

Exhibit	"C"
Port Commission	Regular
Meeting of	Nov. 11, 2008



November 11, 2008

TO: Port of Seattle Commission  
FROM: Heather Weiner, Coalition for Clean & Safe Ports  
RE: Public Testimony

We could have a win-win situation at the Port of Seattle: green jobs, clean air, safer working conditions, and increased **drayage** efficiency. The Port of Los Angeles's Clean Truck Plan is a successful model **that** the Port of Seattle can, and should, adopt.

Instead of seriously considering the Port of Los Angeles model, Port of Seattle staff are in manipulating the outcome. We urge the Port of Seattle coinmission to direct the staff to seriously consider the economic factors driving deadly truck-generated diesel pollution in King County. Based on the experiences of the Ports of Los Angeles, Long Beach, Oakland and Vancouver, we believe that an objective economic analysis would find the Port staffs current strategy doomed to failure or, at best, would require the Port of Seattle and King County taxpayers to permanently subsidize the **trucking** industry to meet our clean air goals.

As elected officials, you should know that the process followed by your staff has been anything but objective. We reviewed hundreds of records provided by partially filled public disclosure requests. It is clear that the Port of Seattle's staff are actively working behind the scenes to organize industry opposition to the adoption of the LA Clean Truck Plan in the Northwest. We have dozens of **emails** showing that your staff are aggressively pushing a scheme that will place the costs and responsibilities of clean air onto the backs of some of the Port's poorest workers – hundreds of misclassified **truck drivers**.

Consider a few examples:

1. Port of Seattle staff held at least two closed door meetings (on September 15 and October 10) to **discuss** a clean truck plan with at least a dozen corporate representatives from trucking, shipping, expeditors, and terminal industries. No truck drivers, no labor unions, no environmental groups, no community organizations, no **health** groups, and no neighborhood associations were in attendance. In fact, the meetings were held in the port's cafeteria, so attendees didn't have to sign in. (See attached **email** 9/11/08)

2. Port of Seattle staff named this group the "Clean Air Prosperity Partnership." Staff distributed **drafts** of the clean truck plan to the industry groups **with** strict instructions not to share them. Not surprisingly the draft plan would shield profiting corporations and place the costs and responsibilities of a clean truck plan onto the workers. (See attached draft 9/12/08)

3. In September, Port of Seattle staff and terminal operators conducted a truck driver survey at the gates. This time Port of Seattle staff told us they could not share a draft of the survey with our staff because "If we share a draft with you we will have to

share it with everyone." However, our public disclosure request reveals that the same Port of Seattle staffers sought out and incorporated feedback from trucking corporations such as MacMillan Piper, Roadlink, Western Ports and others. (See attached email 9/18/08)

4. In September, Port of Seattle staff made a special effort to contact Home Depot, part of the California Coalition for Responsible Transportation, to obtain Home Depot's sign off and support for the Port of Seattle's clean truck plan. The Coalition for Responsible Transportation is the group that tried, and failed, to stop the Clean Truck Plan now in place at the Port of Los Angeles. (See attached email 9/19/08)

Port of Seattle staff then planned the following expedited schedule to force through their plan:

- Release draft plan on 11/4 (election day)
- Brief Port Commission on 11/11
- Public comment deadline on 11/18
- Port Commission vote to approve the plan 12/2

While we appreciate that the new process proposed today is an improvement, unfortunately, the newly proposed public stakeholder group process does not include actual drivers, is dominated by industry representatives, and the decision matrix is weighted in favor of corporate interests. As our elected officials, the Port of Seattle's Commissioners have a duty to step in and clean up the staff's misguided truck plan and the decision-making processes around that plan.

For more information, please contact me at:

Heather Weiner  
Coalition for Clean & Safe Ports  
[heather@heatherweiner.com](mailto:heather@heatherweiner.com)  
206.218.7194

## Flagg, Sarah

---

Subject: FW: Clean Air Prosperity Partnership Meeting 1  
Location: Port of Seattle, Pier 69, 2711 Alaskan Way

Start: Mon 9/15/2008 1:00 PM  
End: Mon 9/15/2008 3:30 PM

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: 'Steve Hanes'; mark.knudsen@ssamarine.com; 'Lee MacGregor'; Flagg, Sarah

When: Monday, September 15, 2008 1:00 PM-3:30 PM (GMT-08:00) Pacific Time (US & Canada).  
Where: Port of Seattle, Pier 69, 2711 Alaskan Way

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Hi Mark,

**T**ay asked that we invite you to this meeting. **S**teve was planning to go, but you are certainly welcome to come instead. We are definitely holding a seat for T-18. Just let me know which one of **y**ou will be **c**oming.

Thanks a lot,  
Linda

---

From: Styrk, Linda  
Sent: Thursday, September 11, 2008 8:46 AM  
To: Styrk, Linda; Flagg, Sarah; 'ken@premiertransport.net'; 'Kent Christopher'; 'Garber, Kelly J'; 'Lee MacGregor'; 'paul.weisdepp@ssamarine.com'; 'Rick Blackmore - TTI'; 'Dennis.Gustin@bnsf.com'; 'Deron.Amans@bnsf.com'; 'cebabers@up.com'; 'Shaun Kim'; 'max@HLCL.com'; 'Jan.Koslosky@OceanBeauty.com'; Laura Daniels; 'rick.catalani@expeditors.com'; 'chris.ratliff@maersk.com'; 'annegood@u.washington.edu'  
Cc: Grotheer, Wayne; 'Mike Claudio'  
Subject: Clean Air Prosperity Partnership Meeting 1  
When: Monday, September 15, 2008 1:00 PM-3:30 PM (GMT-08:00) Pacific Time (US & Canada).  
Where: Port of Seattle, Pier 69, 2711 Alaskan Way

Good Morning,

We look **f**orward to your participation in our newly formed group to be known as the Clean Air Prosperity Partnership. **T**he initial meeting dates are now confirmed as Monday Sept 15, 1:00-3:30pm and Friday Oct 10, 9:00-11:30am. Parking is available in the Bell Street Garage (enter on Wall Street, between Western & Alaskan Way) and tickets can be validated by our Lobby Receptionist upon request. If needed, our main number is 206-728-3000. Refreshments will be provided.

See **y**ou soon,  
Sarah Flagg & Linda Styrk

---

We want to update you on our Clean Truck Program development and formation of a Clean Air Prosperity Partnership. After many meetings with key staff and the core Truck Stakeholder Group, we finally have a DRAFT Clean Truck Plan we believe supports our Northwest Ports Clean Air Strategy (NPCAS) and maintains our seaport vitality. We recognize our Clean Truck Plan affects other business stakeholders involved in container **d**rayage to/from our marine terminals, and success will depend on support from those "paying the bills". To increase understanding and feedback regarding the NPCAS and affects of the Clean **T**ruck Plan, we are forming the Clean Air Prosperity Partnership (CAPP). This representative group of key business stakeholders allows us to partner in support of cleaner trucks and increased efficiencies in the entire container **d**rayage system. Sarah & I are finalizing the CAPP participant list now and have blocked meeting time at the Port (Pier 69) listed below. The purpose of these meetings is to provide our container partners an opportunity to review and contribute feedback to our Clean Truck Program prior to finalization. The CAPP is composed of two representatives from each business group, our terminal operators (marine & rail) and a meeting facilitator. We hope you will make this a priority and look forward to your participation. If you are unable to attend, please send an appropriate replacement. We intend to **c**onvene two meetings of the CAPP: the first meeting on Mon 9/15 1-3:30 (or Fr 9/19 9am-12) and the second meeting on Mon 10/6 1-3:30pm (or Fr 10/10 1-3:30pm). Hopefully, the Monday meeting dates are workable...please confirm, thanks.  
Clean Air Prosperity Partnership (CAPP) Composition:

**2 Port Staff (Sarah Flagg & Linda Styrk)**  
**2 Trucking Companies**  
**2 Independent Drivers**  
**4 Port of Seattle Marine Terminal Operators (5, 18, 25 & 46)**  
**2 Rail Terminal Operators (BNSF SIG & UP Argo)**  
**2 Ocean Carriers**  
**2 Shippers**  
**2 3PL/Brokers/Forwarders**  
**1 Meeting Facilitator**  
**Linda Styrk & Sarah Flagg**  
**206-728-3873 & 206-728-3249**

**Port of Seattle  
Clean Truck Program Recommendation  
9/12/2008**

**DRAFT NOT FOR DISTRIBUTION  
FOR DISCUSSION PURPOSES ONLY**

**Developed By:  
Sarah Flagg, Environmental Management Specialist II  
Linda Styrk, Director Container Marketing**

**Key Assumptions**

- Fee Free
- Keep it simple
- Balance business and environmental needs
- Give the industry time to adjust and adopt performance measures
  - Focus on **2010** performance measure
- Incentives for early adoption

**Start with incentives to encourage early adoption, implement ban starting 12/31/2010 for non-compliant trucks (1993 and older)**

**Incentive Program for Early Adoption  
1/1/2009 - 12/31/2010**

- Incentives for early adoption to encourage early fleet turnover and get cleaner air sooner
- Special gates for trucks meeting the **2010** performance measure
  - o Need to **confirm** feasibility of special gate lanes with **terminal** operators
  - o Need to address potential congestion impacts at regular gates lanes
- Provide financial incentive of \$5 per dray. Incentive to be modeled after Green Flag **Program** and will use RFID to **verify** truck status
  - o Need to estimate funding needed
  - o Need to **identify** and confirm funding sources
- \$578,035 for expansion of **RFID** system will support verification process (\$500k grant)
- Incentives to be tied to outside funding, not Port funding

By providing financial incentives and special gates, we **are** changing the way the goods movement system values a "clean" truck. This will not be an overnight change, but very incremental and will require Port support (financial and at all levels of **marketing/business** relationships). This will position the Port as a catalyst for early emission improvements.

### Recent POLA Proposal

Under a second **financial** incentive, a concessionaire can receive a **yearly cash payment of \$10 per dray for Clean Truck Tariff-eligible drays in and out of the port for all enrolled, privately funded EPA 2007-compliant trucks**. To be eligible for this incentive, **the truck would have to at least 600 drays during the year** at the San Pedro Bay ports with at least half of them at the Port of Los Angeles. The **\$10 per dray** incentive will **only** apply to those containers drayed from the Los Angeles port. The **per-truck limit for the per dray incentive program will be \$10,000 yearly**, with funding available for a year beginning Oct. 1.

### **Financial Assistance**

Rather than providing direct **funding** assistance (except for obligations under the CSS EPA grant proposal) the Port will **facilitate** providing financial assistance options to the drayage truckers.

- Cascade Sierra Solutions to provide reconditioned trucks through long term, low-interest loan and lease programs.
- **Form** partnerships with institutions with **ShoreBank Enterprise Cascadia** to provide lower interest, longer term financing options (**micro-financing**).
- Work with truck manufacturers (Paccar, International, Freightliner, etc.) to provide **preferential** pricing and long **term**, low interest loans for Port program participants
- Work with financial and agency **partners** to develop a **grant program/assistance** to new or struggling truckers after program becomes mandatory.

Port **financial** incentives will expire on **1Y 31/2010** when the **program** becomes **mandatory**. Effective 1/1/11, port **drayage companies/drivers** doing business at Port terminals **will** be expected to meet compliance requirements at their own expense.

### **Truck Ban to Begin 12/31/2010**

Unless the **state** implements an equitable, state-wide regulation of in-use emission standards for all heavy-duty diesel trucks, the Port will ban **non-compliant** trucks from operating on marine **terminals** under RCW 53.08.220. All trucks must be registered with **eModal** and have an **RFID tag** to **determine** compliance status when doing business at Port terminals.

### **RCW 53.08.220:**

A port district may formulate all needful regulations for the use by tenants, ...licensees, invitees, suppliers, ...shippers, business visitors, and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment, or repeal of such regulations as part of the ordinances of the city or town in which such properties or **facilities** are situated...

**From:** [Styrk, Linda](#)  
**To:** [Wolf, Christine](#)  
**Bcc:** [Wolf, Christine](#)  
**Subject:** Fw: DRAFT 2008 Driver Survey  
**Data:** Thursday, September 18, 2008 10:58:22 AM

---

FYI

**From:** Suzanne Tilley  
**To:** Styrk, Linda  
**Sent:** Thu Sep 18 11:39:12 2008  
**Subject:** Re: DRAFT 2008 Driver Survey

Hi Linda.

I just have a couple of comments on the survey. (By the way, I think it's worded very clearly.)

Our drivers record their drays one way -- from point A to point B -- rather than roundtrip because they don't have clear cut round trips. For instance, a driver will pick up a load at our Airport Way facility, take it to T46, bobtail to T18, pick up an empty and take it to our 6th & Holgate facility. So I'm not sure if it would be better to ask drivers the number of drays or the number of roundtrips.

On question #17, our drivers are paid a percentage of the dray rate, rather than by the mile. Right now, we are paying 33% for drays under 100 miles and 37% for drays 100 miles and over. I know you need an actual dollar amount so you have data for comparison, but you may get some erratic math from this question.

On question #20 about monthly truck payments, you might want to give them a space to indicate if the truck is paid off already.

I think the survey looks good and is pretty **comprehensive**.

Thanks  
Suzanne Tilley  
MacMillan-Piper, Inc.  
[stilley@macpiper.com](mailto:stilley@macpiper.com)  
206-624-5135

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

**From:** [Styrk, Linda](#)  
**To:** [stilley@macpiper.com](mailto:stilley@macpiper.com)  
**Sent:** Thursday, September 18, 2008 8:32 AM  
**Subject:** FW: DRAFT 2008 Driver Survey

Thanks for your help.

**From:** Styrk, Linda  
**Sent:** Friday, September 12, 2008 6:22 PM  
**To:** Ken Collins; 'Kent Christopher'; Dan Gatchet; [macpip@aol.com](mailto:macpip@aol.com); [bryanboehm@elltel.net](mailto:bryanboehm@elltel.net); [dhill@psi-intl.com](mailto:dhill@psi-intl.com)  
**Subject:** DRAFT 2008 Driver Survey

As you know we plan to do another driver survey to better understand our trucking community and see how things have changed since our last survey in 2006. We intend to distribute the survey during the Port hosted trucker appreciation the morning of Monday Sept 22 (Steve Queen will be communicating more on that). We will distribute surveys as drivers enter security and collect at out gate security (if completed) or provide self-addressed stamped envelope for confidential mailing back to the Port.

The questions are final now, however I wanted to request your assistance in reviewing the attached for readability:

Do you think drivers will understand the questions?

Do you think they will be able to respond to all the questions?

Are we using any terms that may be **unfamiliar/awkward** to drivers?

If there are any questions worded awkwardly, can you suggest an improvement?

Thanks alot for your support!

Linda

PS: Please do not distribute as this is a DRAFT and have not yet received FINAL blessing for POS leadership. Thanks.

**From:** [Styrk, Linda](#)  
**To:** [Grotheer, Wayne](#)  
**Bcc:** [Grotheer, Wayne](#)  
**Subject:** RE: truck plan & Coalition for Responsible Transportation  
**Date:** Friday, September 19, 2008 11:41:02 AM

---

ok

**From:** Grotheer, Wayne  
**Sent:** Friday, September 19, 2008 11:26 AM  
**To:** Styrk, Linda; Flagg, Sarah  
**Subject:** RE: truck plan & Coalition for Responsible Transportation

I agree & sorry for slow response. I will contact re interest in plan generally & for CRT interest in non-SoCal issues & leave at that for now.

Wayne

**From:** Styrk, Linda  
**Sent:** Thursday, September 18, 2008 7:47 AM  
**To:** Grotheer, Wayne; Flagg, Sarah  
**Subject:** RE: truck plan & Coalition for Responsible Transportation

Hi Wayne,

We have relationships with most the CRT members (except Southern Counties Express & Dunavant) as most are also active members with RILA, The Waterfront Coalition and attend many of the our trade events. You can certainly test interest with your contact at Home Depot, but would recommend we put together a coordinated outreach effort before soliciting MOA signatories to the broader industry group. Your thoughts?

Linda

**From:** Grotheer, Wayne  
**Sent:** Thursday, September 18, 2008 7:30 AM  
**To:** Styrk, Linda; Flagg, Sarah  
**Subject:** truck plan & Coalition for Responsible Transportation

As I think I mentioned, I met the Home Depot rep for this group at the Expeditors conference this spring. From their **website**, the group is obviously still in force for **SoCal**. I want to contact them **re** our truck plan & solicit their support and possible participation in an MOA but wanted to check w/you both first.

<http://www.responsibletrans.org/index.html>

Wayne

