

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE 4112**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 AND  
APPROVING THE AMENDMENT OF TARIFF 2A ESTABLISHING  
THE GENERAL RULES RELATING TO THE MARITIME  
COMPREHENSIVE TRUCK MANAGEMENT PROGRAM.**

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**BE IT ORDAINED** by the Board of Port Commissioners (the "Board")  
of the City of Oakland as follows:

**Section 1.** Section 1 of Port Ordinance No. 2833, as amended, is  
hereby amended as follows:

(a) The following Section 02400 is added to Port Tariff 2A, as  
follows:

**Section No. 02400  
General Rules Relating to the Maritime Comprehensive Truck Management  
Plan (CTMP)**

**(a) Purpose and Coverage**

The following tariff provision will implement the Port of Oakland's  
Maritime Comprehensive Truck Management Plan (CTMP) Port Registry  
component. The following tariff provision also contains the Port's  
requirements for support of compliance with the California Air Resources  
Board drayage truck regulation. This tariff provision applies to all  
Seaport facilities. This section applies to on-road heavy duty diesel  
drayage trucks transporting waterborne cargo to, from or within the Port  
of Oakland Seaport.

**(b) Definitions**

For purposes of this section, the definitions contained in Title 13 of  
the California Code of Regulations section 2027 and the California Health  
and Safety Code §§39010-60 apply except to the extent that such  
definitions may be modified by the following definitions that apply  
specifically to this section. All references to "Code" refer to the  
applicable California Code unless specified otherwise.

"CARB" means the California Air Resources Board.

"CARB Drayage Truck Regulation" refers to Title 13 of the California Code of Regulations section 2027.

"CTMP" means the Maritime Comprehensive Truck Management Program, adopted by the Oakland Board of Port Commissioners on June 16, 2009.

"Drayage Truck" means any in-use on-road diesel-fueled heavy-duty truck with a gross vehicle weight rating (GVWR) more than 33,000 pounds used to transport waterborne cargo, empty containers, empty chassis, or other equipment used to transport waterborne cargo to or from or within Seaport facilities. This definition excludes yard trucks/hostlers and military vehicles.

For additional information, please consult Title 13 of the California Code of Regulations section 2027.

"LMC" or "Licensed Motor Carrier" means a trucking company that hires or contracts with drivers and that dispatches those drivers and drayage trucks to transport waterborne cargo to or from Seaport facilities. Such companies are typically distinguished by possession of an interchange agreement with the owner of the container/chassis equipment.

"Marine Terminal" means a facility on Port property with water access used for the transfer of cargo from one mode to another, including container terminals, break-bulk terminals, and dry-bulk terminals.

"Marine Terminal Operator" means an entity with contractual authority from the Port of Oakland to operate or with preferential access to a Marine Terminal.

"Seaport Facility" includes Marine Terminals, rail yard, and other facilities where drayage trucks operate in the Port of Oakland Seaport. For the purposes of this section, this definition does not include any railyard located off Port property, truck parking or maintenance facilities.

"Seaport Facility Operator" means an entity that operates and maintains a Seaport Facility on Port property.

"STEP Agreement" means the Secure Truck Enrollment Program Agreement that each LMC that dispatches drayage trucks that transport waterborne cargo to or from Seaport Facilities must submit annually.

### (c) Port Registry

#### 1. Overview

The Oakland Board of Port Commissioners adopted the Maritime Comprehensive Truck Management Program ("CTMP") on June 16, 2009. One

core component of the CTMP is the Port Registry, a component designed to increase the Port's maritime security operations and domain awareness. The Port Registry has two elements: the STEP Agreement and the Port Registry database. The Port Registry is for security, domain-awareness purposes and is separate from and independent of the CARB requirements and regulations and the Port's truck ban as described in section (d).

## 2. Implementation Timeline and Applicable Deadlines

Phase 1: October 1, 2009 - January 1, 2010

- LMCs are required to execute a STEP Agreement with the Port of Oakland. [Note: LMCs new to the Port after January 1, 2010 must immediately execute the STEP Agreement.]
- No specific action is required by Seaport Facility Operators under the Port Registry during this time period.

Phase 2: January 1, 2010 - April 1, 2010

- LMCs are required to enter information into a Port Registry database during this time period.
- The Port will issue STEP registration labels and certificates to registered LMCs.
- Seaport Facility Operators should develop plans for fulfilling their responsibilities in implementing the Port Registry.

Phase 3: April 1, 2010 - June 1, 2010

- All Seaport Facility Operators should determine how they will address Port Registry compliance, and how they will handle non-STEP registered trucks.
- Seaport Facility Operators must submit their plans for fulfilling their responsibilities for implementing the Port Registry to the Port's Chief Wharfinger by April 15, 2010.

Phase 3A: Effective June 1, 2010

- All Drayage Trucks seeking to enter a Seaport Facility will be required to demonstrate proof of STEP registration.
- The Seaport Facility Operator can verify STEP compliance by visual observation of an affixed STEP registration label, inspection of a STEP registration certificate for the truck or other evidence that, in the judgment of the Seaport Facility Operator, adequately demonstrates STEP registration.
- Drayage Trucks that are not able to demonstrate STEP registration may be either turned away or directed to the Port's Customer Service Center by the Seaport Facility Operator. At the Customer Service Center, the Port may issue a date and time-stamped Temporary STEP Pass to enable the truck to enter the Seaport Facility. Seaport Facility Operators shall permit a Drayage Truck with a Temporary STEP Pass to enter the Seaport Facility only on the date of issue of the Temporary STEP Pass. [Note: No more than 10 Temporary STEP Passes for any one driver and truck will be issued in any given calendar year, pro-rated

to 5 Temporary STEP Passes for the period June 1, 2010 through December 31, 2010.]

If a Seaport Facility Operator permits Drayage Trucks that cannot demonstrate STEP registration to enter the Seaport Facility between June 1, 2010 and December 31, 2010, the Seaport Facility Operator shall compile the following information in a "Non-STEP Registered Truck Log":

- Truck Entry Date and Time;
- Business and Contact Name of Dispatching Motor Carrier;
- Bill of Lading or Tracking Number;
- Truck operator's name and license number; and
- Truck's license plate number, state of issuance and vehicle identification number (VIN)

The Log must be continuously updated and provided to the Port's Chief Wharfinger within seven (7) business days of the end of the reporting periods ending August 31, 2010, and December 31, 2010.

**Phase 4: Effective January 1, 2011**

- No Marine Terminal Operator shall permit a Drayage Truck that is not STEP-registered to enter a Marine Terminal. Proof of STEP registration will be by the same means as in Phase 3A. All trucks that are turned away may be directed to the Port's Customer Service Center.
- All other Seaport Facility Operators may either turn away or grant entry to non-STEP registered trucks. If a truck is granted entry, the Seaport Facility Operator must record and report information in the Non-STEP-Registered Truck Log and report this information to the Port on a quarterly basis, specifically within seven (7) business days of the end of the months of March, June, September and December. All trucks that are turned away may be directed to the Port's Customer Service Center.

**(d) Drayage Truck Ban**

**January 1, 2010-Drayage Truck Deadline**

Consistent with and in support of CARB regulation, beginning January 1, 2010, at 12:01 a.m., Seaport Facility operators shall permit access into Seaport Facilities in the Port of Oakland only to a Drayage Truck that is compliant with the CARB regulation, as follows, unless the Drayage Truck has been exempted, or issued a waiver or extension by CARB, or issued a Port Temporary Non-Compliance Pass:

- (i) a 1994 - 2003 model year engine certified to California or federal emission standards, and a level 3 Verified Diesel Emission Control Strategy ("VDECS") for PM emissions; or

(ii) a 2004 or newer model year engine certified to California or federal emission standards; or

(iii) a 1994 or newer model year engine that meets or exceeds 2007 model year California or federal emissions standards.

**(e) Implementation of Drayage Truck Ban**

Permissible Entry of Drayage Trucks on Seaport Facilities

From January 1, 2010 to December 31, 2010, any Drayage Truck turned away from a Seaport Facility pursuant to this subsection may be directed to the Port's Customer Service Center for assistance during normal business hours. After submission of required information by the Drayage Truck owner, the Port may issue a Temporary Non-Compliance Pass so that this Drayage Truck may enter the Seaport Facility. No more than one (1) Temporary Non-Compliance Pass for any one truck will be issued.

A Seaport Facility may permit entry of a Drayage Truck subject to the Truck Ban only in compliance with an Enforcement Plan which has been previously approved by the Port. Enforcement Plans are effective thirty (30) days after submission to the Port unless rejected by the Port prior to the expiration of the 30-day period. In addition, the Port may request further information or modification to an Enforcement Plan.

Enforcement Plan Submission

All Seaport Facility Operators shall develop an Enforcement Plan for compliance with the reporting requirements of the CARB Regulation 13 CCR §2027 as it applies to that Seaport Facility's operations at the Port of Oakland Seaport. The Seaport Facility Operator shall submit the plan to the Port of Oakland's Chief Wharfinger on or before November 16, 2009. The Enforcement Plan will describe the Seaport Facility Operator's procedure for determining whether a Drayage Truck is in compliance with the drayage truck ban. Such procedures may include visual observation of a CARB Compliance Label, presentation of proof of compliance, waiver, exemption or extension from CARB, or presentation of a Port-issued Temporary Non-Compliance Pass. The Enforcement Plan will also describe the steps to move Drayage Trucks through gates so as to avoid truck idling. Such plan shall require the Seaport Facility Operator to collect the following information for each Drayage Truck that cannot demonstrate that it is CARB-compliant, subject to a CARB waiver or CARB extension, or exempt, and that the Seaport Facility Operator permits to enter any Seaport Facility.

- (i) Dispatching motor carrier:
  - a. business name of dispatching motor carrier;
  - b. contact person's name;
  - c. street address, state, zip code of the dispatching motor carrier;

- d. phone number of the dispatching motor carrier;  
and
- e. bill of lading or tracking number.

(ii) Drayage truck:

- a. entry date and time;
- b. registered owner's (or lessee's) name;
- c. operator's name;
- d. operator's license number;
- e. drayage truck's license plate number and state of issuance; and
- f. drayage truck's vehicle identification number (VIN).

All information collected shall be kept for a period of not less than five (5) years from the truck entry date and is to be made available to enforcement personnel of CARB or CARB Designees within seventy-two (72) hours of an official written or oral request.

Such information shall be reported to the Port's Chief Wharfinger quarterly, specifically within seven (7) business days of the end of the months of March, June, September and December.

Non-Covered Vehicles: Vehicles that are not within the definition of Drayage Truck as set forth are not subject to the Enforcement Plan. This includes Authorized Emergency Vehicles, Dedicated Use Vehicles, LNG-Fueled Trucks, Military Tactical Support Vehicles and Yard Trucks. The CARB Drayage Truck Regulation (Title 13 of California Code of Regulations Section 2027) provides a complete list of non-covered vehicles.

Circumstances for Exempting Drayage Trucks from the Truck Ban: The Seaport Facility Operator may, but is not required to, accommodate Drayage Trucks that are not compliant with the CARB regulation where the cargo is overweight or over-dimension, requiring special permits or routes. The information required by the CARB Regulation shall be recorded for Drayage Trucks granted entry under one of these circumstances, and provided to the Port of Oakland's Chief Wharfinger quarterly as set forth above.

Adjustment of CARB Regulatory Deadline: The Seaport Facility Operator may accommodate deliveries by Drayage Trucks until the effective date of the applicable extended CARB deadline if CARB delays implementation of the January 2010 regulatory deadline past January 1, 2010 and the Port notifies the Seaport Facility Operator within twenty (20) business days of the applicable deadline.

**Section 2.** The Board hereby finds and determines that the proposed amendment is categorically exempt from requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061 [b][3], which applies only to projects which have the potential for causing a significant effect upon the environment. Where it can be seen

with certainty that there is no possibility that the activity in question may have a significant effect upon the environment, the activity is not subject to CEQA. It can be seen with certainty that there is no possibility that adopting an ordinance to amend Port Tariff 2A to incorporate the requirements of the CTMP Port Registry component and a truck ban consistent with the January 2010 California Air Resources Board regulatory deadline would have a significant effect on the environment. Therefore, this activity is not subject to CEQA.

**Section 3.** If any section, subsection, item, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Port Commissioners of the City of Oakland hereby declares that it would have passed this ordinance, and each section, subsection, item, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, items, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4.** This ordinance shall take effect October 20, 2009.


The Board of Port Commissioners, Oakland, California, October 6, 2009. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, and President Uno - 5. Excused: Commissioners Batarse and Head - 2. Noes: None.

John T. Betterton  
Secretary of the Board


Adopted at a regular meeting held October 20, 2009  
by the following vote:

Ayes: Commissioners Batarse, Gonzales, Gordon, Head,  
Katzoff, and President Uno - 6  
Excused: Commissioners, Calloway - 1  
Noes: None

  
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President.

Attest:   
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Secretary.

Approved as to form and legality:

  
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for Port Attorney