



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

September 2, 2009

The Honorable James L. Oberstar, Chairman  
Transportation and Infrastructure Committee  
U.S. House of Representatives  
2165 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Oberstar:

The Bay Area Air Quality Management District (BAAQMD) is charged with reducing air pollution and protecting public health in the greater San Francisco Bay Area of California. We recognize the regional and national economic benefits of goods movement through the region's ports, particularly the Port of Oakland. However, we are concerned by the substantial levels of pollution associated with the ports. Our recent health risk assessment, done in collaboration with the California Air Resources Board, documents these risks. It concludes that West Oakland (which is adjacent to the Port) has an increased cancer risk from air toxics three times higher than the Bay Area average. This alarming elevated risk is attributable to the elevated levels of diesel exhaust from the myriad of diesel engines that move cargo into, out of, and around the area.

We have a variety of initiatives underway to cut these emissions, and have been encouraging regional partners including the Port of Oakland to undertake additional measures as well. However, we are concerned that archaic language in the Federal Aviation Administration Authorization Act (FAAAA) might potentially interfere with efforts to cut emissions.

As Congress works to reauthorize federal transportation legislation, we urge you to make changes to the FAAAA, specifically the licensed motor carrier statute therein. Currently, the outdated language seems to imply that state and local entities can regulate trucking companies for only a narrow scope of 'vehicle safety' issues. One outcome of this language is that ports may be challenged when they attempt to pass regulations or establish programs to cut emissions from the trucks that move containers out of the ports.

We urge you to create exemptions in the FAAAA for both environmental programs and for the Federal Clean Air Act. Such exemptions would simply allow the ports to institute programs needed at the local level to address their local issues, but would not require them to do so. If you have questions about our position, please contact Tom Addison of our staff (voice: 415-749-5109; email: [taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)).

Sincerely,

  
FOR  
Jack P. Broadbent  
Executive Officer/APCO

cc: Bay Area Congressional delegation  
Omar Benjamin, Port of Oakland

**ALAMEDA COUNTY**

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(Secretary)  
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Jennifer Hosterman  
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Jack P. Broadbent  
EXECUTIVE OFFICER/APCO