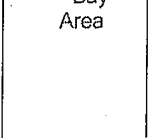
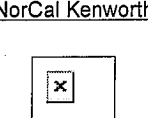
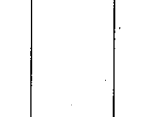


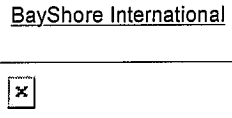

From: Bill Aboudi [bill@abtruck.com]
Sent: Saturday, March 13, 2010 1:03 AM
To: rsilva222@comcast.net; fgalaviz@hccac.com; joaquin Dominquez
Cc: Lopez, Marisol; raycarlisle@nidonline.org; GeorgeEMcDaniel@aol.com; gpcobb@oaklandpic.org; goodnewspc@aol.com; Kaplan, Rebecca; De La Fuente, Ignacio
Subject: Port of Oakland Trucker's Workgroup

☐ West State Alliance

Port of Oakland Trucker's Workgroup

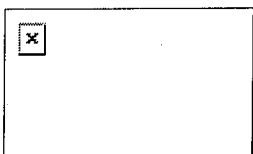
FINAL ARB MILESTONE DEADLINE, APRIL 30, 2010

Upcoming Event

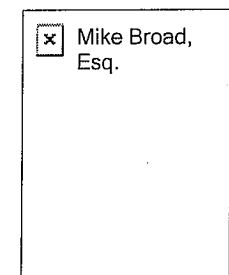
 <p>One California Bank</p>		Reynoso, Port of Oakland	
 <p>SAIC</p>	<u>Time</u> 5:00-5:05	<u>Item</u> Welcome	<u>Owner</u> Ralph
 <p>SAIC</p>	5:05-5:15	Terminal Updates	Ralph
 <p>Fitzgerald Truck Sales</p>	5:15-5:45	<u>Intermodal Equipment Safety</u>	Alan Osofsky
 <p>NorCal Kenworth - Bay Area</p>	5:45-6:00	If you are an intermodal equipment provider, or a motor carrier or driver operating intermodal equipment used to transport intermodal containers, the rule requires you to share safety responsibilities for intermodal equipment operating in interstate commerce.	
 <p>NorCal Kenworth</p>	6:00-6:20	STEP Update	Dominick
 <p>NorCal Kenworth</p>	6:20-7:00	City of Oakland/CARB/BAAQMD	Dominick & Ralph
 <p>Ironman</p>		<ul style="list-style-type: none"> • Compliance Update 	
 <p>Ironman</p>		DPF Installers Update and discussion	Ralph & Dominick
 <p>BayShore International</p>		<ul style="list-style-type: none"> • Steve Hoke, Diesel Emissions Service • Steve Mastronarde, Bayshore International • Mandeep Johal, <u>Norcal Kenworth</u> • Monica Benedict, Ironman • Peter Tuckerman, Emissions Retrofit Group • Anthony Montano, Golden Gate Truck Center • Anthony Cohen, TEC Oakland • David Epp, DKS Technologies 	
 <p>Crossroads</p>	7:00	Adjournment	



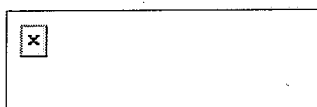
Diesel Emissions Service



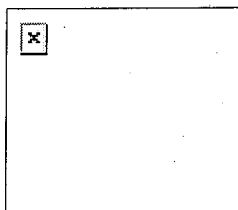
Emissions Retrofit Group



Mike Broad, Esq.



HRInterchange



Trinium

Contact WSA

PO Box 24372
Oakland, CA 94623
Telephone (510) 903-1868
Fax (510) 740-3606
E-mail info@weststate.org

☐ Join Our Mailing List!

Port of Oakland Trucker's Work Group

West State Alliance founded the Truck Work Group (TWG) in 2007 as the result of an initiative by independent truckers to improve relations with Port of Oakland administration. The group is co-chaired by a representative each from the Port and from the trucking industry who together select program topics and speakers.

In its two and-a-half years of existence, TWG has become an exemplary vehicle for communication among drayage truckers and other stakeholders involved in local goods movement. Regular monthly meetings provide Port truckers unprecedented access to information from the Port administration, marine terminal operators, shipping lines and government regulators. TWG emphasizes a spirit of cooperation among these diverse interests and promotes the resolution of issues in ways that respect the interests of local truckers and the goods movement industry. TWG provides a forum for other community interests to be heard in discussions affecting environmental conditions and the economic and social welfare of West Oakland neighborhoods impacted by Port transportation.

From the beginning, TWG has benefited from a strong relationship with West State Alliance by utilizing our board of directors as the steering and planning committee for program development and co-chair selection. WSA looks forward to developing its leadership in the West Coast trucking industry and utilizing the Truck Work Group as a pivotal element in continuing to improve relations between the Port and the local truckers.

Forward email

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West State Alliance | WSA | PO Box 24372 | Oakland | CA | 94623

9/30/2013

Kaplan, Rebecca

From: Bill Aboudi [plaxo@mx.plaxo.com]
Sent: Friday, January 01, 2010 12:40 PM
To: Kaplan, Rebecca
Subject: Bill Aboudi added you as a business connection on Plaxo

Hi Rebecca,

Bill Aboudi wants to add you as a business connection on Plaxo.

To view this connection request, go to:

<http://www.plaxo.com/invite?lang=en&i=88799843&k=2044030016&l=en>

Thanks!

The Plaxo team

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- a set of tools to nurture your network and career

Don't want to receive emails from Plaxo any more? Go to: <http://www.plaxo.com/stop>

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Sunday, December 20, 2009 11:22 PM
To: portofoakland@yahoogroups.com
Subject: NORTHERN CALIFORNIA PORT AND RAIL TRUCKERS ASSOCIATION (NCPRTA)
Attachments: Flyer meeting with CARB.pdf

**NORTHERN CALIFORNIA PORT AND RAIL
TRUCKERS ASSOCIATION (NCPRTA)
(OAKLAND, CA)**

In connection with
**NATIONAL PORT DRIVERS ASSOCIATION
(LOS ANGELES, CA)**

**ATTEND
TRUCKER WORK GROUP MEETING
DECEMBER 21, 2009. 5:00 PM**

**PORT OF OAKLAND
First Floor - Exhibit Room
530 WATER ST
OAKLAND, CALIFORNIA**

TO DEMAND

- THE MONEY CARB[1] PROMISED TO
OAKLAND TRUCKERS**
- COMMUNICATION WITH OAKLAND TRUCKERS DIRECT**
- WE WANT TO STAY INDEPENDENT TRUCKERS[2]**
- OUR VOICE BE HEARD THRU N.C.P.R.T.A.[3]**

THIS IS A CALL TO ACTION TO EVERYONE NEW TRUCKS OR TRUCKS WITH

RETROFIT PLEASE SUPPORT YOUR FELLOW TRUCKERS!

**FILL OUT THE EXTENSION APPLICATION BRING IT WITH YOU ALONG WITH THE
REJECTION LETTER FROM BAAQMD**

-
- [1] California Air Resource Board www.arb.ca.gov
 - [2] We are proud small local businesses by choice
 - [3] Northern California Port and Rail Truckers Association

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Tuesday, December 15, 2009 10:22 PM
To: portofoakland@yahoogroups.com
Subject: 2009/2010 Carl Moyer Program Retooling

<http://www.arb.ca.gov/msprog/moyer/retooling.h>

2009/2010 Carl Moyer Program Retooling

☐ **December Workshop Handouts are now posted..**

Background:

Since 1998, the Carl Moyer Program (CMP) has provided several million dollars annually in incentive funding for near-term air pollution emission reductions for cleaner-than required heavy-duty engines and emission control devices. **However, as a result of recently adopted regulations, stakeholder feedback, and changes in the economy, projects that are eligible to be funded under the CMP are diminishing.** Retooling of the CMP is necessary to ensure that emission reductions continue to be achieved efficiently using public funds and funding for this popular program continues well into the future.

Stakeholders are invited to participate in the CMP retooling process by attending one of a series of public workshops, submitting comments online, or contacting ARB staff. CMP retooling focuses on two components: (1) changes to the Administrative chapter of the Guidelines and (2) changes to the Source Categories of the Guidelines. Below is a brief description of both CMP retooling components, links to current guidelines and statutes, a timeline of events, an email address to submit comments, and staff contact information.

Retooling Components:

Administration

The CMP will soon be entering its 12th year of providing incentive funding. Additional regulatory activity and newly created programs have increased the complexity of administering the CMP. Staff is seeking input and discussion on existing administrative requirements and evaluating new procedures. The overall intent of retooling is to increase program efficiency, allow for flexibility, and maintain the integrity of the program by adhering to Health and Safety Code requirements.

Source Categories

The CMP funds emission reduction projects from various mobile sources categories operating throughout California. These source categories currently include: on-road, off-road, locomotive, marine vessels, agricultural sources, and light duty vehicles. Staff is seeking input on opportunities for changes

to current source category chapters and adding new source categories.

Current Carl Moyer Program Guidelines and Statutes:

2008 CMP Guidelines
Health and Safety Code

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, August 26, 2009 10:29 PM
To: portofoakland@yahoogroups.com
Subject: Letter to shippers emphasizes commitment to clean air, not control of drivers

Port of Long Beach Does Not Seek FAAAA Amendment

Bill Mongelluzzo | Aug 26, 2009 6:07PM GMT

The Journal of Commerce Online - News Story

Letter to shippers emphasizes commitment to clean air, not control of drivers

In an attempt to distance itself from those ports that seek to exert local control over harbor trucking, the Port of Long Beach has notified shipper organizations that it is not a part of those lobbying efforts.

The Long Beach letter to the Waterfront Coalition and other industry organizations is the latest development in a controversial movement by port, labor and environmental organizations to use port clean-air programs as a vehicle for restructuring harbor trucking in the United States. The ports of Los Angeles, Oakland and New York-New Jersey have sided with labor and environmental groups that want Congress to amend the Federal Aviation Administration Authorization Act so that ports will be exempted from the federal act that prohibits state and local entities from regulating interstate commerce.

Labor groups, especially the Teamsters union, view a proposed amendment to the FAAA Act as a way to open the door for unionization of the owner-operator truck drivers that dominate harbor trucking in the United States.

The strategy would be similar to what the Port of Los Angeles attempted to do in its clean-truck program. Los Angeles attempted to require that over the next five years harbor trucking companies phase into their operations employee drivers. Unions, by law, can not organize independent contractors but they are free to attempt to organize companies with direct employees.

Los Angeles' employee driver mandate was struck down this spring by the U.S. District Court in Los Angeles and the U.S. Court of Appeals for the 9th Circuit in San Francisco. The movement has now shifted to amend the FAAA Act and modify the federal preemption statute so that ports have some limited regulatory authority over harbor trucking.

The issue has caused quite a stir in the port industry and has attracted comments from industry organizations representing importers, exporters and shipping lines. The Waterfront Coalition and some two dozen other industry organizations on Monday wrote a letter to the Port of Los Angeles that was critical of that port's efforts to amend the FAAA Act.

Long Beach never included an employee-driver mandate in its clean-truck program and wants to differentiate its clean-air efforts from those of its neighbor. In an exchange of e-mails with the Pacific Merchant Shipping Association, which represents ocean carriers, Long Beach stated that it is working with its customers to seek solutions to the many competitive issues the industry faces.

"Although we remain committed to our clean-truck program, we want to reiterate that our port is not participating in the current advocacy efforts in D.C. seeking

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Sunday, November 15, 2009 12:48 AM
To: portofoakland@yahogroups.com
Subject: Oakland truckers to meet Monday to discuss port ban problems

Oakland truckers to meet Monday to discuss port ban problems

<http://www.thetrucker.com/News/Stories/2009/11/13/OaklandtruckerstomeetMondaytodiscussportbanpro>

"With less than six weeks remaining until the CARB ban on non-compliant drayage trucks takes effect, hundreds of truckers are wondering what to do and where the money will come from to put food on the table," stated a news release from the Alliance.

The Trucker News Services

11/13/2009

OAKLAND, Calif. — Up to an estimated 1,200 big rigs serving the Port of Oakland here will be barred from entering the port on Jan. 1, 2010, due to the ban on non-compliant drayage trucks, says the port truckers group, West State Alliance. The group is holding a meeting at 5 p.m. Monday, Nov. 16 in the first floor exhibit room of the port, 530 Water Street in Oakland, to discuss the financial burden it will place on truckers.

"With less than six weeks remaining until the CARB ban on non-compliant drayage trucks takes effect, hundreds of truckers are wondering what to do and where the money will come from to put food on the table," stated a news release from the Alliance.

The release went on to say that the CARB-mandated retrofits "pose an enormous financial burden on the drivers."

The group explained that state bond money was appropriated to help finance the retrofit of older trucks with diesel exhaust emission controls but that in the economic downturn, "grant funds were no longer available."

"How, if the state cannot come up with the money originally designated for these retrofits, can the drivers still be required to bear this burden," the release stated. "They are living in the same economic downturn as the rest of the state."

There are a total of an estimated 3,000 independent trucks and drivers serving the Port of Oakland and the Alliance release stated that the ban on the ones whose trucks do not meet CARB standards will mean "the loss of jobs and ... the very livelihood of many Oakland residents."

9/30/2013

According to the Alliance, representatives from CARB and the Bay Area Air Quality Management District will be at the meeting to answer truckers' questions.

The Trucker staff can be contacted to comment on this article at editor@thetrucker.com.

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