

AMENDED IN SENATE APRIL 30, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 632

Introduced by Senator Lowenthal

February 27, 2009

An act to amend and renumber Section 1760 of, to add a heading to Chapter 1 (commencing with Section 1720) of, and to add Chapter 2 (commencing with Section 1740) to, Part 2 of Division 6 of, the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

SB 632, as amended, Lowenthal. Ports: congestion relief: air pollution mitigation.

(1) Existing law regulates the operation of ports and harbors.

This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo, reduce congestion impacts associated with the movement of cargo, and reduce pollution associated with the movement of that cargo.

The bill would require each port to provide this assessment to the Legislature by July 1, 2010, and to include in the assessment the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for implementation.

By imposing these additional duties upon the ports, this bill would establish a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 1 (commencing with
 2 Section 1720) is added to Part 2 of Division 6 of the Harbors and
 3 Navigation Code, immediately preceding Section 1720, to read:

4
 5 CHAPTER 1. PORT FACILITY CONSTRUCTION
 6

7 SEC. 2. Chapter 2 (commencing with Section 1740) is added
 8 to Part 2 of Division 6 of the Harbors and Navigation Code, to
 9 read:

10
 11 CHAPTER 2. PORT CONGESTION RELIEF AND PORT MITIGATION
 12 RELIEF
 13

14 1740. The Legislature hereby finds and declares all of the
 15 following:

16 (a) The Ports of Long Beach, Los Angeles, and Oakland operate
 17 in unique communities, environments, and markets that require
 18 infrastructure improvements and air pollution reduction measures
 19 tailored to the nature and degree of need in each port of each
 20 community.

21 (b) There is a need to mitigate the enormous burden imposed
 22 on the highway transportation system serving the Ports of Long
 23 Beach, Los Angeles, and Oakland by the overland movement of
 24 container cargo shipped to and from those ports.

25 (c) The operations at the ports, including the movement of
 26 locomotives, ships, and trucks that move cargo containers to and
 27 from the ports, cause air pollution that requires mitigation. This
 28 pollution contributes to the thousands of premature deaths and
 29 billions of dollars of health costs each year attributable to goods
 30 movement pollution in California.

31 1750. (a) Beginning January 1, 2010, the Port of Long Beach
 32 shall assess its infrastructure and air quality improvement needs.

1 (b) The port, when assessing infrastructure projects, shall consult
2 with the Southern California Association of Governments on
3 projects that improve the efficiency of cargo movement and reduce
4 congestion impacts associated with the movement of cargo to and
5 from the port through the southern California region. The port
6 shall identify any project lists, such as the Goods Movement Action
7 Plan, and provide any updated information for the projects on those
8 lists. In the assessment, the port, at a minimum, shall identify the
9 ~~project~~ *projects*, funding source or possible funding source, and
10 estimated timelines for completion.

11 (c) The port, when assessing air quality projects, shall consult
12 with the South Coast Air Quality Management District on projects
13 that reduce pollution associated with the movement of cargo to
14 and from the port through the southern California region, including,
15 but not limited to, projects that reduce pollution from trucks, cargo
16 handling equipment, locomotives, and ships that move cargo within
17 and to and from the port. The port shall identify any project lists,
18 such as the Goods Movement Emission Reduction Plan or the San
19 Pedro Bay Clean Air Action Plan, and provide updated information
20 for the projects on those lists, where feasible. In the assessment,
21 the port, at a minimum, shall identify the ~~project~~ *projects*, funding
22 source or possible funding source, and estimated timelines for
23 implementation. ~~On~~

24 (d) *On* or before July 1, 2010, the port shall provide this
25 assessment to the Legislature and shall include, but not be limited
26 to, an assessment of total costs, including updating cost estimates
27 from previous reports or project lists, for the infrastructure and air
28 quality improvements, as well as identifying funding for projects
29 that may have a source of funding and identifying possible funding
30 options for projects without a funding source.

31 1760. (a) Beginning January 1, 2010, the Port of Los Angeles
32 shall assess its infrastructure and air quality improvement needs.

33 (b) The port, when assessing infrastructure projects, shall consult
34 with the Southern California Association of Governments on
35 projects that improve the efficiency of cargo movement and reduce
36 congestion impacts associated with the movement of cargo to and
37 from the port through the southern California region. The port
38 shall identify any project lists, such as the Goods Movement Action
39 Plan, and provide any updated information for the projects on those
40 lists. In the assessment, the port, at a minimum, shall identify the

1 ~~project projects~~, funding source or possible funding source, and
2 estimated timelines for completion.

3 (c) The port, when assessing air quality projects, shall consult
4 with the South Coast Air Quality Management District on projects
5 that reduce pollution associated with the movement of cargo to
6 and from the port through the southern California region, including,
7 but not limited to, projects that reduce pollution from trucks, cargo
8 handling equipment, locomotives, and ships that move cargo within
9 and to and from the port. The port shall identify any project lists,
10 such as the Goods Movement Emission Reduction Plan or the San
11 Pedro Bay Clean Air Action Plan, and provide updated information
12 for the projects on those lists, where feasible. In the assessment,
13 the port, at a minimum, shall identify the ~~project projects~~, funding
14 source or possible funding source, and estimated timelines for
15 implementation. ~~On~~

16 (d) ~~On~~ or before July 1, 2010, the port shall provide this
17 assessment to the Legislature and shall include, but not be limited
18 to, an assessment of total costs, including updating cost estimates
19 from previous reports or project lists, for the infrastructure and air
20 quality improvements, as well as identifying funding for projects
21 that may have a source of funding and identifying possible funding
22 options for projects without a funding source.

23 1770. (a) Beginning January 1, 2010, the Port of Oakland shall
24 assess its infrastructure and air quality improvement needs.

25 (b) The port, when assessing infrastructure projects, shall consult
26 with the Metropolitan Transportation Commission on projects that
27 improve the efficiency of cargo movement and reduce congestion
28 impacts associated with the movement of cargo to and from the
29 port through the northern California region. The port shall identify
30 any project lists, such as the Goods Movement Action Plan, and
31 provide any updated information for the projects on those lists. In
32 the assessment, the port, at a minimum, shall identify the ~~project~~
33 ~~projects~~, funding source or possible funding source, and estimated
34 timelines for completion.

35 (c) The port, when assessing air quality projects, shall consult
36 with the Bay Area Air Quality Management District on projects
37 that reduce pollution associated with the movement of cargo to
38 and from the port through the northern California region, including,
39 but not limited to, projects that reduce pollution from trucks, cargo
40 handling equipment, locomotives, and ships that move cargo within

1 and to and from the port. The port shall identify any project lists,
2 such as the Goods Movement Emission Reduction Plan, and
3 provide updated information for the projects on those lists, where
4 feasible. In the assessment, the port, at a minimum, shall identify
5 the ~~project~~ *projects*, funding source or possible funding source,
6 and estimated timelines for implementation. ~~On~~

7 (d) On or before July 1, 2010, the port shall provide this
8 assessment to the Legislature and shall include, but not be limited
9 to, an assessment of total costs, including updating cost estimates
10 from previous reports or project lists, for the infrastructure and air
11 quality improvements, as well as identifying funding for projects
12 that may have a source of funding and identifying possible funding
13 options for projects without a funding source.

14 SEC. 3. Section 1760 of the Harbors and Navigation Code is
15 amended and renumbered to read:

16 1730. (a) For purposes of this section, “council” means the
17 California Marine and Intermodal Transportation System Advisory
18 Council, a regional subunit of the Marine Transportation System
19 National Advisory Council chartered by the federal Secretary of
20 Transportation under the Federal Advisory Council Act (Public
21 Law 92-463).

22 (b) The council is requested to do all of the following:

23 (1) Meet, hold public hearings, and compile data on issues that
24 include, but need not be limited to, all of the following:

25 (A) The projected growth of each maritime port in the state.

26 (B) The costs and benefits of developing a coordinated state
27 program to obtain federal funding for maritime port growth,
28 security, and congestion relief.

29 (C) Impacts of maritime port growth on the state’s transportation
30 system.

31 (D) Air pollution caused by movement of goods through the
32 state’s maritime ports, and proposed methods of mitigating or
33 alleviating that pollution.

34 (E) Maritime port security, including, but not limited to, training,
35 readiness, certification of port personnel, exercise planning and
36 conduct, and critical marine transportation system infrastructure
37 protection.

38 (F) A statewide plan for continuing operation of maritime ports
39 in cooperation with the United States Coast Guard, the federal
40 Department of Homeland Security, the California Emergency

1 Management Agency, and the California National Guard, consistent
2 with the state's emergency management system and the national
3 emergency management system, in the event of a major incident
4 or disruption of port operations in one or more of the state's
5 maritime ports.

6 (G) State marine transportation policy, legislation, and planning;
7 regional infrastructure project funding; competitiveness;
8 environmental impacts; port safety and security; and any other
9 matters affecting the marine transportation system of the United
10 States within, or affecting, the state.

11 (2) Identify all state agencies that are involved with the
12 development, planning, or coordination of maritime ports in the
13 state.

14 (3) Identify other states that have a statewide port master plan
15 and determine whether that plan has assisted those states in
16 improving their maritime ports.

17 (4) Compile all information obtained pursuant to paragraphs
18 (1) to (3), inclusive, and submit its findings in a report to the
19 Legislature not later than January 1, 2006. The report should
20 include, but need not be limited to, recommendations on methods
21 to better manage the growth of maritime ports and address the
22 environmental impacts of moving goods through those ports.

23 (c) The activities of the council pursuant to this section shall
24 not be funded with appropriations from the General Fund.

25 SEC. 4. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 a local agency or school district has the authority to levy service
28 charges, fees, or assessments sufficient to pay for the program or
29 level of service mandated by this act, within the meaning of Section
30 17556 of the Government Code.