



AGENDA REPORT



TO: City Council, Honorable Mayor, and
Residents of Oakland

FROM: City Councilmember Dan Kalb
Council District 1

SUBJECT: Authorizing an MOU on Environmental
Matters Between the Port and City of
Oakland

DATE: 10/11/24

RECOMMENDATION

The City Council Adopt a Resolution Directing the City Administrator to Work with the Port of Oakland Executive Director to Formulate and Execute a Memorandum Of Understanding or Other Binding Agreement Regarding Engagement with City of Oakland Staff on Port of Oakland Air Quality, Water quality, Carbon Management, Environmental Health and Other Green Programs, Plans and Initiatives.

EXECUTIVE SUMMARY

This Resolution directs the City Administrator to negotiate a Memorandum of Understanding (MOU) with the Port of Oakland to ensure that Port staff coordinate, collaborate and engage with City of Oakland staff on environmental matters. This would include when the Port of Oakland creates new or develops or proposes amendments to any climate, air quality, truck emissions, or sustainability plans, and any other environmental plan, document, or initiatives, including ordinances, that pertain to environmental stewardship, environmental health, climate change and related operator requirements.

As it stands, the Port of Oakland is a municipal corporation managed by a Board of Port Commissioners who are nominated and appointed by the Mayor of Oakland. This system was created by the City of Oakland Charter Article VII "To promote and more definitely insure the comprehensive and adequate development of the Port of Oakland through continuity of control, management and operation, there is hereby established a department of the City of Oakland known as the "Port Department." The Port of Oakland currently stands as the 8th busiest port in the United States.

Under the system the Port Commissioners can pass resolutions and ordinances over matters and land that pertain to the Port of Oakland. This includes environmental matters that the Port has taken many actions on such as the Port of Oakland Environmental Ordinance, Maritime Air Quality Improvement Plan, port sustainability policy, renewable energy resource procurement plan, Seaport Air Quality and Beyond Plan, MOU with the Port of Long Beach for net zero

emissions freight facilities, Clean Trucks Program and Truck Management Plan, The Clean Water Program, habitat restoration, and park development.

As we know, no one entity can solve climate change by themselves, and it takes cooperation and collaboration regionally to have the most positive impact. As the Port and the City of Oakland are aligned in their environmental goals and share responsibility to protect the nearby communities most impacted by the environmental impacts of living near a Port, it is crucial to collaborate on matters that directly impact the health of Oakland residents. That is why we bring this Resolution forward, to ensure both entities engage and cooperate in a timely fashion to help alleviate these challenges.

BACKGROUND / LEGISLATIVE HISTORY

The Port of Oakland (the Port) is a municipal corporation, acting by and through its Board of Port Commissioners who are appointed by the Mayor of Oakland. As a result, the Port is an independent department of the City of Oakland. The Port has exclusive control and management of all Port facilities and properties. Port facilities and properties consist of marine terminals, a railway intermodal terminal, and container storage areas (the Seaport); the Oakland International Airport (the Airport); and commercial and industrial land and properties and other recreational land, other land, undeveloped land, and water areas, all located in Oakland, CA. The Port issues Purchase Orders under the name “Port of Oakland.”

The Port of Oakland, as a department of the City of Oakland, serves as a critical gateway connecting Northern California to global markets, overseeing the Oakland seaport, San Francisco Bay Oakland International Airport, and nearly 20 miles of waterfront property. Established in 1927, the Port supports approximately 84,100 jobs in the region and over 1 million jobs across the United State.¹

The Port of Oakland, a vital department of the City of Oakland, serves as a critical gateway connecting Northern California to global markets. Established in 1927, the Port manages three primary sectors: Aviation, Maritime, and Commercial Real Estate (CRE). The Oakland seaport ranks among the ten busiest container ports in the U.S. and plays a critical role in the local economy, generating approximately 98,345 jobs in the region and supporting over 1 million jobs.²

The Port faces many environmental challenges that come with maritime commerce as well as commercial aviation, including air quality, water quality, needed emissions reductions and more. The Port has taken steps to address these issues impacts, and recent initiatives have focused on transitioning over time to zero-emission operations, investing in electric vehicle infrastructure, and improving air quality through comprehensive sustainability programs.³

¹ <https://www.portofoakland.com/about/>

² <https://www.portofoakland.com/business/economic-impact-report/>

³ <https://www.portofoakland.com/environment/environmental-stewardship/>

These environmental challenges are those that the City of Oakland is also working to address and are those that do effect residents in the City of Oakland too. Oakland’s Equitable Climate Action Plan (ECAP) lays out Oakland’s Climate goals. These priorities include reducing greenhouse gas emissions in the City of Oakland, reducing material consumption waste and focusing on carbon removal.⁴

POLICY ANALYSIS

Oakland’s ECAP is focused on climate justice and climate equity in our frontline communities. The Port of Oakland, major freeways, and other manufacturing facilities are disproportionately distributed throughout West Oakland, contributing to the greater particulate matter (PM pollution in the city). West Oakland is one of the many cities that are at a disadvantage, and this partnership legislation helps support the argument that the City of Oakland’s support and intervention is needed to regulate the amount of air pollution emissions in most concentrated areas, especially those that are already susceptible to poor respiratory and cardiovascular health outcomes.

Figure 1: PM 2.5 exposure by race in the City of Oakland⁵

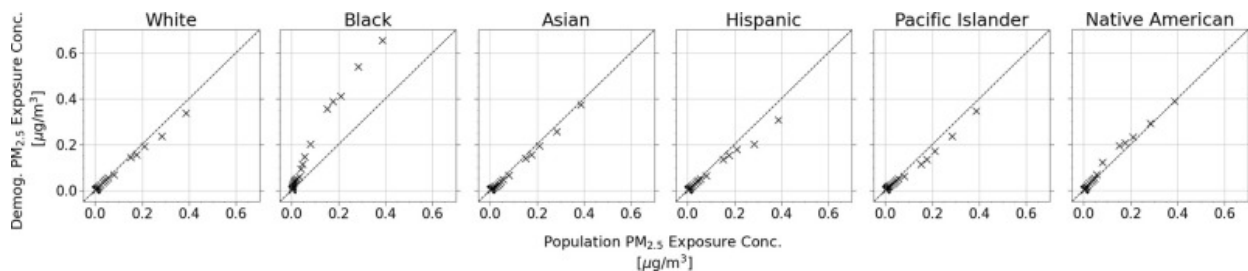


Figure 2: PM 2.5 exposure by income quintile

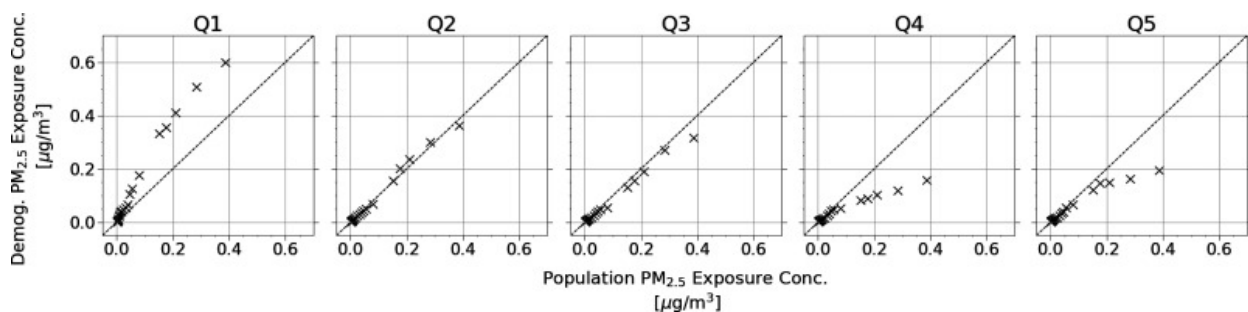


Figure 1 and 2 above, from a study on air quality from the Port of Oakland that states “The extreme exposure disparities faced by the Black population and low-income groups due to the emission sources from the Port of Oakland highlight the importance of developing air quality

⁴ <https://www.oaklandca.gov/documents/oakland-2030-equitable-climate-action-plan-final-draft-july-2020>

⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC11097628/>

planning and mitigation efforts for specific communities.”⁶ Through their policy positions, the City of Oakland and the Port of Oakland both have recognized their responsibility to mitigate the environmental impacts from the activities in the City of Oakland and have taken steps separately to address these issues.

Addressing these issues is challenging and needs to be all encompassing. According to the California Air Resources Board Diesel Particulate Matter Health Risk Assessment for the West Oakland Community “The West Oakland community is exposed to diesel PM ambient concentrations that are almost three times the average background diesel PM ambient concentrations in the Bay Area Air Quality Management District (BAAQMD).” This is of great concern to CARB, the City of Oakland, and the Port.

The Port as stated has made many plans to address the environmental issues caused by maritime commerce across the world. However, it is an incredibly complex problem, and CARB goes on to state “achieving emission reductions from the myriad of diesel PM emission sources is a challenging task and success depends on collective and innovative efforts at the community, local, State, federal and international levels. It is not possible to meet this challenge alone. There also isn’t one approach that can be used to reduce emissions from the ships, locomotives, trucks, and other diesel-fueled vehicles and equipment.”⁷ The purpose of the proposed resolution would be to ensure the City of Oakland and the Port of Oakland collaborate and engage with each other on environmental matters that effect many of our most disadvantaged communities in Oakland. The Port engages with entities at all levels of government and business, and this legislation gives us the opportunity to deepen the interaction and connection between the Port and the City of Oakland to make sure initiatives of environmental concern are coordinated between both entities.

In fact, it is a stated goal in Oakland’s ECAP to partner with the Port on these issues. Oakland’s ECAP states “Through combined advocacy with State and Federal agencies, the City and Port can work together to pilot new low-carbon technologies, secure grant funding for building out clean energy infrastructure, and better understand the pathways for protecting the communities that have the greatest exposure to Port activities. Collaborative investments in green infrastructure and adaptation strategies can enhance community partnerships, while protecting families and ensuring the ongoing economic viability of Port operations.”⁸

This legislation would make sure the Port and City will achieve this by ensuring that when the Port of Oakland creates new or develops or proposes amendments to any climate, air quality, truck emissions, sustainability plans, and any other environmental plan, document or initiatives, including ordinances, that pertain to environmental stewardship, environmental health, climate change and related operator requirement, they coordinate in a timely manner with the relevant city staff who work on the same issue area.

⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC11097628/>

⁷ https://ww2.arb.ca.gov/sites/default/files/classic/ch/communities/ra/westoakland/documents/westoakland_report.pdf

⁸ <https://www.oaklandca.gov/documents/oakland-2030-equitable-climate-action-plan-final-draft-july-2020>

COORDINATION

Implementing this resolution will need coordination and cooperation with the Port of Oakland management to enter into negotiations with the City of Oakland to officially come to terms on an MOU between the two entities. Once we have passed this resolution, the Port of Oakland Commissioners may decide to pass a similar resolution to direct their Executive Director to enter MOU negotiations as well.

SUSTAINABLE OPPORTUNITIES

Environmental: This resolution is aimed at building upon and expanding cooperation and timely collaboration to address environmental impacts of Port activities in Oakland.

Race & Equity: This resolution is aimed at protecting underserved communities in West and East Oakland who bear the brunt of emissions and environmental impacts from operations of the port and airport facilities. Enacting this MOU will help coordinate efforts of the City and the Port to address those impacts in the communities near the port and airport.

ACTION REQUESTED OF THE CITY COUNCIL

Councilmember Pro Tempore Kalb Recommends That The City Council:

ADOPT A RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO WORK WITH THE PORT OF OAKLAND EXECUTIVE DIRECTOR TO FORMULATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING OR OTHER BINDING AGREEMENT REGARDING ENGAGEMENT WITH CITY OF OAKLAND STAFF ON PORT OF OAKLAND AIR QUALITY, WATER QUALITY, CARBON MANAGEMENT, ENVIRONMENTAL HEALTH AND OTHER GREEN PROGRAMS, PLANS AND INITIATIVES.

For questions regarding this report, please contact Matthew Malsin, Policy Advisor, at 510-238-7001 or mmalsin@oaklandca.gov.

Respectfully submitted,



Councilmember Dan Kalb
District 1

Prepared by:

Honorable Mayor & City Council

Subject: Resolution to Create an MOU Between the Port and City of Oakland

Date: 10/11/2024

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