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July 7, 2009
Item No.: M-4(1)
MCR/lhr *[Signature]*

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 09114

**RESOLUTION ADOPTING A NATIONAL GOODS MOVEMENT
POLICY.**

WHEREAS, staff presented findings and recommendations related to a national goods movement policy as part of the Agenda Report ("Agenda Report"), dated July 21, 2009; and therefore be it

RESOLVED, that the Board of Port Commissioners hereby approves and directs the Port Attorney to prepare a resolution supporting a national goods movement policy that focuses national freight policy on funding and investment in port infrastructure tied to goods movement and that the subject resolution be based in part on the draft resolution attached to the Agenda Report; and be it

FURTHER RESOLVED, that the Board directs staff to revise the draft resolution posted with the Agenda Report to reflect changes proposed by the Executive Director and to determine the best approach for publishing these changes to the public; and be it

FURTHER RESOLVED, that the Board hereby directs the Executive Committee of the Board at its special meeting scheduled for July 30, 2009 to determine whether the revisions made to the draft resolution conform to the changes proposed by the Executive Director and changes directed by the Board in this resolution and upon such finding to confirm the adoption of the national goods movement resolution.

At the regular meeting held on July 21, 2009

Passed by the following vote:

- Ayes: Commissioners Calloway Gordon, Head, and President Uno – 4
- Excused: Commissioner Katzoff – 1
- Noes: Commissioner Batarse – 1

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 09114(a)

**RESOLUTION SUPPORTING A NATIONAL GOODS
MOVEMENT POLICY THAT FOCUSES ON FUNDING AND
INVESTMENT IN PORT INFRASTRUCTURE TIED TO
GOODS MOVEMENT.**

WHEREAS, the Port of Oakland is a major trade gateway that creates economic vitality locally, regionally, and nationally, and that generates revenues to re-invest in infrastructure, operations, and related programs for the benefit of the Port and its business and community stakeholders, and

WHEREAS, the Port of Oakland seeks to ensure that economic growth is consistent with a commitment to environmental stewardship and social responsibility so as to improve the quality of life for those working and living in and around the Port, and

WHEREAS, the Port of Oakland is committed to enhancing its market share by providing competitive prices and quality service, so that economic and other benefits may continue to accrue, and

WHEREAS, the current global recession has caused sharp declines in imports and exports resulting in ports being among the hardest hit public transportation agencies in the current recession, and

WHEREAS, foreign port infrastructure improvements and freight movement plans, specifically plans and improvements being made in Canada, Panama and Mexico, directly and significantly threaten U.S. ports' future success and competitive market share, and

WHEREAS, the current system of federal laws and regulations relating to port operations are unclear regarding the extent to which ports can adopt programs to increase and maintain operational efficiency of various maritime operations, including programs relating to port security and environmental concerns, and

WHEREAS, this system of laws includes the Federal Aviation Administration Authorization Act ("FAAAA"), which preempts any local or state regulation related to the price, route or service of any motor carrier, and

WHEREAS, the Port of Oakland has continuously taken steps to improve maritime operational efficiency and market competitiveness, while seeking to reduce environmental and other impacts of its operations on the community, and

WHEREAS, on April 7, 2009, the Board of Port Commissioners adopted the Maritime Air Quality Improvement Program and on June 16, 2009, the Board adopted the Maritime Comprehensive Truck Management Program, which together address air quality, business and operations, safety and security, and community issues associated with maritime-related or drayage trucking, and

WHEREAS, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act - A Legacy for Users ("SAFETEA-LU") is the current law that directs federal surface transportation programs, and

WHEREAS, the SAFETEA-LU Reauthorization can determine the role that the federal government can and will play in transportation programs and policies in the future, and

WHEREAS, in order to maintain international market competitiveness, ports require a dedicated federal commitment to fund and support necessary port improvements, and therefore be it

RESOLVED, that the Board hereby finds and determines that it is in the best interest of the Port of Oakland to encourage development of a National Goods Movement Policy that focuses on funding and investment in port infrastructure tied to goods movement, and be it

FURTHER RESOLVED, that the Board encourages the members of the United States Congress to use the SAFETEA-LU Reauthorization to consider amendment of the FAAAA to expand the exceptions to FAAAA preemption to include environmental, security and congestion programs, and be it

FURTHER RESOLVED, that the Board is committed to the Port of Oakland's important goals of preserving competition, providing quality service to its customers at a price and service level commensurate with that of other U.S. ports, and serving as an environmental and community steward, and be it

FURTHER RESOLVED, that the Board hereby supports and encourages adoption of such a National Goods Movement Policy by the federal government.

At the regular meeting held on July 21, 2009

Passed by the following vote:

Ayes: Commissioners Calloway Gordon, Head, and President Uno – 4

Excused: Commissioner Katzoff – 1

Noes: Commissioner Batarse – 1