


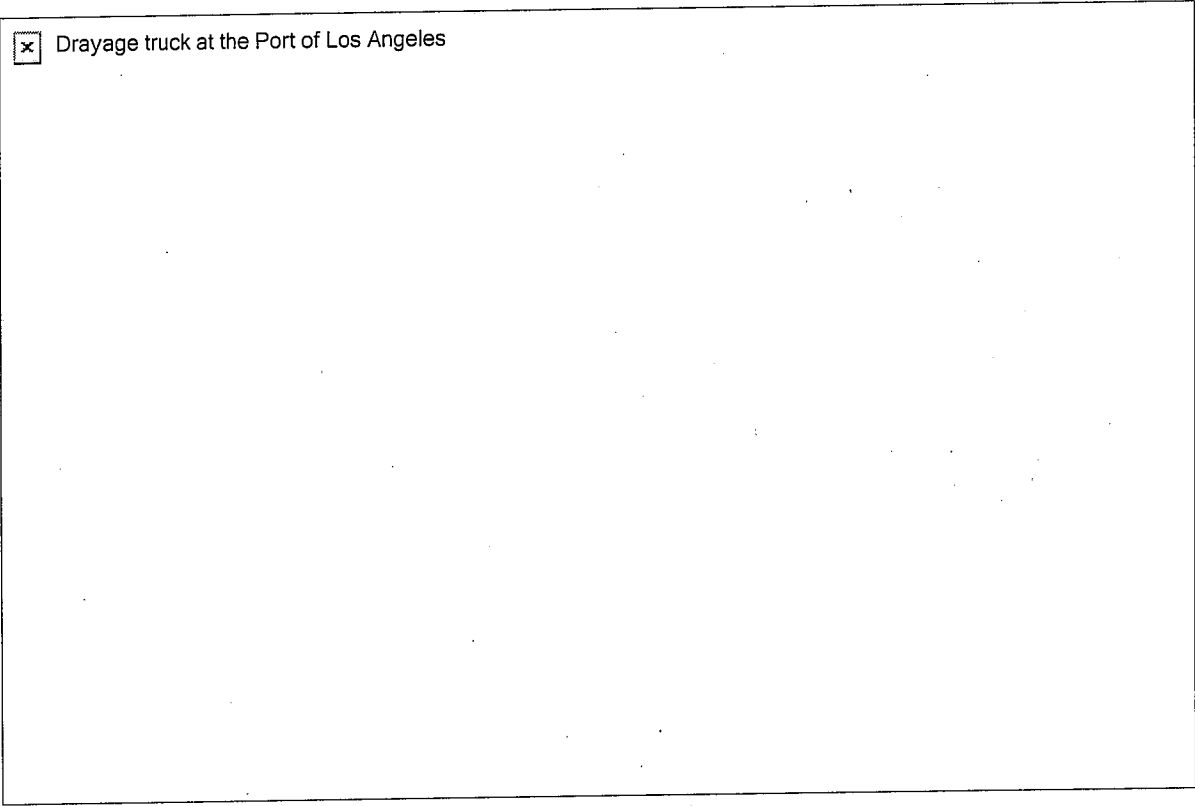
Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, June 13, 2013 1:13 PM
To: portofoakland@yahoogroups.com
Cc: wsa@yahoogroups.com
Subject: Court Ruling a Hitch in Port Attempts to Regulate Trucking

Court Ruling a Hitch in Port Attempts to Regulate Trucking

Bill Mongelluzzo, Senior Editor | Jun 13, 2013 3:31PM EDT

 Drayage truck at the Port of Los Angeles



Thursday's U.S. Supreme Court ruling rejecting two more concession requirements in the Port of Los Angeles clean-trucks program did not drive a stake into the heart of the port's attempt to regulate harbor trucking, but it made the task of any port attempting to follow such a strategy more difficult.

The nation's highest court stated that two seemingly innocuous concession requirements — that motor carriers display certain placards on their trucks, and that the companies have off-street parking plans for the trucks — violate federal pre-emption law.

However, the court did not rule on whether the port can punish violators of two remaining requirements, that motor carriers must demonstrate financial responsibility in order to call at marine terminals, and that they produce maintenance and repair programs for trucks.

In effect, the court stated that until or unless the port attempts to enforce those concession requirements, it has no action that it can rule on.

Therefore, the decision of whether to continue with the concession requirements for harbor truckers appears to be with the port. In a brief statement Thursday, Los Angeles said it is reviewing the Supreme Court's decision. Because of political realities, it could be some time before port attorneys decide to pursue the matter further, if they choose to do so at all.

The Los Angeles clean-trucks plan, which is almost identical to the Port of Long Beach program, except that in Long Beach there are no concession requirements, has been remarkably successful. As Los Angeles noted in its statement, harmful diesel emissions from trucks have been reduced by 90 percent in five years.

In that respect, any argument saying the concession requirements are needed to guarantee environmental results is spurious.

Furthermore, the clean-trucks plan in Los Angeles was a cornerstone of the overall port policy of Los Angeles Mayor Antonio Villaraigosa, who sought to achieve two goals. By implementing the clean-trucks and over-arching Clean Air Action Plan, the port is now able to secure environmental approval for expansion projects, so that goal has been accomplished.

The second goal of Villaraigosa, a former labor organizer, was to make it easier for labor unions such as the Teamsters to organize harbor truck drivers. Because the vast majority of drivers are independent owner-operators, and federal law prohibits unions from organizing independent contractors, the clean-trucks plan attempted to force trucking companies to hire the drivers as direct employees.

However, the U.S. Court of Appeals for the 9th Circuit ruled that the employee mandate violates federal law, so Villaraigosa clearly lost on that goal.

The city and port spent millions of dollars defending that argument, and now that Villaraigosa is termed out and is being replaced by former City Councilman Eric Garcetti, it is not certain if the new mayor wants to spend more money in a battle he did not initiate.

It also appears that the American Trucking Association, which took its suit against the port to the Supreme Court, accomplished much of what it intended, which is to win a ruling that will discourage other ports or cities from attempting to regulate harbor trucking.

Curtis Whalen, executive director of ATA's Intermodal Institute, said the Teamsters' battle to organize harbor truckers across the country appears to have shifted to a strategy to show that drivers are being misclassified as independent contractors and should be classified as direct employees.

Contact Bill Mongelluzzo at bmongelluzzo@joc.com and follow him at twitter.com/billmongelluzzo.

Kaplan, Rebecca

From: Bill Aboudi [bill@oaklandmss.com]
Sent: Tuesday, June 11, 2013 7:32 PM
To: 'D. Dexter Vizinau'; McElhaney, Lynette; Reid, Larry; Kaplan, Rebecca; Gallo, Noel
Subject: FW: Negotiations on extension of OMSS's vacation date

fyi

From: Chris Peterson [mailto:cpeterson@portoakland.com]
Sent: Tuesday, June 11, 2013 1:13 PM
To: bill@oaklandmss.com
Subject: RE: Negotiations on extension of OMSS's vacation date

Bill, the agenda report I'm currently working on is due to be heard by the Board on 6/27. It needs a second reading on July 11th. Provided the Board authorizes the lease, and there are no delays for the agenda report, we should be ready to lease to the City on July 12th.

Chris Peterson
Chief Wharfinger
Port of Oakland
Off: 510-627-1308
Cell: 510-719-8024

From: Bill Aboudi [mailto:bill@oaklandmss.com]
Sent: Tuesday, June 11, 2013 11:56 AM
To: Chris Peterson
Subject: FW: Negotiations on extension of OMSS's vacation date

Hello Chris,
Can you give us a timeline of when we can start our move via the City Lease?
Bill

From: Monetta, John [mailto:JMonetta@oaklandnet.com]
Sent: Tuesday, June 11, 2013 10:50 AM
To: D. Dexter Vizinau
Cc: bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel
Subject: RE: Negotiations on extension of OMSS's vacation date

Dexter:

Could you ask that question to the Port. That would be very helpful.

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612

9/30/2013

510.238.7125 (office)
510.377.6388 (cell)

From: D. Dexter Vizinai [<mailto:devizent@aol.com>]
Sent: Tuesday, June 11, 2013 10:43 AM
To: Monetta, John
Cc: bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel
Subject: Re: Negotiations on extension of OMSS's vacation date

Can we get an occupancy date with the Port?

Sent from my MOTOROLA ATRIX™ HD on AT&T

"Monetta, John" <JMonetta@oaklandnet.com> wrote:

Hi Dexter. Please see the attached letter sent to the Port May 17 requesting the 5-acres.

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

From: D. Dexter Vizinai [<mailto:devizent@aol.com>]
Sent: Monday, June 10, 2013 3:55 PM
To: Monetta, John
Cc: bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel
Subject: Re: Negotiations on extension of OMSS's vacation date

Has the City requested the 5 acres from the Port. This has to happen in order to expedite OMSS move.
Dexter

Sent from my MOTOROLA ATRIX™ HD on AT&T

"Monetta, John" <JMonetta@oaklandnet.com> wrote:

Bill:

Thank you for the email Friday. I apologize. My blackberry went kaput Friday night and I didn't get into the office yesterday. I did leave you a message from my personal phone.

9/30/2013

I'm in the office today if you have time to chat. Please call me on my personal cell at 415.745.5967. Thank you.

If you are not available today, I'm available Monday between 9:30am-1pm, 2pm-3pm & 4pm-7pm.

I look forward to speaking with you.

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

-----Original Message-----

From: Bill Aboudi [<mailto:bill@oaklandmss.com>]

Sent: Friday, June 07, 2013 9:34 PM

To: Monetta, John

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; 'Dexter D Vizinau'; 'Jai Jennifer'; 'George McDaniel'

Subject: RE: Negotiations on extension of OMSS's vacation date

Hello John,

You're a hardworking man! I will be at a meeting at the Airport Hilton from 10am - 2pm on Saturday if that works for you?

Bill

c 510-604-0466

-----Original Message-----

From: Monetta, John [<mailto:JMonetta@oaklandnet.com>]

Sent: Friday, June 07, 2013 6:42 PM

To: Bill Aboudi

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel

Subject: RE: Negotiations on extension of OMSS's vacation date

Bill:

I understand from Hui that you would like to discuss the extension document.

Are you available Saturday around noon to discuss it? Or Sunday afternoon? I apologize, I've been tied up the past two days working on a

9/30/2013

number of items.

As noted below in your May 16 email to me, you were prepared to sign the extension document that was provided to you in February and again in May?

This extension document is the agreement that has been signed by the Film Center tenants, PCC, Impact Transportation and Urban Recycling Solutions.

While you have committed via email and in person to sign the extension agreement, the written comments you provided on Thursday, May 30 contained a number of items that are contrary to the basic purpose of the agreement and other comments that cannot be agreed to by the City. My letter to you dated June 4 provides my response to your comments including areas in the agreement the City and its Agent, CCIG, agree with your comment.

I look forward to speaking with you this weekend. If you are not available this weekend, please let me know when you are available on Monday.

Thank you,

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

-----Original Message-----

From: Bill Aboudi [<mailto:bill@oaklandmss.com>]

Sent: Thursday, May 16, 2013 11:26 AM

To: Monetta, John

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel

Subject: Negotiations on extension of OMSS's vacation date

John,

As discussed in this morning's meeting we agree to sign the extension document please send it to me.

I want to do execute this agreement ASAP to avoid the unlawful Detainer filling.

9/30/2013

Respectfully,
Bill Aboudi
President
Oakland Maritime Support Services, Inc

9/30/2013

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Tuesday, October 16, 2012 10:52 AM
To: wsa@yahooogroups.com
Subject: MEAL AND REST BREAKS – DRIVERS EXEMPTION

LEGAL NEWS: October 15, 2012

MEAL AND REST BREAKS – DRIVERS EXEMPTION

By Ronald Chauvel

Countless lawsuits, many of them brought as class actions, have been filed against California employers claiming that employees have not been provided meal and rest breaks as required by the California Labor Code

Based on the above, the *Campbell* court held that California's Labor Code meal and rest break requirements were not enforceable against employers of truck drivers.

* The above information does not constitute legal advice. If you would like to discuss a case or obtain our legal representation, please email us or call us at 650-573-9500.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, April 13, 2012 6:29 PM
To: portofoakland@yahoogroups.com
Subject: Link to donate to the Oakland Port Driver (Owner Operator) that was killed while riding bicycle with daughters

Donation Link: <http://fundly.com/nuri>

<p><input checked="" type="checkbox"/> Description: Solaiman Nuri, 41, and Hadessa Nuri, 9, were killed when ... Photos courtesy Emal Karazi</p>	<p><input checked="" type="checkbox"/> Description: Hadessa Nuri, 9, of Concord. She and her father were kill... Family photo / Courtesy of Emal Karzai</p>	<p><input checked="" type="checkbox"/> Description: http://extras.mnginteractive.com/live/</p>
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Solaiman Nuri, 41, and Hadessa Nuri, 9, were killed when they were struck by a vehicle April 7, 2012, while riding their bicycles in Concord, CA.

ANTIOCH -- Find Solaiman Nuri and you'd likely find daughter Hadessa bouncing around nearby.

Whether she fell asleep on his lap, shadowed him at a wedding with her teddy bear or took a road trip with the Port of Oakland trucker in his 18-wheeler, the 9-year-old was usually by his side.

"She was daddy's little girl," said Hadessa's uncle, Emal Karzai.

And she will never leave his side.

Hadessa was laid to rest Wednesday, buried next to her 41-year-old father in an Antioch cemetery before hundreds of mourners. The pair died Saturday after witnesses say a teen driver, suspected of speeding, crashed into them along a busy Concord street. The doting father and his two daughters were returning home from a morning bike ride to get smoothies. His older daughter, Hannah, 12, survived the crash with minor injuries.

Hannah and her mother, Stoorai, attended a private ceremony and viewing with immediate family early Wednesday and then watched the burial from afar at Oak View Memorial Park in Antioch.

"They were here, but they were just not able to handle being too close," Karzai told a small gathering of media members after the two-hour, traditional Muslim service and burial.

Hundreds of Afghans from all over the country attended the burial service in the Muslim portion of the Antioch cemetery. Mourners, many wearing traditional robes and headscarves, passed by a stone tablet reading "The Gates of Paradise" in English and Arabic.

The father's body in a thin wood casket, shrouded in green cloth, was carried first from a hearse above the heads of men as women and girls watched from a short distance away, following Afghan tradition.

The casket was placed on the ground in front of a 150-foot wall of mourners, all facing east toward Mecca. With heads bowed, the men prayed.

Hadessa's casket was then brought from a second hearse and placed beside her father's, and again the mullah led the men in prayer.

Mourners then carried both caskets to the burial site, encircling it. Relatives shoveled dirt into the grave and others patted it down, as a brief rain shower blew in.

Karzai, of Dublin, called the brief burst a sign from God.

"There was just enough rain," Karzai said. "The heavens opened up."

As the sun returned, mourners left Antioch and drove to Hayward's Masjid Abu Bakr Al-Siddiq to recite verses from the Quran. After that, they planned to hold a reception at a Hayward banquet hall.

Mourners spoke glowingly of the father and daughter, a Girl Scout and popular Woodside Elementary School student.

"If there's one quality he had, he was a great human being," said Zaki Sahi, who coached soccer with Solaiman for a Concord Afghan club. "One thing stood out about him and that was his service."

A carload of truckers drove out from the Port of Oakland for the funeral. Solaiman, a Knight Transportation driver, had an opportunity to drive a load to Phoenix on Thursday, but when he found out he would return late Saturday, he opted out. Weekends were for his daughters, co-workers said.

"He worked hard Monday through Friday, but weekends were for his family," said Puneet Bawa, a co-worker. "He'd tell us, 'That's the time I spend with my kids. I want them to know their dad.' "

Friend and fellow trucker Raouf Alzai, who would travel with Solaiman delivering loads across the country, spoke to the father minutes before the crash on his cellphone. His friend

of 12 years and fellow Afghan immigrant said they spoke only briefly because Solaiman was on the bike ride with his daughters.

"I can't drive anymore maybe," said Alzai, 49, of Fremont. "I don't know if I can get into my truck anymore. I see his truck, and I get really sad. ... I knew him for a very long time, and I miss him."

His brother-in-law, Karzai, wished more people could meet the man who came to this country 27 years ago.

"I just want everyone to know he was the nicest man you'd ever meet," he said. "He was the purest man I've ever met in my life."

Solaiman's widow took solace that the loving couple expressed their love for each other before he left on the fateful ride, Karzai said, but she wanted to get the message out to take no moment for granted.

"Cherish everyone around you," Karzai said of her message.

Also: "Everyone needs to drive safe. It's not worth it to speed."

On Tuesday, the 17-year-old driver, David Aman Rosen -- initially arrested on suspicion of vehicular manslaughter after witnesses said he was speeding before the crash -- was released from Contra Costa juvenile hall because prosecutors did not bring up charges in the customary two-day filing window. Concord police continue to investigate the crash, analyzing evidence including pending toxicology tests and the teen's cellphone records and plan to present a case to the District Attorney's Office in a week or two.

Rosen's family, also from Concord, have not made any public comment since the crash.

The Nuri family urged patience.

"We have complete faith in the system," Karzai said. "This country was built on honesty and trust. Justice will prevail, and the truth will come out."

A memorial fund has been established for the family. Karzai said the family is overwhelmed by the outpouring of support from the community, including a growing memorial at the crash site.

"It's been the biggest help. Strangers come up and want to give me a hug," Karzai said. "I appreciate every single person in the community."

The soft-spoken relative sighed and gave a brief smile.

"We know they are in heaven; they are too good of people not to be."

Contact Matthias Gafni at 925-952-5026. Follow him at [Twitter.com/mgafni](https://twitter.com/mgafni).

How to donate

To give money to the Solaiman and Hadessa Nuri Memorial Fund, send donations to any Wells Fargo Bank with account No. 3268148529.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, March 10, 2010 7:24 PM
To: Kaplan, Rebecca
Subject: Fwd: Meeting tomorrow

Begin forwarded message:

From: "Lin, Margaretta" <MLin@oaklandnet.com>
Date: March 10, 2010 12:23:24 PM PST
To: "Lin, Margaretta" <MLin@oaklandnet.com>, "Ronald Light" <ron@weststate.org>, "Lopez, Marisol" <MLopez@oaklandnet.com>, "Oliphant, Theo" <TOliphant@oaklandnet.com>
Cc: "Miguel Silva" <miguel@horizonOakland.com>, "Bill Aboudi" <bill@abtruck.com>
Subject: Meeting tomorrow

Ron, Bill & Miguel,

We're able to meet with you tomorrow at 3:30, Mayor's office. Can you let the other truckers know. In addition, would be helpful to have Gay, Ray, and George at the meeting as well.

Best,

Margaretta

From: Lin, Margaretta
Sent: Wednesday, March 10, 2010 10:38 AM
To: 'Ronald Light'; Lopez, Marisol; Oliphant, Theo
Cc: Miguel Silva; bill@abtruck.com
Subject: RE: request to resume regular meetings

Hi Ron,

I need to check in with Marisol, Theo, and VaShone's availability but looking to see if this Thursday at 4 would work for them. Mayor Dellums is in DC this week meeting with agency secretaries and also the White House—agenda item includes funding request for the Port truckers. We're doing what we can to move the federal bureaucracy.

Best,

Margaretta

From: Ronald Light [mailto:ron@weststate.org]
Sent: Tuesday, March 09, 2010 10:03 AM
To: Lin, Margaretta; Lopez, Marisol; Oliphant, Theo
Cc: Miguel Silva; bill@abtruck.com

Subject: request to resume regular meetings

Margaretta Lin
Marisol Lopez
Theo Oliphant

Dear Folks:

I'm writing on behalf of WSA to propose that we resume meeting regularly to ensure all parties are on track with meeting important milestones requisite to the April 30 compliant truck deadline. A number of issues have surfaced as possible impediments to meeting this deadline for a great many truckers, and I would like to identify the major concerns:

1) NUMBER OF COMPLIANT TRUCKS -- BAAQMD confirms the number of trucks approved for retrofits with state grants and awaiting installation at 666. There are an additional 44 replacement truck grants in progress. With respect to the number of compliant trucks reported by Chris Peterson (in his March 4 email) as 3,133, we feel that number is unrealistically high as it includes many of the 1,321 grant rejections that were awarded only temporary extension. As Chris states in his March 5 email, "if a large number of those 1,321 trucks cannot work on May 1st due to not having their retrofits installed, the Port could potentially have an operational issue."

2) APRIL 30 COMPLIANCE DEADLINE -- The BAAQMD Milestones schedule breaks down due to limited capacity yet overwhelming demand for emissions filter installations between now and April 30. Due to cost, local supplies maintain only a very limited number of filters on hand, and manufacturers can not produce the devices fast enough to meet anticipated demand within such a short period of time. Six to eight weeks of lead time are required just to take delivery of filters, and the installation schedule that follows will be severely impacted. Thus, a major bottleneck is developing in the "installation pipeline" and, even now, installers are predicting they may overshoot the April 30 deadline by a wide margin.

3) RETURN OF UNUSED GRANT MONEY -- BAAQMD confirms that as much as 6 million dollars of the original 11 million dollar grant will be returned to the State due to the limited number of truckers that qualified for the \$5,000 grants. Tight restrictions imposed by CARB on the use of Prop. 1B funds has limited not only the use--but the usefulness--of State grants for truckers. In repeated meetings WSA has called attention to the way grant monies are allocated and the ineffectual nature of the scheme for upgrading the greatest number of trucks to the highest emissions standards.

In light of these looming issues, WSA strongly advocates that we convene to discuss the following proposed solutions:

A) A deadline for full-compliance be determined that accurately reflects the scheduling realities of retrofit installers. Throughout this process stakeholders worked in good faith to implement a system for bringing trucks into compliance in a timely manner; it's unfair to penalize truckers for imperfections in the system that are beyond their control.

B) It would be criminal to return grant money to the State when the current crisis in funding for truckers occurred as a result of insufficient State grant funds in the first place! The existing allocation scheme ties the hands of truckers from using the money most productively in terms of cost economies for either retrofits or purchases--of which the "left-over" money provides ample evidence. One proposal would permit 120 grants of \$50,000 to allow for purchase of 2007 year replacement trucks (with a street value of \$65,000) by those in the initial 1,321 pool of rejected applications. 2007 year trucks are a good investment as they're compliant through 2021, thus more than satisfying the needs of both truckers and CARB. Other proposals are in the making, as well.

As we near the final hurdles to reaching full-compliance at the Port, WSA hopes that all of us can continue to work together to ensure the most successful outcome possible for everyone concerned. Coordination and cooperation got us to this point, and we look forward to renewed efforts at working collaboratively with our allies in the Mayor's Office, and with CARB and BAAQMD. Margaretta, Marisol and Theo, your support is of inestimable value in helping all of us arrive at fair and workable solutions to these problems. We thank you for your continued assistance.

I look forward to your response. Thanks so very much.

Regards,
Ron Light

--

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: Friday, February 10, 2012 12:58 PM
To: portofoakland@yahoogroups.com
Subject: LA-LB Aim to Combat Slow Turn Times at Ports

 Description: http://www.joc.com/sites/default/files/clean_logo.png

(<http://www.joc.com>)

[Home](#) > LA-LB Aim to Combat Slow Turn Times at Ports

LA-LB Aim to Combat Slow Turn Times at Ports

Feb 9, 2012 1:24PM GMT

Ports to conduct competitive cargo study; hope to identify productivity problems

Bill Mongelluzzo, Associate Editor

The executive directors of the nation's two largest container ports intend to address one of their most vexing and embarrassing problems – slow turn times at marine terminal gates.

The neighboring ports of Los Angeles and Long Beach are conducting a competitive cargo study that will identify areas where productivity should be improved. The port directors said they will then consider a variety of measures, including incentives, to change operating processes in the harbor.

A study by the Transportation Research Board last year revealed that most large ports experience periods of congestion tied to the opening of marine terminals each morning or the arrival of vessels at the terminals.

Another study performed last year by PierPass found that the median truck turn time in Los Angeles-Long Beach was 51 minutes, and 58 percent of the truck visits took less than one hour. However, motor carriers consider visits of more than one hour unacceptable. They were especially upset about the finding that 12 percent of the truck visits took two to four hours to complete.

Landlord ports have no direct authority over marine terminal operations, but they do have measures at their disposal that can foster behavioral and operational changes among their marine terminal tenants. Geraldine Knatz, executive director of the Port of Los Angeles, said offering incentives for good performance is one solution.

When the competitiveness study is completed later this year, the ports plan to take action, but have set a precedent for using financial incentives to influence behavior. For example, they offer reduced port charges to vessel operators that voluntarily slow steam to berth within 20 miles of land in order to reduce pollution, Knatz noted.

Chris Lytle, executive, executive director of the Port of Long Beach, said the ports and their tenants must address productivity issues now while the industry is still recovering from the lengthy economic recession. Long Beach's volume is at the 2004 level, but trade is picking up.

"When we're back up, we want the system to be efficient," he said. Lytle said a port-wide appointment system for truckers, or individual systems that cover all of the container terminals, is a concept worth investigating.

Also, the port community must be more creative in addressing the PierPass extended gates program. Lytle noted that each day at 4 p.m., or earlier, trucks start queuing up at terminal gates where they wait until 6 p.m. for the gates to open. PierPass stops collecting the daytime traffic mitigation fee at 6 p.m.

The traffic mitigation fee, along with the Alameda Corridor fee, are the only port fees charged now in Los Angeles-Long Beach, which used to have a reputation of charging more fees than any other ports.

Lytle said the philosophy now is the fewer fees, the better. "We don't want more fees that can be used by competitors in their marketing programs," he said.

Contact Bill Mongelluzzo at bmongelluzzo@joc.com.

Source URL: <http://www.joc.com/portsterminals/la-lb-aim-combat-slow-turn-times-ports>

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, January 12, 2012 12:33 AM
To: portofoakland@yahoogleroups.com
Subject: New terminal could mean more competition for West Coast ports

Original URL: <http://www.cargonewsasia.com/secured/article.aspx?article=27454>

 Description:
http://www.cargonewsasia.com/images/ecna_title.gif

January 10, 2012

New terminal could mean more competition for West Coast ports

A Danish shipping terminal operating company has won the right to build a new deepwater container terminal at the Mexican port of Lazaro Cardenas, reported The News Tribune.

That new US\$900 million facility on Mexico's Pacific coast will bring new competition to American West Coast ports for business feeding imported goods to the Midwest and South.

APM Terminals, a division of Denmark's A P Moller-Maersk Group, is scheduled to complete the first phase of the four-berth terminal in 2015.

That Mexican port is connected to the US by a branch of the Kansas City Southern Railroad.

Like the relatively new container terminal facility at Prince Rupert in British Columbia, the Mexican port will have a built-in economic advantage over West Coast ports in the US in that containers imported through those foreign ports aren't subject to the US harbour maintenance tax.

The ports of Tacoma and Seattle and several others are lobbying for Congress to rewrite the tax so that containers landed in Mexico and Canada will have to pay the same tax when they are imported into the US.

Shipping lines argue that since they don't use US harbours to import those containers, they should be exempt from the tax.

The proceeds from that tax are used for maintenance dredging of US harbours.

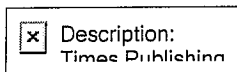
The tax is based on the value of the goods being imported.

The Mexican port also will enjoy a labour cost advantage over US ports where Longshore Union members have won handsome compensation for their work.

Lazaro Cardenas is expected to divert cargo now being imported through the Southern California ports of Long Beach and Los Angeles. If those ports lose cargo to the Mexican competition, they may increase competitive pressures on other US West Coast ports for the remaining cargo.

The new Mexican port isn't the only threat to US West Coast container business.

Panama is expanding the capacity of the Panama Canal. That project is due for completion in 2014. That capacity increase is likely to divert more cargo to East Coast and Gulf Coast ports.



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Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, January 11, 2012 10:42 PM
To: portofoakland@yahoogroups.com
Subject: Stricter diesel emissions standards show results in Port of Oakland air quality

Stricter diesel emissions standards show results in Port of Oakland air quality

By Julie Caine

 Description:
http://mediad.publicbroadcasting.net/p/kalw/files/styles/card/public/201201/2012_01

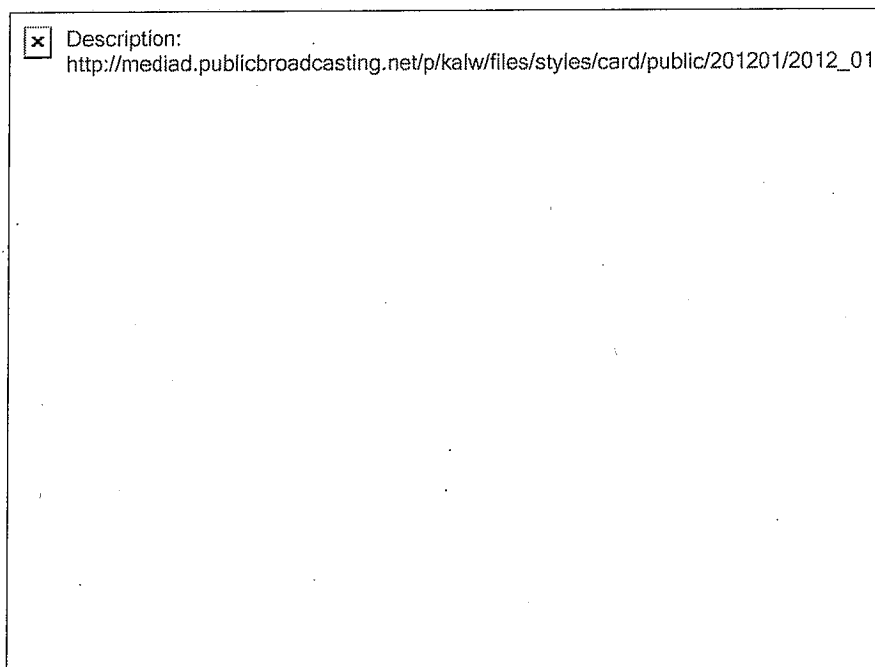


Photo by Shani Aviram

Listen

9:38 / 9:38

One of the expenses truckers face is paying to upgrade their rigs to meet new environmental emissions regulations for diesel engines. California has the strictest gasoline emissions regulations in the country. If you own a car in this state, then you've been through the ritual of the smog check. Until very recently, diesel engines on freight trucks – big rigs that haul almost everything we buy in and out of ports and across the country – haven't been under the same rules. Now, that's starting to change.

In 2010, the California Air Resources Board created a new set of emissions regulations for diesel engines. On a rolling basis, freight

trucks are required to retrofit older engines, or to buy completely new trucks to meet stricter emissions standards. While those requirements can be expensive for truckers, so are the environmental impacts.

KALW's Julie Caine sat down to talk with Rob Harley, professor of environmental engineering at U.C. Berkeley about how the new regulations are changing the air we breathe.

JULIE CAINE: Can you just summarize the changes in regulations, the effects on port truckers?

ROB HARLEY: There's been a lot of effort in the last couple of years to take steps to clean up the emissions from port trucks. Some of the oldest trucks, built before 1994, are no longer able to be at the port. Some of the more recent models have needed exhaust filters installed or even been replaced completely with brand new trucks or newer trucks.

CAINE: Why were those regulations put into place?

HARLEY: Diesel trucks are one of the biggest sources of air pollution in the state of California and the whole country. And the trucks last a long time. They can stay on the road for 20 years or more. And, especially at the ports, we had a pretty old mix of trucks operating right in an urban community with residential neighborhoods nearby. So that posed air pollution and health concerns for the neighbors.

CAINE: You've been studying some of the effects of those changes. You did some measurements at the Port of Oakland in 2009 and then again in 2010. Was that timed with the changes in the regulations?

HARLEY: Yeah, exactly. We made some measurements just before the first phase of the program took effect and then we were back about six months later after the oldest trucks had been banned and a lot of filters had been installed and some newer trucks had come into the fleet. We timed those measurements deliberately to give a before and an after – and to see what the emission changes were from this attempt to clean up the port trucks.

CAINE: What did you find?

HARLEY: Well, it was pretty impressive reductions. Things went down by about 50 percent. When I say "things" I mean the black smoke emissions and also the nitrogen oxide emissions. These are two of the major air pollutants that diesel trucks emit a lot of and we were really struck by how quickly this reduction in emissions had occurred. Normally it might take 10 years of gradual replacement of old trucks to get that kind of reduction. Here it was in 6 months instead of 10 years that those emission reductions happened. That's a very rapid and successful reduction in emissions.

CAINE: These emission regulations are for the whole state of California, is that correct?

HARLEY: They will be. The ports and rail yards have been what the state calls an early action item. They got started there first, but the same kinds of requirements are coming statewide to all trucks, not just the ports and rail yards. There's going to be a lot of activity there in the next coming years, but California's approach is different from the national approach. The national approach is only about new trucks, saying they need to have modern emission equipment, but California reaches out to the older models and says that those trucks have to be either cleaned up or retired on an accelerated schedule. That's part of California's longstanding role or approach as a laboratory for air pollution control. The program here is pushing more rapidly to reduce these diesel emissions than elsewhere in the country.

CAINE: Tell me about the impact on individual truckers who often own their own vehicles. Do you know how much it costs to retrofit a truck, as opposed to buying a new truck?

HARLEY: Yeah, so ballpark numbers might be \$15,000 to put an exhaust filter on a diesel truck – that's a big investment and on a very old truck – it's probably not worth it because that would be more than the value of the truck. Brand new trucks could be \$100,000, or something in that range. These are expensive pieces of equipment. There are some grant programs that the state and various other agencies involved have been helping, not to cover the complete cost, but to at least subsidize the costs of retrofits. And then there are some truckers who just replace, who get a newer or brand new truck rather

than go through the investment of control equipment on an old truck that's not worth it. So it's left to the individual to decide whether it makes more sense to replace with newer equipment or to retrofit older equipment. The very oldest trucks just weren't suitable for retrofitting, so they aren't in the program at all for being retrofitted.

CAINE: I would guess, similarly to people who drive very old, used cars, that people who were driving those very old trucks – that was probably all they could afford. I'm just curious if there are alternatives for people who can't afford a \$15,000 filter, or can't really put in a huge investment to meet those new requirements. Are there any alternatives?

HARLEY: I think it is going to make it more expensive to operate. You need newer and cleaner equipment and there's a cost to having that. There are a lot of interesting questions about air pollution control related to this program. One of them is sort of a financial question: is it better to retrofit older trucks or just to replace them outright? I think the approach the Port of Oakland has taken is more cost effective by trying to retrofit some of the middle-aged trucks, and not delay and buy time before the bigger costs of replacing the equipment need to be incurred. In Southern California, they implemented a fee on every container and the shippers ended up subsidizing the replacement of trucks down there. Oakland's sort of in competition with the Southern California ports and it couldn't implement that fee on the shippers because it would just drive the business to other ports. So the approach in the Bay Area was a less costly one. On the other hand, there wasn't money from the shippers to cover all the costs. There were grant programs from the port itself, the state, and various other agencies to help offset some of the costs, but not all of them. So that's an interesting question: what's the right approach? What's the right short-term approach and what's the right longer term approach in terms of retrofitting filters on older trucks versus just replacing them to newer trucks?

CAINE: So what's the payoff for the rest of us? Let's talk about the community around the Port of Oakland. Do you have a sense of how the changes in regulations are affecting the health of folks around the port?

HARELY: That's a hard question – to say how people's health status is changing as the truck emissions are cleaned up. But it's an interesting question. It's really the point of all this effort to clean up the emissions of diesel trucks. So I can go only some of the first steps, and others will have to take some of the next steps in understanding what the health outcomes are. But we are seeing changes in air quality in the community, in West Oakland, near the port. Similar things are happening in Southern California, in the ports of L.A., and Long Beach regulation.

CAINE: Are you going back to do any more testing of the air?

HARELY: We are. We've been back – actually, quite recently – in November of this year. We'll go back again in early 2013, after 3 more model years of trucks have been fixed with emission filters and more replacement of the older trucks have occurred. So it's an ongoing program to clean up the diesel truck fleet in California. It started at the Port of Oakland and the Southern California ports as well, and it's going to move statewide over the coming years. You could almost call this the decade of diesel control coming up, and a really strong focus now on controlling diesel emissions in California.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Thursday, January 26, 2012 12:09 PM
To: portofoakland@yahoo.com
Subject: Trucking Industry, Teamsters Clash Over Owner-Operator Bill

Trucking Industry, Teamsters Clash Over Owner-Operator Bill

Jan 25, 2012 7:36PM GMT

Bill proposed in Washington state would classify owner-operators as employees

Bill Mongelluzzo, Associate Editor

Source:

The Journal of Commerce Online

The harbor trucking industry is clashing with the Teamsters union over a bill before the Washington state legislature that would classify owner-operators as employees rather than as independent contractors.

The bill is similar to legislation introduced last year in California. That bill was placed in the "inactive file" last summer when it failed to progress, but since California legislation can continue on for two years, it could be resurrected at any time this year.

Generally, the drayage truck driver classification issue is part of the Teamsters' strategy to organize drivers at ports across the country. Unions can not organize independent contractors, but if truck drivers are classified as employees of harbor trucking companies, the Teamsters could legally organize the drivers.

The Washington Trucking Association, which opposes classifying drayage truck drivers as employees, told a legislative committee Tuesday in Olympia, Wash., that the bill would violate federal preemption law.

Larry Pursley, executive vice president of the trucking association, said attempts by a state or local entity to regulate the routes, rates or services of trucks engaged in interstate commerce violates federal preemption law. This stance was confirmed in a decision made last year by the U.S. Court of Appeals for the 9th Circuit in the Port of Los Angeles clean-truck case.

Therefore, even if the bill would be approved by the legislature, the trucking association would challenge it, Pursley said.

The Teamsters charge that misclassification of drivers as independent contractors denies the drivers normal financial protections such as overtime wages and unemployment benefits that they would receive as full-time employees. Also, misclassification results in lost tax revenue to the state that would normally be paid by employers.

Heather Weiner, the Teamsters political director in Washington State, said the legislation could

move quickly due to the relatively short 60-day session of the legislature. If the bill is approved in the House of Representatives and the State Senate, it could go up for final approval in early March, she said.

The Teamsters are also supporting another bill that would make equipment providers in Washington State responsible for the maintenance and upkeep of chassis. The bill is a response to a local television station investigation of unsafe equipment. The report charged that port trucks are the most dangerous on the road, Weiner said.

This bill would probably not result in the Teamsters organizing any drivers, but the union supports it as a safety issue for drivers and other motorists, she said.

Some industry groups oppose the Washington bill, charging that it conflicts with federal roadability legislation that took effect last year. The legislation passed by Congress calls for shared responsibility among equipment providers, truckers and others in the goods movement industry.

-- Contact Bill Mongelluzzo at bmongelluzzo@joc.com. Follow him on Twitter [@billmongelluzzo](https://twitter.com/billmongelluzzo).

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Tuesday, September 27, 2011 12:16 PM
To: portofoakland@yahoogroups.com
Subject: If you have any doubt about the goals of CSP campaign listen

Check out this embarrassing video of the Teamsters up in Seattle.

<http://www.teamster.net/topic/57447-is-this-really-what-the-port-campaign-is-about/>

9/30/2013

Kaplan, Rebecca

From: Bill Aboudi -Oakp [bill@oakp.com]
Sent: Friday, December 16, 2011 11:16 AM
To: portofoakland@yahooogroups.com
Subject: Occupied Ports

 Description: http://www.joc.com/sites/default/files/clean_logo.png

(<http://www.joc.com>)

Occupied Ports

Dec 16, 2011 1:47PM GMT


Paul Page

Source:

The Journal of Commerce Magazine

Anyone working for U.S. ports, or even generally associated with moving goods in and out of the United States, owes a very large thank you to the Occupy movement.

Last week's attempt to shut down operations at terminals on the West Coast was aimed at pumping new life into a movement that had been gasping for life and seeking some new direction after targeting, without much real impact, the banks and financial institutions that were a driving force in the meltdown of the U.S. housing market.

 Description:
<http://www.joc.com/sites>

It may have been audacious and ambitious, but the accomplishment seen on Dec. 12 was in drawing attention to the ports and freight sites as engines of the economy and jobs. That is, in a single day, what seemed to be barely more than 1,000 protesters got out the message that port directors, commissioners, farmers, distribution center operators, the trucking industry and manufacturers have been trying to communicate for years: the businesses and facilities that support the movement of goods are essential to the economic prosperity of the nation and of their communities.

That network of businesses, workers and government employees operates with remarkable precision every day, providing jobs and the benefits of commerce, yet remains largely invisible to the community.

This seamless supply chain wasn't invisible on Dec. 12, however, and in the days leading up to the debacle.

In fact, from organized labor to the leadership at the West Coast ports, the operators, workers and companies that move goods behaved with admirable calm, unity and good sense amid what at times appeared to be something of a circus. The International Longshore and Warehouse Union came out quickly and repeatedly with statements supporting the general goals of the Occupy movement, but noting the ports were the wrong targets and that the union would not sanction a shutdown.

And port officials, rather than decrying the protests, focused on the positive story they have to

tell about the impact their operations have on local and national economies.

According to the American Association of Port Authorities, West Coast seaports generate some \$704 million in economic activity and account for “up to 260,000 person hours of employment and more than \$9 million in wages” in a single day. Port services and activities generate \$3 million in taxes — and that’s just the West Coast ports, and the economics of a single day.

The disconnect between the stated aims of the movement and the impact of the protests was especially evident in Oakland, the port hardest hit by the Occupy actions. Protesters there blocked gates used by independent owner-operator truck drivers trying to serve a port that is a major export center for California farmers.

Shutting down ports, the AAPA said, affects “all Americans, including those who must work to support themselves and their families, small businesses ... and all levels of government.”

That’s an important story to tell on any day, but it resonated around the country and on the West Coast on Dec. 12. Some good may come from that day if it gives ports and the shipping supply chain the momentum to keep telling that story, and bring the operations that facilitate trade the attention and the investment the country deserves.

Paul Page is executive director of The Journal of Commerce. He can be contacted at 202-355-1170 begin_of_the_skype_highlighting 202-355-1170 end_of_the_skype_highlighting, or at ppage@joc.com. Follow Paul Page on Twitter, www.twitter.com/paulpage.

Source URL: <http://www.joc.com/commentary/occupied-ports>


Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Tuesday, September 27, 2011 9:33 PM
To: portofoakland@yahoogroups.com
Subject: Court tosses clean truck employee provision at Port of L.A.

Tuesday, September 27, 2011

Top Story

Court tosses clean truck employee provision at Port of L.A.

 Description: http://www.cargobusinessnews.com/images/Techwire092711_lrg.jpg

The U.S. Ninth Circuit Court of Appeals tossed the "employee provision" of the clean trucks program at the Port of Los Angeles out on Monday, allowing for the continued hiring of independent owner-operators for port drayage services.

The contention by the Port of Los Angeles, with support from labor groups like the International Brotherhood of Teamsters and Los Angeles County Federation of Labor, was that the lower-income, independent drivers would not be as able to afford upgrading from older rigs to newer, more expensive trucks that can burn cleaner fuel.

The American Trucking Associations had challenged the employee provision over

reported fears of unionization on a national scale of the independent port truck drivers, and that it was in violation of federal law.

"This plan was never about clean air, it was about promoting special interests of a few well-connected, labor groups," said Bill Graves, president and CEO of the ATA in a statement responding the circuit court's decision.

"Successful clean trucks plans in Long Beach, Seattle and the Ports of New York and New Jersey have shown you can improve air quality without forcing owner-operators out of your port," Graves said.

On its website, the Port of Los Angeles issued a statement that said: "The Ninth Circuit court affirmed that all provisions of the Port of Los Angeles concession agreement are enforceable except for one, reversing the decision on the employee driver requirement, which was permanently enjoined."

The port's statement goes on to say that it would "refrain from enforcing the employee driver provision."

The Port of L.A., according to the Appeals Court ruling, can continue to impose other clean truck conditions on its property that includes emissions and safety requirements.

"While some elements of the court's decision are a disappointment, RILA welcomes the strong comments from the court overturning the Port of Los Angeles' attempt to dictate the relationship between shippers and their drayage providers," said Kelly Kolb, vice president of global supply chain policy for the Retail Industry Leaders Association in a statement.

"Today's decision affirms RILA's perspective that partnerships that include port stakeholders including shippers, drayage operators and port authorities, are the pathway to achieving the shared goals of reduced emissions and uninterrupted commerce," Kolb said.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, September 07, 2011 6:36 PM
To: portofoakland@yahoogroups.com
Subject: CARB critic retained: UCLA extends Enstrom for another year

September 7, 2011

CARB critic retained: UCLA extends Enstrom for another year

By Charlie Morasch, Land Line staff writer

A veteran UCLA professor will keep his job for at least one more academic year.

Dr. James Enstrom, who has worked at UCLA for 37 years – the last 34 as associate research professor – reportedly can work for at least another year.

Enstrom was fired last summer after a secret vote of faculty members in his department.

In September 2010, Enstrom appealed his firing under UCLA's Whistle Blower Protection Policies.

Enstrom made headlines in recent years after he questioned claims made by CARB regarding diesel particulate matter and public health. Enstrom's research on diesel emissions showed no causal link between diesel soot and early death for Californians.

He also said he may have made enemies when he questioned the Scientific Review Panel of Toxic Air Contaminates for not complying with state-required three-year term limits.

In interviews with *Land Line* last year, Enstrom said he likely irked top officials at CARB between 2008 and 2009, when he questioned science used to justify the implementation of CARB's Truck and Bus rule, also known as the Retrofit Rule. The rule requires trucking fleets to install diesel particulate filters and upgrade their truck engines beginning in 2012, though several amendments to the rule are scheduled to be presented this fall.

Enstrom alerted CARB to problems with the resume of Hien Tran, researcher for the agency's Truck and Bus Rule. Enstrom pointed out that Tran had faked his resume, and ordered the doctoral degree online for \$1,000.

Tran is still employed at CARB.

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Kaplan, Rebecca

From: Jai Jennifer [jai@greenstonedevllc.com]
Sent: Tuesday, March 12, 2013 6:01 AM
To: Kaplan, Rebecca; At Large
Cc: Bill Aboudi
Subject: Urgent Request re: OMSS Eviction Notice
Attachments: OMSS Letter to City Council_RKaplan_3.12.2013.pdf

SENT VIA E-MAIL & U.S. MAIL

March 12, 2013

Honorable Rebecca Kaplan

CONFIDENTIAL – NOT FOR DISTRIBUTION

City Councilmember – At-Large

City of Oakland

1 Frank H. Ogawa Plaza, 2nd Floor

Oakland, CA 94612

Re: Proposed Imminent Eviction of OMSS by CCIG

Dear Councilmember Kaplan:

I am writing to urgently request your assistance in responding to the notice of eviction by May 31, 2013 which was provided to Oakland Maritime Support Services (OMSS) by representatives of California Capital & Investment Group (CCIG). I will also address the article concerning OMSS which appears in the March 6-12 edition of the East Bay Express (Express). First, regarding the eviction, OMSS needs a relocation site from the City right away. OMSS is the "one-stop" destination providing food, beverages, parking, container storage and other trucking-related services on the former Oakland Army Base (OAB) in order to reduce truck traffic and environmental hazards in West Oakland neighborhoods.

A Brief Summary of OMSS' LDDA Negotiations with the City:

- 2007 – Pursuant to an RFP issued by the City, OMSS submits successful response and begins exclusive

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negotiations with City for 15-acre ancillary maritime services (AMS) site in the East Gateway of the OAB.

- 2008 - OMSS completes required soil, environmental and other studies for the proposed site and satisfies all other requirements for performance under the ENA. After extensive negotiations with City staff, a "Handshake on the Final Deal" occurs and is photographed. The LDDA is agreed to with City staff, approved by the Planning Commission but subsequently "pulled" by a City Councilmember.
- 2009 - EBMUD files a CEQA lawsuit against the City, delaying signing of the LDDA. The City extends the ENA through February 28, 2011 in light of the lawsuit. Eventually the OMSS ENA for the specified 15-acre site in the East Gateway is modified to become a "floating ENA" to allow overall planning of the OAB by the master developer.
- 2011 - OMSS corresponds with City staff regarding the proposed new location for the AMS facility.
- 2012 - Per City's request, OMSS submits a new term sheet proposal to City's OAB Project Manager (Pat Cashman) based on new site location as determined by OAB master plan. Biweekly meetings resume to update the LDDA agreed to in 2008. City staff agrees to take the lead on securing a relocation site for OMSS from the Port of Oakland.
- 2013 - Relocation and new site development are stalled. OMSS receives an eviction notice.

OMSS has spent enormous sums of money since 2007 to complete all the required steps to negotiate a partnership with the City for this development. Despite persistent and costly delays, OMSS remains hopeful about the updates made to the LDDA we originally negotiated in 2008. We have met with City staff numerous times since August 2012 and made significant headway in forging the deal. We expect the LDDA to be ready for Council's review and consideration by April or May.

However, OMSS cannot succeed in this endeavor without your immediate assistance. At each meeting with City staff, we have discussed the importance of the relocation site for OMSS. Last August, City staff agreed to take the lead with the Port to secure property to relocate OMSS; however, there has been no movement in this regard. Had OMSS proceeded with construction of its new facility as anticipated in 2008, it would not have the issue of relocation or late payments under the lease nor would we have been subjected to an environmental lawsuit. The new OMSS facility will generate sufficient revenue so that ground lease payments can be made to the City on a timely basis. The City delayed the OMSS project to prepare a master plan for the entire OAB and, as a result, OMSS has been left with carrying costs for predevelopment expenses incurred to be productive members of the public-private partnership and to satisfy requirements of the original ENA.

The proposed tenant evictions at the OAB are germane to the City Council's concerns about the fiscal and other impacts of displacing OAB businesses without any provision for relocation and retention. The City's best interest is not served by simply evicting existing tenants without a means of retaining those businesses in Oakland, particularly those that provide critical port services. Temporary relocation is required until the City can deliver the permanent OMSS location shown in the OAB master plan.

East Bay Express Article

The Express article is replete with false and misleading information. Moreover, the article is defamatory in that it depicts OMSS in a poor light, as irresponsible in not meeting our obligations to the City, in polluting the environment and in not taking care of our employees. This is inconsistent with OMSS' track record in this region, and the partnerships we have made with the City, the West Oakland community and the Port. Specifically:

- OMSS is known for hiring Oakland residents, including the previously incarcerated, and helping them to restore a strong family life.
- OMSS is cutting-edge in its environmental approach for this type of truck services facility, including the use of bamboo as a natural filter at OT 411, etc. We propose to introduce biodiesel to trucks in our facility.
- OMSS' facility (existing and proposed) addresses a critical need to provide supportive services for trucks that would otherwise pose significant environmental hazards in West Oakland.

The Express article is also false on the following issues:

- OMSS does not owe the City \$230,000. This figure is incorrect and we are concerned about the source of this information. The fact is that legal fees to fight the frivolous lawsuits detailed below have been exorbitant and create a challenge for OMSS to stay current with its lease payments to the City. Still, OMSS leasing records indicate that we are current as of February 28, 2013.
- OMSS is NOT a city contractor, rather we make monthly lease payments to the City for the property. We fulfill the City's obligation to the Bay Conservation and Development Commission (BCDC) for 15 acres of truck services, which the Port also has to fulfill. However, the Port pays AMPCo to operate its truck parking facility; OMSS pays rent to the City. The Port's arrangement with AMPCo allows the Port to charge a lower parking rate and undercut us. Nevertheless, OMSS continues to operate a profitable, environmentally friendly facility that keeps trucking activities out of West Oakland neighborhoods.
- The article indicates that 52 of the 73 tenant businesses under OMSS do not have Oakland business licenses. Most of the tenants the article refers to are independent truckers who are not required to have such licenses.

- The article alleges violations made by me in environmental and labor lawsuits, both of which were initiated by the Teamsters. I appeared many times at the Port to advocate for independent truckers' rights that would otherwise be lost under the Teamster-supported policy of forcing all truckers to be employees of trucking companies in order to work at Oakland's port, rather than to have the choice to operate independently or to work for a trucking company. My advocacy in opposition to Teamster policy was likely the catalyst for the lawsuits.

Below is a synopsis of each lawsuit.

ENVIRONMENTAL LAWSUIT

This case joins the City as a co-defendant and alleges that OMSS is non-compliant with current stormwater pollution prevention (SWPPP) laws. OMSS has never had a documented environmental violation of any kind. Historically, the Port was responsible for SWPPP compliance on the property we occupy at the OAB. When the Port transferred this responsibility to the City in 2006, OMSS was never notified. Despite this, OMSS is in full compliance with the new SWPPP laws that went into effect in 2012.

There is no evidence that OMSS ever "failed to ... prevent polluted water from contaminating the bay from 2006 to 2010" as the article states. Even tests taken before the new SWPPP measures were completed in 2011 confirm this fact. Under these facts, OMSS is likely to prevail in this lawsuit. Nevertheless, the court has asked OMSS and the City to attempt to negotiate a settlement with the Teamsters and Riverwatch, an environmental group also involved in the suit. The Teamsters have refused to settle the action for a reasonable amount given settlement precedents in this area. The consensus between OMSS and the City is that the Teamsters are politically motivated to sabotage OMSS. The City is now solely responsible for settlement negotiations.

LABOR LAWSUIT

This case also appears to be politically motivated in that the Teamsters have encouraged a single former AB Trucking employee to file a lawsuit. AB Trucking operates at the OMSS site. Allegations were made in a buckshot approach, with allegations of 47 violations of labor laws (basically all the labor laws that exist in California). Of the 47 allegations, only one remains for the court to consider before all charges are dropped: whether AB Trucking was required to insure its employees took meal and rest breaks during the ten year period under review. The article fails to inform that all other allegations have been either dismissed or adjudicated in AB Trucking's favor. We anticipate a positive judgment in this case because a federal court has ruled that employers are not responsible for insuring that employees take meal and rest breaks to which they are entitled to during the day. Such breaks are within the employees' discretion.

Finally, the article quotes Phil Tagami as stating "we're not making the decision; the city is making the decision" about the OMSS eviction. In fact, OMSS received a letter from Tagami's company, CCIG, acting as the City's property manager notifying OMSS that they are the "sole point of contact" and demanding that OMSS agree to

"negotiate with no other party". What OMSS is experiencing is that CCIG is making the decisions about evictions for existing tenants (and the City is not), and is doing so without any relocation plan or provision to retain these companies in Oakland.

I respectfully request that your full and immediate attention be directed toward the foregoing issues in order that valuable services which benefit Oakland businesses and residents be protected. I am honored to have earned your trust as the City's long-standing truck parking operator at the OAB. Thank you in advance for your consideration.

Sincerely,

William I. Aboudi

President

bill@oaklandmss.com | (510) 604-0466

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Tuesday, September 20, 2011 11:38 AM
To: portofoakland@yahoogroups.com
Subject: Panama Canal widening edging to completion

Editorial: Port wars

Panama Canal widening edging to completion

10:38 a.m. EDT, September 20, 2011

Gulf of Mexico port officials are forecasting that the seven-year, \$5.25 billion Panama Canal project will flood Gulf and Atlantic seaports with containers from ships that are now too large to fit through the waterway. The expansion will enable products made in Asia to be sent directly to the East Coast instead of being unloaded on the West Coast and then sent east by train or truck.

Several ports — including the Port of Virginia — are competing to become the region's top destination for the oversized tankers. Each hopes to reap the economic benefits on the biggest permutation in the shipping industry since freighters began transporting metal containers 60 years ago.

The winners could capture billions of dollars in new economic activity.

On the surface, Virginia should be well positioned strategically to garner a large share of the increased shipping. The port at Norfolk is 50 feet deep, making it the only one on the East Coast that can handle the biggest, fully loaded container ships without renovation. Geographically, it's within 500 miles of the Northeast's largest cities — positioning it as a potential magnet for the new cargo coming through the Gulf.

The Port is modernized with state of the art facilities, providing dock and unloading capabilities to shippers.

But fierce competition for the increased traffic the canal's distending will bring to east coast ports is well under way. At least two states have steamed ahead, and are taking dead aim at the commonwealth.

Georgia has made deepening the Port of Savannah a major initiative, allocating \$625 million for the project, which attracted unprecedented bi-partisan support in Atlanta.

South Carolina recently cut the ribbon on a new \$22 million Port of Charleston expansion project that is expected to enhance the use of more than 70 acres of storage yard, as well as adding rail infrastructure. The Palmetto state is also seeking \$300 million in federal earmark funds to deepen the port. The Army Corps of Engineer's agreed to a launch a feasibility study in 2012, the first step in that process.

But Gov. Bob McDonnell is fighting back.

Mr. McDonnell signed three separate pieces of legislation over the summer aimed at stimulating shipping volume at the Port of Virginia through the utilization of tax incentives for port users. Virginia's new targeted tax breaks go a long way in leveling the playing field with other eastern seaboard competing ports that have effectively leveraged tax inducements to lure port traffic.

The bills provide \$5 million of tax enticements for users of the port based on increased cargo volumes, job creation and use of the port's barge and rail services to ease truck traffic across the state's overburdened highways.

Virginia's Secretary of Transportation, Sean Connaughton, says the Port has to become more cost efficient, and pass the savings along to shippers: "We have to the run the Port like a business."

Apparently seeing things his transportation secretary's way, Mr. McDonnell fired 10 of 11 Port of Virginia commissioners and replaced them with former and current business executives in July.

While we herald the initiatives, they don't address the main problem: where the materials go after they leave the port's gates,

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via truck – when no rail is available.

A spokesperson for Port of Virginia executive director Jerry Bridges maintains it's all about the roads leading out of the Port.

With only one major artery out of Norfolk, I-64 is bottlenecked by a two-lane tunnel. Trucking is stymied. To compete with Charleston and Savannah, the state has to find a way to elevate route #460 into an interstate compatible highway. Without economical transport out, ships won't transport in. Both Mr. Bridges and Mr. Connaughton agree this is a critical component of the Port's bid to get its fair share of the shipping bonanza.

"The General Assembly has appropriated \$500,000 million towards this, and we are negotiating with several bidders now in a public-private partnership venture to get highway improvement started," Mr. Connaughton confirmed.

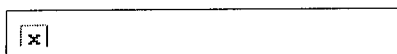
Getting Route #460 widened will go a long way in improving the state's port transportation infrastructure, and guarantee more cargo and more jobs for Virginia as the giant freighters start to roll through the canal in 2014.

We encourage the governor's office — and our legislators — to make sure this critical project gets started before the tide runs out.

Our competitors aren't waiting. Either should we.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Saturday, August 27, 2011 4:27 AM
To: portofoakland@yahoogroups.com
Subject: Supply Chain News: Port of LA, Clean Trucks, Owner-Operators, and You



April 8 , 2010

Supply Chain News: Port of LA, Clean Trucks, Owner-Operators, and You

A couple of weeks ago, we started to do a story for the Transportation section of our weekly of On-Target newsletter on what we thought was a small story on the on-going legal wrangling around independent truckers and the Port of Los Angeles.

We saw that the American Trucking Associations had been very active in defending the rights of the independents in the conflict, which struck me as a bit odd – I thought the ATA didn't really have independent truckers as members. So we contacted the ATA to gain a better understanding of what was going on – and found there is much more to the story than we thought, and that shippers need to be on guard as well.

"It's natural for the ATA to fight for the rights of the independents, as many of our carriers make broad use of independents," **Clayton Boyce**, Vice President of Public Affairs and Press Secretary American Trucking Associations, first told me in a recent phone call. "But the issue is much deeper than that."

And so it is – involving some very questionable goings on, strange alliances between "blues and greens," and a dispute that, depending on the outcome, could have significant ramifications for trucking regulations and unionization across logistics operations in the US. I thought it was worth sharing in this column.



At the heart of the issue is to what degree state and local governments can regulate the trucking industry, an ability now largely limited by Federal Aviation Administration Authorization Act (FAAAA), which quite logically was created to avoid the chaos and costs that would result from different rules in hundreds of jurisdictions across the US. However, that status quo is being challenged by the Port of Los Angeles, nominally on environmental grounds. Others, including labor lobbyists, are pushing to amend the FAAAA itself, also for what are said to be environmental aims.

But in the end, the changes are really meant to aid unions, not the environment.

Some history first.

In 2007, both the ports of Long Beach and Los Angeles, which together handle some 40% of US container volumes, announced a

Gilmore Says:

 Shippers and logisticians should at least sit up and pay a lot more attention to this issue than most have to date, including me. 

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so-called "Clean Truck" program to address perceived air quality issues in the port and larger metro area. The stated goal was to get thousands of older, polluting drayage trucks off the road.

Just another Green program, whether you think it's needed or not, but no big deal, right? Wrong.

The new rules also allowed the ports to substantially regulate what types of trucks (and trucking firms) could serve the port. It forced drayage operators to purchase a "concession," and comply with tough reporting requirements and other burdens, a program to begin in 2008. The burden would fall heaviest on independent owner-operators, who make up the majority of the 16,000+ drivers who serve the two ports.

But it gets worse. Under the plan, owner-operators would have been effectively banned from serving the Port of Los Angeles within five years. Long Beach, however, did not include such a ban.

The mayor of Los Angeles then and now is **Antonio Villaraigosa** – a former union organizer. Not long before the announcements by the ports, Villaraigosa was said to have met several times with senior Teamsters officials.

The goal all along, says Boyce, was not about clean trucks, but to again unionize the largely un-unionized drayage truck fleet.

"The biggest issue is that L.A. tried to ban independent owner-operators, obviously at the request of the Teamsters union, which would benefit hugely if it could narrow the competition down to a few big companies, then set out to organize them," the Los Angeles Daily News wrote not long after this all the began.

Many of the new requirements would seem on their face to move the ports into locally regulating trucking in a way that is contrary to the provisions of FAAAA. Should be an easy court victory to block this action, right?

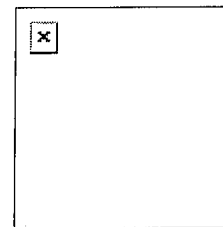
Well, it is California, and it is the legal system. And, it turns out, there is a provision in FAAA to allow local trucking regulation if required for "safety" concerns. And of course, the supposed truck pollution was cited by the port of LA as a public safety issue, justifying its ability to impose the regulations.

Boyce also notes that trucks actually account for only about 10% of the pollution in the port areas, with 70% coming from the cargo ships themselves, which have done little or nothing to improve their engines to minimize pollution (as opposed to what has happened with trucks) and which burn the high-sulfur bunker fuel.

The ATA soon sued in federal district court, seeking an injunction against the concession requirements and eventual owner-operator ban. It lost.

It then appealed before the circuit court and won a temporary injunction, but by no means a full victory, in March. 2009. A later ruling stopped some of the concessions but not others.

As noted, the Port of Long Beach pulled back from the owner-operator ban and some of the most onerous concessions. But the Port of LA, fully backed by the city, kept fighting, and has spent some \$8 million in legal fees over the issue, at a time when it is claiming near bankruptcy.



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Reader Feedback**

Then there is another environmental angle. I must admit I haven't followed much the "blue and green" coalition movement, in which labor groups partner with environmental ones to pursue joint agendas. The Teamsters were able to get the Sierra Club and others to back the Port's plans. How much these groups really looked into it is not known. When Long Beach backed off its similar effort, the Los Angeles Daily News wrote that "As a result, a Teamsters-inspired campaign, led by "environmental" groups no one had ever heard of, tried to vilify Long Beach Mayor **Bob Foster** for supporting the Port of Long Beach's program, and described anyone who backed it as 'immoral.'"

The court activity thus far has only been at the injunction level – a temporary ban from enforcement of the new rules. The full case to decide if the rules can stand is going to trial in the next couple of months. Meanwhile, Congressman Jerry Nadler (D-NY) has written a "Dear Colleagues" letter that supports the notion of changing the FAAA to allow ports to regulate emissions and other areas related to the environment – signifying potential Congressional action in the area.

"Many of the players here on the other side of this issue are simply lying – and you can quote me on that – about what the real intentions are here," Boyce told me. "It has nothing to do with the environment."

So, why should you care?

- If this does ultimately go through, either by court decision or amendment of the FAAA, it will ultimately add substantial shipping costs to importers operating in the Port of LA, or other ports that get similar ideas, as they surely would, egged on by the unions. The Port of Oakland, for example, has said it would be very happy to implement a similar program.
- It absolutely can open a door to all kinds of other local regulations anywhere in the name of the environment, causing the type of chaos and costs the FAAA was designed to prevent.
- This is the real kicker – could the movement spread even beyond the ports?

In July of last year, The Trucker magazine wrote the following: "A source who is a former Teamster and port hauler told The Trucker that this move by ports, unions and others would not stop with banning independent haulers from the ports but also would attempt to see that unions take charge of major distribution centers."

"It's not just about local drayage trucks," said the source, who wanted to remain anonymous; "this would affect every truck coming into the ports, all cross-dock operations" and 'unionize distribution centers.'"

Ok, this is an anonymous source, perhaps with an agenda. Nevertheless, it seems credible enough, given the whole story here, that shippers and logisticians should at least sit up and pay a lot more attention to this issue than most have to date, including me.

Boyce and the ATA, among other interested groups, are fully behind clean truck programs generally. In just the past few weeks, the ports of New York and New Jersey developed a voluntary program that will accomplish the same goals, using incentives, which the ATA said "focuses on reducing truck pollution through retirement of older diesel engines and not on unrelated and unnecessary requirements or banning owner-operator truck drivers from hauling freight at the port."

So, it is quite a story. Had to leave much out due to space. We'll keep you posted here. Shippers and truckers should be concerned.

Have you been following this story? Did you understand the potential ramifications? Real issues – or not to worry? Is it really about unionization and not the environment? Let us know your thoughts at the Feedback button below.



Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, August 24, 2011 11:37 PM
To: portofoakland@yahogroups.com
Subject: A4146 another Teamster Disaster in New Jersey

A4146 another Teamster Disaster in New Jersey

Posted by Admin on August 24, 2011

June 20th A4146 Legislation was introduced. Assembly Members Wisniewski, Prieto and Giblin propose the bill.

“This bill creates a presumption that a work arrangement in the DRAYAGE TRUCKING OR PARCEL DELIVERY TRUCKING INDUSTRY is an “employer-employee” relationship UNLESS the party receiving the services can overcome the legal presumption of employment.

Under the bill, trucking services performed in the drayage trucking industry or parcel delivery industry by an individual for remuneration are deemed to be employment UNLESS and UNTIL it is shown to the satisfaction of the DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT:

- 1) The individual has been and will continue to be free from control or direction over the performance of that service, both under his contract of service and in fact;
- 2) The service is either outside the usual course of the business for which the service is performed, or the service is performed outside of all the places of business of the employer for which the service is performed; and
- 3) The individual is customarily engaged in an independently established trade, occupation, profession or business.

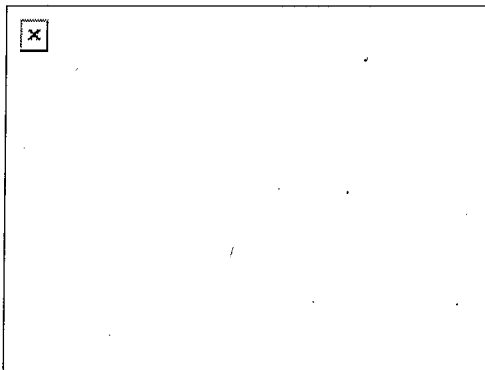
This TEAMSTER BACKED BILL is hauntingly familiar to the legislation proposed by Sandre Swanson and John Perez in the California General Assembly; AB950.

This garbage is simply another worthless move by the UNION to propose an employee mandate that threatens upwards of 25,000 families who currently depend on their jobs as Owner/Operators to live. As in New Jersey, New York and California, the legislation will ban OWNER/OPERATORS from hauling containers in and out of the port areas.

This seems to be a “Teamster Epidemic” poisoning the public. Their fictional horror stories of how the Trucking Industry and the Port Authority along with every other elected official who held office since deregulation has FORCED a 100,000 truck drivers to PURCHASE trucks and HAUL containers for \$7.00/hour.

Nothing tells the story better than the Teamsters PAID participants at East and West coast UNION RALLIES except maybe for the Coalition for clean air and good jobs website. It portrays LESS THAN MODEL employees, as is usually the case for a Union Spokesperson, who go to work late and leave early half the time while whining and complaining they AREN'T making any money.

The IBT generally seeks the weakest in a bargaining unit because they have a horrible track record with the employer. After all, which employees usually hate their jobs and employers so much that they keep sticking around and taking it? It saddens me that during my work as a Teamster Organizer these “less than model” employees were usually my biggest advocates, they were the only ones who feared losing their jobs.



The latest article displays this picture. This is marginally legal, we are checking into that, because it seems when a plate check was done on this particular truck it was not REGISTERED as DRAYAGE! So that can only mean one thing....it MUST be an ON ROAD vehicle. This is LOW people even for the IBT to first APPROVE the worst example of PHOTO SHOPPING I have ever seen and then secondly to defame the PORT DRAYAGE by publicly implying the DRAYAGE TRUCK DRIVERS are too STUPID and too IRRESPONSIBLE to be in COMPLIANCE simply because they ARE NOT members of a UNION!

This is a hideous display of unsportsmanship like conduct. Just because you got your ass kicked in OAKLAND doesn't mean you can just go around making shit up.....even if it is your M.O.!!! But we all get that the IBT has dumped Millions and Millions into Port Campaigns and thus the UNION is trying to recoup its money through compulsory unionism.

Let us not forget to mention how many eyebrows raised when the IBT put a VALET Parking Attendant from Vegas [Jason Gately] in charge of running the port campaign. Pulling in Change to Win [SEIU \$\$\$] was probably smart since you seem to be out of \$\$\$\$ M O N E Y.....but really a VALET? I guess that could be the highest qualified they have left since TERMINATING all the qualified LEADS in the field??? I just don't know what a VALET could possibly know about ORGANIZING the DRAYAGE. I don't know if I would put the fate of my financial future in the hands of guy who parks my car at a vegas casino....I am thinking NO!

The TEAMSTERS have implied and Hoffa has blatantly STATED that the Port Drayage are not RESPONSIBLE individuals and THEY DO NOT CARE about where they live nor how they live. Further, they have stated the number of immigrants working at the PORTS is too high and CALIFORNIA is just going to end up like MEXICO. In a NUTSHELL this union has stood firm in saying that DRAYAGE TRUCKERS don't deserve to be in business for themselves.....

Personally, I don't think Teamster Joint Council 42 Officers should get paid six figures for working a couple of hours a day, spending dues money for unauthorized expenses and sexually harassing their secretaries, but I know TEAMSTERS in California think that behavior is ok.

What I know with absolute certainty is that AMERICANS and people who have come to this country to make a better life for themselves and their families; who work hard DESERVE just as much as anybody else, doing the very same thing!

It is the American Way.....!

<http://helpmyworkforce.org/2011/08/24/a4146-another-teamster-disaster-in-new-jerseys/>

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, August 05, 2011 10:00 PM
To: portofoakland@yahoo.com
Subject: Canada to slash environment jobs, union and enviros fume

Canada to slash environment jobs, union and enviros fume

Canada's environment ministry will cut and reassign around 10 percent of its workers

LvB 8-4-11

Canada appears to be taking U.S. Republican suggestions on how to create private jobs, cut government spending, its small dependence on foreign oil and slow-down the local warmist rapture. Officials said the move was designed to help eliminate the budget deficit, create jobs and increase tax revenue. Critics said it underscored what they portray as the right-leaning Conservative government's contempt for what environmentalism has done to that country.

The cuts are part of a government plan to find C\$4 billion (\$4.1 billion) a year in savings by 2014-15 from an envelope of C\$80 billion, or about 5 percent.

The two unions representing workers at Environment Canada (the equivalent of our EPA) said they had been told this week that 300 employees would lose their jobs while a further 450 or so would be reassigned.

Those affected include engineers, meteorologists, scientists, chemists and biologists.

William Pynn, head of the Union of Environment Workers, said meteorology, water monitoring and enforcement of regulations would suffer. "The cuts are so massive that the support mechanism for the research that Environment Canada does ... is certainly going to be challenged," he told Reuters.

Prime Minister Stephen Harper said last week that Ottawa would take "some difficult actions over the next couple of years" to eliminate a budget deficit estimated to be C\$32.3 billion in 2011-12.

Treasury Board Minister Tony Clement, in overall charge of cutting government expenditures, told reporters that "Environment Canada is open for business, they're doing their job, and they want to do it more efficiently."

Unions fear Ottawa will slash the federal civil service to meet Harper's target of returning to the black by 2014-15.

"This was a bit shocking and surprising and we're really sad. This is really going to throw the department into a bit of turmoil," said Gary Corbett, president of the Professional Institute of the Public Service of Canada.

Green critics say the government -- has too much political support in the oil-rich western province of Alberta, and is far too close to the oil and gas industry. "This is not about the deficit. This is about a blatant disregard for need to protect our natural heritage," said John Bennett, the executive director of Sierra Club Canada.

Environment Minister Peter Kent stirred the ire of the enviro-community when he announced in January that the oil development and the jobs it would create from northern Alberta's tar sands was "ethical." As expected, the Green groups said developing or in their words "exploiting" the tar sands produces high amounts of greenhouse gases and other toxins.

Maybe the U.S. will get a hint and follow this policy. We can only hope!

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, August 19, 2011 7:03 AM
To: portofoakland@yahoogroups.com
Subject: Air district funds give marine highway project boost

Air district funds give marine highway project boost

✕ Alex Breitler

By Alex Breitler
Record Staff Writer
August 19, 2011 12:00 AM

The Port of Stockton's marine highway project got another shot of funding Thursday, this time from San Joaquin Valley air cops, who hope to reduce the number of diesel-belching big rigs traveling daily over the Altamont Pass.

The project would allow some cargo containers to be shipped on barges rather than relying entirely on trucks.

The San Joaquin Valley Air Pollution Control District approved another \$750,000 in funding on top of a \$13 million federal grant already landed by the port. The air district's money will help satisfy the federal requirement for matching local funds.

Under the terms of the grant, the marine highway must be open for business by February.

"We're very excited about the project, and we do appreciate the support of the air board staff," Port Director Richard Aschieris said earlier this week. "This will be a great service to the Central Valley."

Most often the air district uses its public funds to change out the old dirty engines of vehicles across the Valley, thus directly reducing pollution.

But in this case, air-quality officials say there's good reason to push for a new infrastructure at the port.

Today, shipping goods by truck from the Port of Oakland to a distribution center in or near Stockton often requires no fewer than four trips over the Altamont Pass.

To begin with, a truck from the Stockton area must head west to Oakland to pick up the container of goods. It then must drive back to Stockton, where the cargo is unloaded off the container, and then back to Oakland to drop off the empty container, before the truck finally comes back to Stockton.

Imagine that process repeated 1,600 times each day. That's the number of containers that move between the Valley and the Port of Oakland on a daily basis.

Under the new plan, two 140-ton cranes, several stories high, will allow the Stockton port to load hundreds of containers onto two barges that would make weekly trips to and from the Port of Oakland.

Up to 350 containers could be transported in a single trip on the marine highway.

Besides cleaning the air, supporters say the project should open up a new line of business for the port, which right now handles mostly bulk cargo as opposed to containers. Port officials have estimated the marine highway will generate nearly 340 construction and permanent jobs.

Some members of the air district sought assurance Thursday that the project would not siphon jobs from the trucking industry.

But in the end the board approved the funding without any dissenting votes.

Stockton Mayor Ann Johnston, who serves on the air district board, said the marine highway will take the city back to the days before Interstate 580, when barges were frequently used to send goods up the San Joaquin River to Stockton.

"I believe this is going to be a project that we're all going to be able to look at and say, 'We had a part in history,' " she told the board Thursday.

The marine highway from Stockton to Oakland is part of a greater \$30 million plan that also includes the port in West Sacramento.

Contact reporter Alex Breitler at (209) 546-8295 or abreitler@recordnet.com. Visit his blog at recordnet.com/breitlerblog.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Wednesday, August 24, 2011 11:48 PM
To: portofoakland@yahoogroups.com
Subject: Teamsters Agenda for the PORTS

Teamsters Agenda for the PORTS

Posted by Admin on August 19, 2011

TEAMSTERS

This agenda shows that the Teamsters participation in the Coalition for Clean Air is FIRST and foremost about changing the classification of Owner/Operators to employees by stripping their rights away from doing business on the ports as Independent Contractors.

So if you are a Port Truck Driver or Business Owner or Retail Shipper this information should be very important to you. The Teamsters Union has a plan and that is to recruit new members to secure their six figure paychecks for another three years. This Union cares nothing about clean air, good jobs (except their own) nor is it concerned with the rise or fall of the economy in Port Areas.

The reckless behavior towards the welfare of truck drivers in port areas is a RED FLAG and should not be ignored. Their convention agenda is written for the purpose of ORGANIZING 110,000 DRAYAGE owner/operators. All arrows point to this one undisputed fact, they need your dues to recoup their reckless spending habits and secure six figure paychecks at the International Union in DC.

PLEASE NOTE — While the Teamsters Union is pointing fingers at the industry for 30 years of hardship caused by DEREGULATION, keep this in mind;

When DeRegulation occurred the TEAMSTERS UNION controlled the Trucking Industry. They represented the majority at the height of this DISASTER. Really, do we want to give them control of the PORTS?

PROCEEDINGS
 28th Convention
 International Brotherhood
 of Teamsters
 FIFTH DAY—MORNING SESSION – July 1, 2011
 PORT DRIVER ORGANIZING RESOLUTION

WHEREAS, the Teamsters Union is leading an innovative campaign to organize 110,000 port drivers nationwide; and

WHEREAS, the collective bargaining rights of American workers are under attack, the assault on port truck drivers began 30 years ago with deregulation of the trucking industry. The Teamsters Union, along with other unions and allies, are fighting back against attacks on workers in Wisconsin and across the country; and

WHEREAS, prior to deregulation, port drivers were largely represented by the Teamsters and enjoyed a middle-class standard of living. Since deregulation, non-union motor carriers undercut union companies; and most port drivers are illegally misclassified as "independent contractors" instead of employees and are denied the right to organize a union; and

WHEREAS, our ports are one of the nation's most valuable engines of economic growth and prosperity and are critical to global trade. Yet because they are misclassified, highly skilled port drivers, working in an extremely dangerous industry, are forced to toil in sweatshop working conditions for low wages and are denied benefits that most workers receive such as workers' compensation, disability, Social Security, minimum wage, health and safety law protections; and

WHEREAS, the industry is fighting to avoid taking responsibility for providing and maintaining clean trucks that meet diesel truck emission environmental standards, port drivers must drive old, polluting trucks that contribute to an environmental and public health crisis

for 87 million port drivers and community residents. In an effort to meet government diesel truck emission regulations, many port drivers are filing for bankruptcy, being evicted or are being foreclosed on; and

WHEREAS, illegal misclassification and exploitation of port drivers undermines union standards and our bargaining power in negotiations; and

WHEREAS, the Coalition for Clean & Safe Ports, a unique partnership of port drivers and more than 150 environmental, public health, community, labor, faith, business and civil rights organizations, including the Teamsters, is advocating for an end to illegal misclassification and exploitation of port truck drivers and to reduce port diesel truck emission pollution; and

WHEREAS, the City of Los Angeles enacted the U.S. Environmental Protection Agency's award winning Clean Truck Program that requires trucking companies to take financial responsibility for purchasing and maintaining clean fleets by requiring companies to hire drivers as employees instead of as independent contractors; and

WHEREAS, the Port of Los Angeles Clean Truck Program can be credited with putting over 10,000 clean diesel and alternative-fuel vehicles in service since October 2008, reducing deadly diesel pollution by nearly 80 percent; and

WHEREAS, the American Trucking Associations unsuccessfully sued the Port of Los Angeles to prevent implementation of the LA Clean Truck Program, but the requirement that companies employ their drivers as employees remains enjoined pending the industry's appeal. As a result, Southern California port drivers are once again being misclassified and their earnings have dropped below minimum wage because the industry is now deducting expensive truck payments and other operation costs from their paychecks; and

WHEREAS, the Coalition for Clean & Safe Ports is further leading efforts to fix federal trucking deregulation and to protect port clean truck programs by passing the Clean Ports Act of 2011, sponsored by Congressman Jerrold Nadler in the U.S. House of Representatives and soon to be introduced by Senator Kristen Gillibrand. Throughout the country, Teamsters are securing commitments from their U.S. Representatives and Senators to support and cosponsor the bill; and

WHEREAS, California Assembly Speaker John Pérez and Assembly member Sandré Swanson, Chair of the Labor and Employment Committee, introduced AB 950 in the California State Assembly, the Port Drivers Rights Bill which would require port drivers to be treated as employees and receive protection under California's workplace and safety laws. AB 950 would crack down on trucking companies that dodge paying taxes by illegally misclassifying drivers.

NOW, THEREFORE, BE IT RESOLVED, that the Teamsters Union will continue to prioritize the fight to end the war on workers by organizing America's port truck drivers and intermodal drivers and employees; and

BE IT FURTHER RESOLVED, that traditional National Labor Relations Board remedies cannot be relied upon in unionizing port drivers and that the Teamsters Union is committed to bringing dignity, respect, economic and social justice to port drivers throughout the county and will continue to use a variety of approaches to guarantee these workers their right to choose union representation.

<http://helpmyworkforce.org/2011/08/19/teamsters-agenda-for-the-ports/>

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Monday, September 16, 2013 7:28 PM
To: portofoakland@yahoogroups.com
Subject: OMSS occupation by CCIG

On Friday the Alameda Sheriff closed down OMSS and all of the services provided by its tenants.

OMSS has been trying to move since August 2012 to a new location with multiple delays on securing a new location the last of which was blocked by the Port Commission poison pill ordinance with heavy lobbying by the Teamsters.

OMSS has a new location at 2240 Wake Ave with no electricity or water until the Port installs by the end of this week.

The Doctor is working with the Port on a new location close to 14th & Maritime.

24hr Mini-Mart and Scale is closed (no location identified yet, working with Port to relocate this tenant)

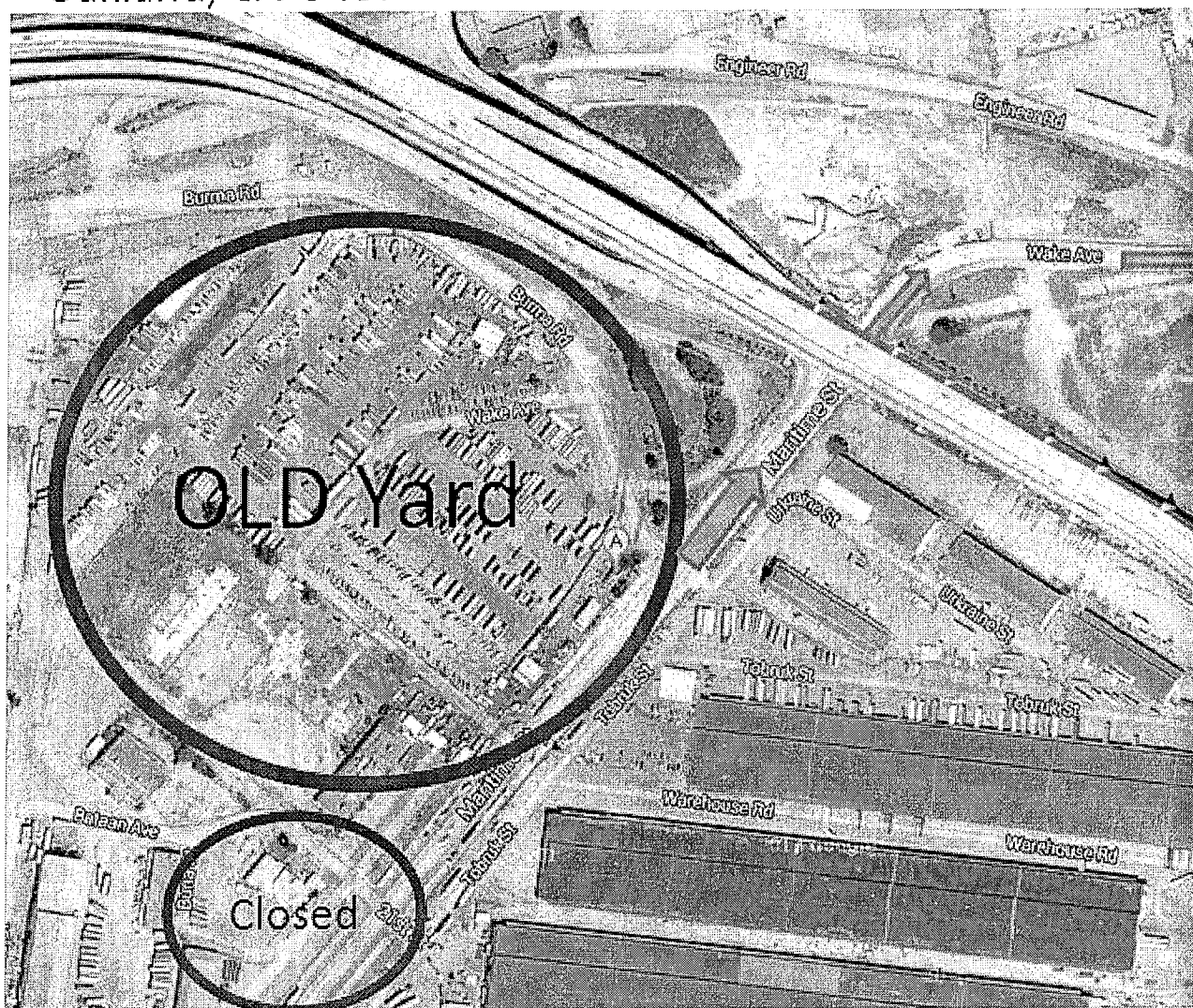
The Port of Oakland utility services have been working diligently to bring us the services we need, thank you Port.

The shutdown of our yard is hard on our employees, tenants and service providers. WE apologize for this difficulty and hope to recover soon.

http://abclocal.go.com/kgo/story?section=news%2Flocal%2Ffeast_bay&id=9247927

OMSS
moved

Old Address:
11 Burma Road
Oakland, CA 9407



Member of:



Kaplan, Rebecca

From: Kaplan, Rebecca
Sent: Tuesday, July 09, 2013 4:43 PM
To: Overman, Jason
Subject: FW: Negotiations on extension of OMSS's vacation date

From: Bill Aboudi [mailto:bill@oaklandmss.com]
Sent: Tuesday, June 11, 2013 7:32 PM
To: 'D. Dexter Vizinau'; McElhaney, Lynette; Reid, Larry; Kaplan, Rebecca; Gallo, Noel
Subject: FW: Negotiations on extension of OMSS's vacation date

fyi

From: Chris Peterson [mailto:cpeterson@portoakland.com]
Sent: Tuesday, June 11, 2013 1:13 PM
To: bill@oaklandmss.com
Subject: RE: Negotiations on extension of OMSS's vacation date

Bill, the agenda report I'm currently working on is due to be heard by the Board on 6/27. It needs a second reading on July 11th. Provided the Board authorizes the lease, and there are no delays for the agenda report, we should be ready to lease to the City on July 12th.

Chris Peterson
 Chief Wharfinger
 Port of Oakland
 Off: 510-627-1308
 Cell: 510-719-8024

From: Bill Aboudi [mailto:bill@oaklandmss.com]
Sent: Tuesday, June 11, 2013 11:56 AM
To: Chris Peterson
Subject: FW: Negotiations on extension of OMSS's vacation date

Hello Chris,
 Can you give us a timeline of when we can start our move via the City Lease?
 Bill

From: Monetta, John [mailto:JMonetta@oaklandnet.com]
Sent: Tuesday, June 11, 2013 10:50 AM
To: D. Dexter Vizinau
Cc: bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel
Subject: RE: Negotiations on extension of OMSS's vacation date

Dexter:

9/30/2013

Could you ask that question to the Port. That would be very helpful.

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

From: D. Dexter Vizinou [<mailto:devizent@aol.com>]
Sent: Tuesday, June 11, 2013 10:43 AM
To: Monetta, John
Cc: bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel
Subject: Re: Negotiations on extension of OMSS's vacation date

Can we get an occupancy date with the Port?

Sent from my MOTOROLA ATRIX™ HD on AT&T

"Monetta, John" <JMonetta@oaklandnet.com> wrote:

Hi Dexter. Please see the attached letter sent to the Port May 17 requesting the 5-acres.

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

From: D. Dexter Vizinou [<mailto:devizent@aol.com>]
Sent: Monday, June 10, 2013 3:55 PM
To: Monetta, John
Cc: bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel
Subject: Re: Negotiations on extension of OMSS's vacation date

Has the City requested the 5 acres from the Port. This has to happen in order to expedite OMSS move.
Dexter

Sent from my MOTOROLA ATRIX™ HD on AT&T

9/30/2013

"Monetta, John" <JMonetta@oaklandnet.com> wrote:

Bill:

Thank you for the email Friday. I apologize. My blackberry went kaput Friday night and I didn't get into the office yesterday. I did leave you a message from my personal phone.

I'm in the office today if you have time to chat. Please call me on my personal cell at 415.745.5967. Thank you.

If you are not available today, I'm available Monday between 9:30am-1pm, 2pm-3pm & 4pm-7pm.

I look forward to speaking with you.

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

-----Original Message-----

From: Bill Aboudi [<mailto:bill@oaklandmss.com>]

Sent: Friday, June 07, 2013 9:34 PM

To: Monetta, John

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; 'Dexter D Vizinau'; 'Jai Jennifer'; 'George McDaniel'

Subject: RE: Negotiations on extension of OMSS's vacation date

Hello John,

You're a hardworking man! I will be at a meeting at the Airport Hilton from 10am - 2pm on Saturday if that works for you?

Bill

c 510-604-0466

-----Original Message-----

From: Monetta, John [<mailto:JMonetta@oaklandnet.com>]

Sent: Friday, June 07, 2013 6:42 PM

To: Bill Aboudi

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel

9/30/2013

Subject: RE: Negotiations on extension of OMSS's vacation date

Bill:

I understand from Hui that you would like to discuss the extension document.

Are you available Saturday around noon to discuss it? Or Sunday afternoon? I apologize, I've been tied up the past two days working on a number of items.

As noted below in your May 16 email to me, you were prepared to sign the extension document that was provided to you in February and again in May?

This extension document is the agreement that has been signed by the Film Center tenants, PCC, Impact Transportation and Urban Recycling Solutions.

While you have committed via email and in person to sign the extension agreement, the written comments you provided on Thursday, May 30 contained a number of items that are contrary to the basic purpose of the agreement and other comments that cannot be agreed to by the City. My letter to you dated June 4 provides my response to your comments including areas in the agreement the City and its Agent, CCIG, agree with your comment.

I look forward to speaking with you this weekend. If you are not available this weekend, please let me know when you are available on Monday.

Thank you,

John Monetta
Project Manager I

City of Oakland
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
510.238.7125 (office)
510.377.6388 (cell)

-----Original Message-----

From: Bill Aboudi [<mailto:bill@oaklandmss.com>]

Sent: Thursday, May 16, 2013 11:26 AM

To: Monetta, John

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel

9/30/2013

Subject: Negotiations on extension of OMSS's vacation date

John,

As discussed in this morning's meeting we agree to sign the extension document please send it to me.

I want to do execute this agreement ASAP to avoid the unlawful Detainer filling.

Respectfully,

Bill Aboudi

President

Oakland Maritime Support Services, Inc

9/30/2013

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, July 01, 2011 6:06 PM
To: portofoakland@yahoogroups.com
Subject: FW: HELP MY WORK FORCE

HELP MY WORK FORCE

A PRO-WORKER ORGANIZATION

Today we collectively reach out to an industry so important to the function of society and yet most often dismissed and ignored by decision makers; the industry of trucking, more specifically, the drayage trucker. The individuals known as Independent Owner/Operators have been attacked from all sides for decades. The Port Truck Drivers are vital to California Ports and others across the United States, yet they endure continued harassment from organized labor, political bodies pushing biased legislation and the uncertainty of an unbalanced industry. Big retail depends on these folks to haul containers and we all depend on big retail. From the Ports to the warehouse, truck drivers are the operations bloodlines.

It is very easy to take "running to the store" for granted as we shop for our families at local groceries, Wal-Mart and Target retail stores. Without much thought to the dozens of receipts each week we toss in the trash, we run our households, buy gifts for our children and frequent the electronic sections; all to satisfy the needs (and wants) of the people we love. It never occurs to us what we might do if we went to our favorite retailer next week and the shelves were bare. Some of us have witnessed this for short periods of time, during bad storms and natural disasters, but have you ever imagined it indefinitely? How often do we leave Wal-Mart feeling good because a crane operator moved containers or a truck driver delivered the products we went to the store to conveniently purchase?

For the first time in my life, last week, I left Target with a different outlook. What if the Longshoremens were on Strike last month and the containers coming in weren't removed from the ships, could I have been able to purchase the candlesticks that now adorn my fireplace mantle? What if there were containers taken off the ships and a truck driver didn't come to pick them up? What if when the truck driver arrived at the warehouse, all they could see were big signs that read "on strike"? What if work stoppages across the country involved the exact trucks that would deliver my sons much desired birthday present to the store?

While all of these instances are not life altering, they are disruptive and they interfere with the lifestyles we have all become accustomed to. Multiply these examples by millions of consumers; it could be a huge problem. At any given time, any one of these instances can occur. It needs to be controlled. Labor issues should not unilaterally affect the mass number of people it indeed will, should any one of these instances take place.

Question: How do we stop it?

Answer: We become a voice louder than those who have the power to cause such disaster.

"Becoming a union in an employee environment is not going to change my life for the better. Why

don't we get the union to leave us alone and let us just work? Without the Teamsters and anyone else we have cleaned the air by almost 50%. NOW they want to tell us how to work."

—Ricardo Gil, Owner/Operator

Surely, whether "truck drivers" do or do not want to join a union is neither the point nor the issue at hand. The real problem that faces the Ports and the truck drivers that service them are uncertainty. We do not propose to question the wants and needs of these people, either individually or as a whole. However, I am baffled by is the audacity of any organization that pretends to support workers when clearly their agenda is full of self interest. We should not be taken aback by a work force that wants to be represented by the Teamsters union. But we should be concerned when the UNIONS have the ability to push their way through our politicians using their MILLIONS in COLLECTED DUES to influence LAWS and force people to join their organization that have CLEARLY said NO to them before. We should be ANGRY that politicians are weakened by the dollar signs instead of empowered by the needs of their supported voters.

Enough is Enough!

Because of continued support, Help My Work Force has initiated a campaign for Port Truck Drivers to form a COALITION for self preservation. Collectively, we have inspired these individuals to join forces that have empowered their ability to produce effective solutions going forward.

We aggressively confronted the General Assembly against the proposed 950 legislation. The truck drivers passed out brochures and information combating the Teamsters Union agenda. We produced a solid foundation for fighting back against AB950 by exposing the unions plan and presenting evidence that the bill would have a tremendous negative impact at the Port of Oakland. We stood firm against union influenced votes in the California General Assembly.

On June 3, 2011 the legislation of AB950 was placed on inactive status. After a brief sigh of relief for thousands of owner/operators, it is time to move on to other issues that immediately affect Port Truck Drivers.

STOP TRUCKER ABUSE!

As we focus on the December 2011 CARB deadlines, we realize it will affect another 700 truck drivers. CARB makes no indication what so ever they are concerned about the loss of jobs or how the containers will be handled as the Owner/Operators slowly go out of business each year. We have to change that. It is imperative we impose a profound "reality check" on the decision makers in the town of Oakland.

We believe a Coalition made up of 60% of the Owner/Operators is just the way to do that.

"I am an OTR truck driver, but it is good to see the Owner/Operators at the Port of Oakland working together and deciding their own fate. I commend you all. I had the choice not to join the Teamsters Union and that is the way it should be. I am proud to have Sherri Henry on my side and I am an ongoing supporter of Help My Work Force.

— Ron Wilder, Owner/Operator

We want to Continue and WE NEED YOUR HELP!

We need to move forward with providing an alternative to Compulsory Unionism and Political Bullying. Just as the Port Truck Drivers will become stronger with each new owner/operator that joins in the fight to be heard, we have to present educational tools, develop plans going forward and provide the resources to oppose these issues. Big Labor is overpowering the working man in many industries. They have millions of members paying them percentages of their income and the unions are abusing this authority. These members never ask why or where their money goes and the unions never have to be accountable for their reckless spending habits. In order to expose their behavior we need support. For this we call on you.

The Truckers Coalition will be in control and focused as we educate them on effective solutions and present the issues that matter the most. We need to reach out to those who are acting on impulse. There are small groups that have formed over the years but their actions were not a continuing success. They have not been organized and profound in their approach to political issues, and their presentations to CARB and Political bodies that propose to eliminate their fundamental right to choose.

Work stoppages are not solutions, but they are alternatives. In the absence of leadership the actions of these individuals may become erratic and unpredictable. By forming a coalition and working together to present civil solutions in a controlled environment, we are putting a plan into action. In order for the plan to continue to move forward your support is imperative.

No one will be spared if the unions are successful at continuing to pass legislation in California. Consider the effects of California Senate Bill 469; the union bill backed by Big Labor against Walmart and Target, non union retailers. This bill will prevent Big Retailers (Superstores) who sell groceries to enter into certain areas or communities in the State of California. Remarkably, California decision makers did not feel it important to provide "more jobs" and "competitive shopping" for their residents, they only aimed to satisfy Big Labor.

"SB 469 will give our local leaders the tools they need to protect our communities." stated Senator Juan Vargas (D – San Diego).

Really, Senator Vargas, what are you protecting them from.....SHOPPING?

Today I encourage you to join us and log on to www.helpmyworkforce.org and follow the progress. Sign up for email notifications and be informed. Learn how you can make a contribution to the successful future of working people!

The Focus is You!

Kaplan, Rebecca

From: Bill Aboudi [bill@oaklandmss.com]
Sent: Tuesday, June 28, 2011 4:32 PM
To: 'Bailey, Diane'
Cc: 'West State Alliance'
Subject: RE: Drayage truck reg
Attachments: PM and NOx at the Port of Oakland.pdf; Port Truck Drivers Coalition.png

Hello Diane,

We left the meeting disappointed in our public process, we are not asking for a delay in reducing emission reduction but rather enhancing them to make them more equitable for the Drayage Truckers. Cynthia Marvin in her reply to the CARB question misspoke about the emission reduction of %50pm and %40Nox she claimed that Dr Robert Harley's study was for the entire Port rules (Trucks, Ships, Off-Road, Shore Power) when that is not true. In a conference call with Dr Harley this question was asked by Dr Jaime Fine (EDF), Dr Harley explained the method of testing conducted before and after the regulation kicked in was specific to Port Trucks with the testing equipment positioned on an overpass on Bay Street and 7th close to Maritime one of the main gateways to the Port, the reduction was attributed to upgrades to Port Trucks alone.

As you know I have been attending all the Drayage Truck Regulation Workshops from day one and was involved in the Port Truck Mitigation Workgroup, our taxpayer money has not been used wisely to reduce pollution with the rules and regulations that have been put in place, the money promised to the Drayage Truckers did not materialize as promised when the outreach for rules was discussed, that left 1,321 truckers without grant funding until a threat of a Port shutdown brought the powers to be to find additional money for the filter grants but none for truck upgrades, we had no choice.

For the 2004, 2005 and 2006 trucks the compliance dates changed after informational flyers for the rules was put out by CARB, in the original flyer the compliance date for all those years was 2013 then by accident we found out that a new flyer was distributed in LA/LB meeting reducing the compliance date for 2004 by one year this is after some truckers bought trucks to meet the compliance date set by CARB. The basis for the buy into the rule is the fact that by January 2014 we would install a DPF filter with Nox reduction to comply with 2007 engine year, at a recent meeting Cynthia said they did not promise a Nox filter would be available rather they had "HOPED" one would be available. No matter what the upgrade of truck to 2004, 2005 and 2006 a total of 2,700 trucks was done without any grant money.

Our request is simple, the Oakland Truckers reduced the pollution in Oakland and other parts of the state while the rest of the on-road trucks have been given extensions, we want what is fair, allowing us to put available filters on the 2004, 2005 and 2006 with our own dime without grants is ok, with enough time (2020) to recover from the hardship of the economic downturn that effected all truckers with additional hardship on the Port Drayage Truckers.

The Oakland Truckers have always been sensitive to the community because we are one in the same, the hardship and biased treatment we received from CARB is something I'm sure NRDC would not condone.

Nobody has celebrated and thanked the Oakland Truckers accomplishment here in Oakland, so on July 19th Help My Work Force www.helpmyworkforce.org will do that and I hope your organization will support the effort to say thank you to the Drayage Drivers that weathered this hardship without the proper support from CARB and other groups.

9/30/2013

Bill Aboudi
AB Trucking

From: Bailey, Diane [mailto:dbailey@nrdc.org]
Sent: Monday, June 27, 2011 9:04 AM
To: Bill Aboudi
Subject: Drayage truck reg

Hi Bill. Good to see you at CARB last Thursday. Just want to follow up with you that I'm listening to what you and your colleague are saying. We can't support any reg delays or weakening, never supported the others that have been adopted, but pls let me know if there are funding opportunities or anything else where we could help out.

Best,
Diane

Diane Bailey, Senior Scientist
Natural Resources Defense Council
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San Francisco, CA 94104
415.875.6100 o
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PRIVILEGE AND CONFIDENTIALITY NOTICE

This message is intended only for the addressee and may contain information privileged confidential, and exempt from disclosure under law. If you are not the intended recipient, please notify me immediately by email and delete the original message.

Kaplan, Rebecca

From: Bill Aboudi [bill@abtruck.com]
Sent: Friday, July 01, 2011 5:41 PM
To: portofoakland@yahoogroups.com
Subject: Grant program offers cash for drayage truck owners in mid-Atlantic states

See how simple the program can be. The other states are learning from our disaster.

July 1, 2011

Grant program offers cash for drayage truck owners in mid-Atlantic states

By Charlie Morasch, Land Line staff writer

Drayage truck owners have a new incentive to replace older trucks working at ports in mid-Atlantic states – \$15,000 in no-strings-attached cash toward a down payment.

The University of Maryland and the Mid-Atlantic Regional Air Management Association announced a new program to cover as much as \$15,000 toward a down payment on a new or late model truck.

The program – modeled after the federal cash for clunkers program – was made possible by a \$3.3 million grant from the EPA. The ports of Virginia, Baltimore, Wilmington and Philadelphia, and several states, are chipping in to add money to the grant.

The program matches EPA contribution dollar-for-dollar, using a combination of public and private money. Financing for truck purchases also is available.

Trucks must be owned by the applicant for at least one year, and must meet certain truck specifications.

“They don’t have to pay back any of that,” Joanne Throwe, director of the University of Maryland Environmental Finance Center told *Land Line Now* Wednesday, June 29. “And the trucks they buy don’t have to be brand new – it could be a 2007 or newer engine.”

Throwe said the application is streamlined to encourage more applicants. Applicants with trucks that have 1997 model year or older engines will likely score higher than newer models, Throwe told *Land Line Now*.

The program has no time limit, though the university estimates the money will be gone within two years.

More information is available at the university’s [Environmental Finance Center website](#).

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Information for this article was contributed by Land Line Now Reporter Reed Black.

Kaplan, Rebecca

From: Jai Jennifer [jai@greenstonedevllc.com]
Sent: Wednesday, May 05, 2010 12:40 PM
To: Hunter, Gregory; Cohen, Walter; Nadel, Nancy; Kaplan, Rebecca;
mgordon@portoakland.com; jhead@portoakland.com; Reid, Larry; Auletta, Al; Wang, Hui;
dletter@amb.com; atlarge
Subject: OMSS Center ENA
Attachments: OMSS_Letter_ORA_5.5.2010.pdf

May 5, 2010

SENT VIA E-MAIL & U.S. MAIL

Walter Cohen

Director

Community and Economic Development Agency (CEDA)

City of Oakland

250 Frank H. Ogawa Plaza, 3rd Floor

Oakland, CA 94612

Gregory Hunter

Director of Redevelopment

Community and Economic Development Agency (CEDA)

City of Oakland

250 Frank H. Ogawa Plaza, 5th Floor

Oakland, California 94612

Re: Oakland Maritime Support Services Center ("OMSS Center")

9/30/2013

Dear Messrs. Cohen and Hunter:

I am writing to express my deep concern about the apparent course of action that is being taken by the Redevelopment Agency regarding the exclusive negotiation agreement (ENA) with Oakland Maritime Support Services, Inc. (OMSS) with respect to the OMSS Center, a public-private partnership that has been underway for nearly three years.

While we are awaiting the resolution of the legal action pending between the City of Oakland and the East Bay Municipal Utility District, and the corresponding resolution of the CEQA process for our project -- which is the last remaining obstacle to the advancement of our project with the Agency, we have reviewed the agenda for the upcoming City-Port Liaison Committee scheduled for May 6 at 6pm, and are writing to seek clarification of the Agency's intended actions with respect to our Exclusive Negotiation Agreement. Specifically, we seek the following clarifications of the agenda document:

- Why is the exclusive negotiation agreement between the Redevelopment Agency and OMSS not mentioned in the report and rather the Agency characterizes itself as "working with OMSS toward providing truck parking in the East Gateway"?
- What has been and is the cause of the delay in the preparation of the OMSS Center project for Redevelopment Agency Board and City Council approval?
- What is meant (or implied) by the statement in the agenda status report that "concerns have been expressed that other uses might be more appropriate in the East Gateway and that the truck parking should be moved"? What concerns have been expressed and by whom? Do these "concerns" emanate from the Redevelopment Agency, the Master Developer, or some other unnamed source? Why has the Agency not articulated these concerns to us directly in writing and rather has led us to believe that we can proceed with our project upon approval of the CEQA process? What is the status of the CEQA process with respect to the OMSS Center project and when should we expect to come before the Redevelopment Agency Board and City Council?

In the interest of honest and good faith negotiations, all parties involved acknowledge and expect the Redevelopment Agency to display a consistency with the intent of the Exclusive Negotiation Agreement which has been extended to the earlier of (1) February 2011 or (2) the resolution of CEQA litigation filed May 17, 2007 by EBMUD against the City of Oakland and its Redevelopment Agency. This ENA prohibits the Agency from negotiating with a third party for the designated site.

BACKGROUND

As you know, OMSS submitted the successful response in July 2007 to the Oakland Redevelopment Agency's Request for Proposals (RFP) to provide ancillary maritime services (AMS) on a 15-acre parcel on the former Oakland Army Base. Since that time, we have been involved in a public-private partnership with the Redevelopment Agency to create the Oakland Maritime Support Services Center ("OMSS Center"), a service-rich, one-stop "green" trucking services destination that caters to the estimated 2,500+ port-serving trucks, keeping them out of West Oakland neighborhoods, and offers the truck parking and services needed to meet the Agency's BCDC requirement.

9/30/2013

From our perspective, there is no justifiable cause for the delay and the Agency is being asked to justify its action and inaction with respect to our project. How is it that we are still waiting for the Agency to proceed after 12 months of delay in resolving the EBMUD litigation and the approval of our project? As you know, we have met with the Master Developer -- AMB and CCG, and have been informed by these parties that there is no compelling reason to relocate our project from its current proposed location, which has been the proposed and BCDC-mandated location since the inception of our negotiations (please see attached letter for AMB and CCG dated April 5, 2010).

Now that the project design and lease negotiations between OMSS and the Redevelopment Agency are virtually complete, we are ready to proceed with the development of the OMSS Center which will deliver truck parking, services and green fueling stations to the East Gateway to meet the BCDC requirement. If the Agency now wants OMSS to relocate its project after such an extensive negotiation period, who will be compensating OMSS for the design, engineering, marketing, project management and other expenses incurred to date during the Exclusive Negotiation Period in which OMSS has acted in good faith and expended funds to meet the requirements of the ENA as articulated in the Schedule of Performance outlined in the Agency's ENA documents? How will the future costs related to these same requirements (i.e. design, engineering, etc.) be covered for the new site?

We would like to remind you and your staff that the OMSS Center does not involve or require any subsidy from the Agency to proceed, and that our project complements the overall vision of maritime and logistics in the East Gateway because we will provide retail services to local businesses and create a lot of jobs that get Oaklanders back to work. The majority of our tenants and users are Oakland residents -- that's who our OMSS Center is all about.

Based on the critical importance of improving air quality in and around West Oakland, we are asking for an immediate, detailed response to this inquiry as further delay in the commencement of the OMSS Center project appears to be unwarranted and unjust to the residents of the neighborhoods adjacent to the port's maritime activity. You should also be fully aware that, for compliance with BCDC requirement to provide 30-acres of trucking services, OMSS was given the first right of refusal by the Port of Oakland to be its parking operator, a fact which was articulated within the Port of Oakland's RFQ for a Master Lessor.

Given the two-year period that will elapse before the Master Developer can complete its planning and entitlements period, we further emphasize the critically important role that the OMSS Center project can play in cleaning the air and improving environmental conditions for numerous West Oakland residents and their children who struggle with health concerns each day. We are poised to move forward to address these vital health issues immediately and without any further delay.

Thank you in advance for your consideration.

Sincerely,

Bill Aboudi

William I. Aboudi

President

bill@oaklandmss.com

| (510) 604-0466

cc: Honorable Councilmember Nancy Nadel
Honorable Councilmember Laurence Reid
Honorable Councilmember Reb Kaplan
Honorable Commissioner Margaret Gordon
Honorable Commissioner James Head
Daniel S. Letter, AMB Property Corporation

April 5, 2010

SENT VIA E-MAIL & U.S. MAIL

Phil Tagami

California Capital Group

300 Frank H. Ogawa Plaza, 3rd Floor

Oakland, CA 94612

Daniel S. Letter

Vice President, Development

West Coast Region

9/30/2013

AMB Property Corporation

Pier 1, Bay 1

San Francisco, California 94111

Re: Oakland Maritime Support Services Center ("OMSS Center")

Dear Messrs. Tagami and Letter:

I am writing to summarize what we believe to be very encouraging outcomes of our meeting on April 1, 2010 with representatives of CCG and AMB regarding the OMSS Center project. As you know, OMSS submitted the successful response in July 2007 to the Oakland Redevelopment Agency's Request for Proposals (RFP) to provide ancillary maritime services (AMS) on a 15-acre parcel on the former Oakland Army Base. Since that time, we have been involved in a public-private partnership with the Redevelopment Agency to create the Oakland Maritime Support Services Center ("OMSS Center"), a service-rich, one-stop "green" trucking services destination that caters to the estimated 2,500⁺ port-serving trucks, keeping them out of West Oakland neighborhoods, and offers the truck parking and services needed to meet the Agency's BCDC requirement.

Following is a summary of our meeting on April 1st in which we discussed options for the location of the OMSS Center and the need to coordinate activities for our two separate development projects that will occur on the Army Base.

From our perspective, the most important outcomes of our meeting were as follows:

- (1) With respect to options for the location of the OMSS Center, representatives of AMB and CCG agreed that one clear option for the location of the OMSS site, which is the obvious preference for OMSS, is that the OMSS site should remain on the 15-acre parcel in the East Gateway that has been designated by BCDC as the Port Priority Use area for trucking logistics, as planned. This is due to the fact that there are no compelling reasons to move the OMSS site;
- (2) As our respective developments proceed, we agreed that OMSS and the Master Developer will want to coordinate landscaping and off-site improvements to the extent needed to create a consistent streetscape along Maritime Street;
- (3) We agreed that a main issue that needs to be resolved is PCC Logistics and the proposed extension of their property lease on the Oakland Army Base, which includes property currently under the ENA between OMSS and the Redevelopment Agency. While PCC Logistics offers strong potential as a tenant for the AMB/CCG project, the extension of their lease is in direct conflict with the ongoing good-faith negotiations between OMSS and the Agency and the extension of their lease would cause unreasonable delay and undue hardship to OMSS whose project has been ready to proceed since early last year; and

9/30/2013

(4) For compliance with BCDC requirement to provide 30-acres of trucking services, we discussed the future location of the Port of Oakland's 15-acre parking requirement, which is still to be determined. While it has been our understanding that members of the Oakland City Council and staff of the Port of Oakland have expressed a preference for the Port's parking operation to be adjacent to the Redevelopment Agency parking operation (both mandated by BCDC), you informed us that this proximity or adjacency is now regarded not as a requirement but an option for the Master Developer to consider. At the same time, we explained that OMSS has been given a first right of refusal by the Port to be the Port's parking operator, a fact which is articulated in the Port of Oakland's RFQ for a Master Lessor. We will plan to be prepared to continue our discussion with you on this issue as we both move forward.

In summary, it is clear that all involved acknowledge and expect the Redevelopment Agency to display a consistency with the intent of the OMSS Exclusive Negotiation Agreement which has been extended to the earlier of February 2011 or the resolution of CEQA litigation filed May 17, 2007 by EBMUD against the City of Oakland and the Agency. Now that the project design and lease negotiations between OMSS and the Redevelopment Agency are virtually complete, and we have come to general agreement on the coordination activities between OMSS and AMB/CCG, we are ready to proceed with the relocation of the existing OMSS facility out of the Central Gateway to enable development of this area by your team. In the process, we intend to deliver truck parking, services and green fueling stations to the East Gateway to meet the BCDC requirement.

A final point to consider is this: You are probably well aware that the asthma rate and hospitalization rate for pollution-related diseases in West Oakland are the highest in the City and County. We believe the provision of biodiesel fuel is a vitally important step in changing the environmental status quo for trucks serving the Port of Oakland. Oakland Maritime Support Services (OMSS) is a leading company at the former Oakland Army Base that is working diligently to relieve this environmental problem.

The OMSS team is ready to proceed and will install a biodiesel fueling station and convenience market in our first phase of construction. We are thankful that you are equally excited about the OMSS Center and its capability to provide a "green" solution to immediately address trucking emissions. The OMSS Center will transform our existing facility into a low-rise, mixed-use industrial/retail campus that provides biodiesel fuel, convenience goods, prepared foods, office space and copy services to truckers, and will enable the City of Oakland to consolidate the trucking services that support the Port of Oakland on the Oakland Army Base.

We understand your statement that the ENA between the Redevelopment Agency and OMSS is entirely separate and apart from the negotiations of the Master Developer, and that the progress of the OMSS Center is principally an issue for discussion between the Agency and OMSS, and not the concern of the Master Developer. Nevertheless, we believe that the OMSS Center fits well with and complements your vision of having logistics on the East Gateway because we provide retail support which will create a lot of jobs and get Oaklanders back to work. The majority of our tenants and users are Oakland residents -- that's who our OMSS Center is all about.

We appreciate the time and interest of your development team in ensuring that the OMSS Center project proceeds without delay given the two-year period that will elapse before your project can complete its planning and entitlements period. In the meantime, the OMSS Center can clean the air and improve environmental conditions for West Oakland residents and their children who struggle with health concerns each day. Based on our positive discussion, we are poised to move forward to address these vital health issues immediately and without any further delay.

Thank you in advance for your consideration.

Sincerely,

Bill Aboudi

William I. Aboudi

President

bill@oaklandmss.com | (510) 604-0466

cc: Walter Cohen
Gregory Hunter
Al Auletta
Hui Wang

9/30/2013