

October 28, 2009

Hon. Barbara Boxer  
112 Hart Building  
Washington, D.C. 20510

Hon. John F. Kerry  
218 Russell Building  
Washington, D.C. 20510

Dear Senators Boxer and Kerry:

We are writing in our capacities as leaders of America's national freight system to thank you for your efforts to support our work to reduce, prevent, and mitigate goods movement-related environmental impact, and to provide recommendations as you move forward with the *Clean Energy Jobs and American Power Act*.

America's ports and associated system of trade corridors are vital to the nation's economic health and essential for its economic recovery. America's deep-draft ports move 99% of U.S. overseas trade by volume and 64% by value. America's ports are often some of the largest employers and job generators in their respective regions, with average salaries well above the nation's average. They are often also part of a nationally-important freight and logistics system that has a disproportionate environmental impact on vulnerable communities in urban and rural areas throughout the country.

To keep America competitive, we have made and must continue to make significant investments in freight infrastructure to facilitate the efficient movement of goods and to compete with alternative international gateways. We also have made and must continue to take steps to "green" our trade corridors by identifying low and zero-emission fuels to move goods whether by ship, truck, rail, or yet-to-be invented methods; move freight more efficiently reducing congestion and emissions; and, ultimately, to electrify freight movement and power it with renewable energy.

Based on the experience of the "green" pioneers within the logistics system, we would like to offer our experience, support, and the following specific legislative recommendations for your consideration as the legislation goes forward so that it provides a vehicle for furthering efforts to "green" America's national freight system, including port gateways and trade corridors:

**Recommendations:**

1. Acknowledge in legislative provisions throughout the bill, the impact of freight movement on carbon emissions, and the positive impact that implementation of freight and port-related zero emission and other "transformational technologies," along with operating improvements, can have on reducing GHG. (Example: *Part C-Transportation Emissions, Section 831. Greenhouse Gas Emission Reductions Through Transportation Efficiency*)
2. Acknowledge the special role of ports by including public port authorities in applicable portions of the bill:

By designating public port authorities as eligible grantees for various programs. (Examples: *Sec. 113: Transportation Greenhouse Gas Emission Reduction Program Grants, and Sec. 114: SmartWay Transportation Efficiency Program.*)

By designating public port authorities in applicable “consultative processes” contained in various sections of the bill. (Example: *SmartWay Transport Freight Partnership*. Port authorities should be included, along with designated “shippers and carriers” as part of the “Partnership” program to be administered by the Environmental Protection Agency.)

By designating public port authorities with a direct role in the development of new “models, emission reduction targets/strategies, and scenario analysis” as outlined in the legislation.

3. Include as eligible projects and programs the following freight and port related “transformational technology” improvements: (1) alternative and renewable fuel marine vessels, yard vehicles, rail equipment, and on-road heavy-duty freight vehicles; (2) shore-side power infrastructure; and (3) additional clean goods movement technology advancement projects and programs. (Example: *Sec. 114: SmartWay Transportation Efficiency Program*.)

4. In *Sec. 156: Economic Development Climate Change Fund*, include the following in the definition of eligible projects: “to promote freight mobility infrastructure that reduces greenhouse gas emissions, increases efficiency, and enhances competitiveness” and designate a specific amount for “freight mobility projects.”

5. In *Title II: Program Allocation, Section 201: Investment in Clean Vehicle Technology*: amend the language to state that the Secretary “shall accord priority to projects in areas that are gateways for high volumes of international and national freight transport and require substantial criteria pollutant emission reductions in order to attain national ambient air quality standards.” (Identical to language used in *Title I, Sec. 114*.)

6. Establish a “Green Ports Climate Change Allocation Fund” with proposed “auction proceeds” to be deposited in the Fund and to be administered by the Secretary of Transportation in consultation with the Administrator, Environmental Protection Agency, and include language as in *Title I, Sec. 114*, cited above. (Note: This proposed section is similar to *Title II, Program Allocations, page 923, Section 215: Investment in Greenhouse Gas Reductions from the Transportation Sector*.)

The nation’s ports are already in the forefront in confronting the challenges of reducing pollution and greenhouse gases while making the infrastructure investments that will sustain U.S. economic growth into the future. Our unique role in the nation’s economic engine assures that we will be on the front lines as transformational technologies and environmental policies are implemented. We stand ready to work with you and others in Congress as you move forward with this important legislation.

Sincerely,