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Comments on Draft Environmental Assessment for the Proposed Modification of the Bayonne Bridge Across the Kill Van Kull Between Bayonne, Hudson County, NJ and Staten Island, Richmond County, NY [Docket No. USCG-2012-1091]

*Presented on February 13, 2013
USCG Environmental Process Public Meeting, Newark, NJ*

Thank you for the opportunity to provide feedback on the Draft Environmental Assessment for the Proposed Modification of the Bayonne Bridge. My name is Maya Pinto and I am a Senior Policy and Research Analyst at ALIGN, a community-labor coalition dedicated to creating good jobs, vibrant and healthy communities, and an accountable democracy for all New Yorkers. ALIGN is a member of the Coalition for Healthy Ports, an alliance of port truck drivers, environmental justice and environmental activists, faith leaders, labor unions, and community advocates fighting for environmental and economic justice at the ports and in the port communities of New York and New Jersey.

ALIGN has deep concerns about the Bayonne Bridge-raising project moving forward without a comprehensive understanding of its environmental impact, without a process that ensures transparency and accountability, and without addressing existing problems with the Port Authority's Clean Truck Program.

The Draft Environmental Assessment released by the U.S. Coast Guard, the permitting agency for the raising of the Bayonne Bridge, found that the project would cause no significant environmental impact. Another federal agency, the Environmental Protection Agency (EPA), has raised "fundamental concerns" with this finding, citing likely short- and long-term environmental impacts of the project in comments submitted to the Coast Guard in December 2012.¹

The EPA stated that the Staten Island North Shore environmental justice community in the immediate vicinity of the bridge would be "particularly" impacted by noise and air pollution related to bridge construction. The EPA declared the following about long-term environmental impacts related to shifting patterns of cargo delivery:²

"We believe that an appropriate analysis would likely reveal changes in the distribution pattern of cargo which could reasonably be expected to result in environmental impacts, particularly air quality impacts associated with increased Port activity and associated diesel truck traffic."

The diesel-related air quality impacts the EPA anticipates would pose significant health risks to port truck drivers and port communities already subject to high levels of diesel pollution. Diesel exhaust from trucks has devastating and costly health effects, including increased risk of lung cancer, nervous system impairment, stroke, chronic

¹ Environmental Protection Agency. Remarks on Draft Environmental Assessment for the Proposed Modification of the Bayonne Bridge Across the Kill Van Kull Between Bayonne, Hudson County, NJ and Staten Island, Richmond County, NY [Docket No. USCG-2012-1091]. 6 Dec 2012; Strunsky, S. "EPA questions Bayonne Bridge Environmental Assessment by Coast Guard." *The Star-Ledger*. 13 Feb 2013. Available at: http://www.nj.com/news/index.ssf/2013/02/epa_questions_bayonne_bridge_e.html.

² Id.

bronchitis, and asthma, among other ailments.³

Perhaps one of the most effective ways to mitigate the impact of the future increase in truck traffic through the ports is to implement a Clean Truck Program that allows only the cleanest trucks to service the ports. Unfortunately, the Clean Truck Program launched in 2010 by the Port Authority has failed to take many dirty diesel trucks off the road. Documents provided by the EPA reveal that the Clean Truck Program had only reached 20 percent of its goal two years after its launch. A July 2012 survey conducted by the Coalition for Healthy Ports found that just one third of the 3,000 trucks observed at five Port Authority of New York and New Jersey ports bore Clean Truck Program compliance stickers.⁴ The program has failed because of its structure; it places the onus of truck replacement on individual truck drivers, rather than on the companies they serve. Because of rampant misclassification of employees as independent contractors within the trucking industry, and an average port truck driver salary of \$29,000 per year,⁵ port truck drivers find it extremely difficult to afford to buy new, expensive trucks, even when aided by loans. The coalition calls for a redesign of the Clean Truck Program, which will require that trucking companies rather than low-income drivers bear the costs of truck replacement.

The Coalition also strongly supports two recently-introduced pieces of legislation that address the rampant practice of misclassifying truck drivers as independent contractors: The Commercial Goods Transportation Industry Fair Play Act (A9887/S6267) in New York and the Truck Operator Independent Contractor Act (A1578/S1450) in New Jersey.

The Coalition for Healthy Ports has devised a list of measures that the Port Authority can take to further reduce the negative environmental impact of the raising of the Bayonne Bridge Project, including installing, operating, and publicly releasing data from air monitors on area roadways with high levels of port truck traffic. While the Coalition will be submitting our list of recommendations with faith that the Port Authority will seriously consider them, the Environmental Assessment process offers no accountability mechanisms to ensure that our recommendations are thoughtfully deliberated. A full Environmental Impact Review would include such accountability mechanisms.

Supporting over \$37 billion in business activity and approximately 280,000 jobs,⁶ the Port Authority of New York and New Jersey is a powerful economic engine in the region. It should leverage its power to ensure that an industry vital to our regional economy operates responsibly and sustainably, causing minimal harm to workers and communities.

Indeed, the upgrading of infrastructure is a key component of both economic development and job creation strategies in our region. Done the right way, large-scale infrastructure projects such as the raising of the Bayonne Bridge could produce triple bottom line—economic, environmental, and social—benefits. Done the wrong way, these upgrades could come at great cost to local communities, workers, and the environment.

At this moment, the Coast Guard and the Port Authority face a choice:

- Do right by port truck drivers and port communities and practice due diligence by conducting a full Environmental Impact Review and issuing an Environmental Impact Statement, commit to reforming the failing Clean Truck program, and, relatedly, support legislation that will end rampant misclassification of port truck drivers as independent contractors; or
- Run roughshod over workers, communities, the EPA, and all of the members of the Coalition for Healthy Ports gathered here today, and push through a massive infrastructure project without a

³ Clean Air Task Force. "Occupational Exposure to Diesel Exhaust." 18 March 2008. Available at: http://www.catf.us/resources/factsheets/files/20080318-Occupational_Health.pdf.

⁴ ALIGN. "New York-New Jersey Coalition for Healthy Ports survey reveals high prevalence of dirty trucks at ports." 12 Sep 2013. Available at: <http://www.forworkingfamilies.org/article/new-york-new-jersey-coalition-healthy-ports-survey-reveals-high-prevalence-dirty-trucks>.

⁵ Greenhouse, S. "Clearing the Air at American Ports" *The New York Times*. 25 Feb 2010. Available at: <http://www.nytimes.com/2010/02/26/business/26ports.html?pagewanted=all>.

⁶ Port Authority of New York and New Jersey. "The Economic Impact of the New York-New Jersey Port/Maritime Industry." Oct 2011. Available at: <http://www.panynj.gov/about/pdf/port-economic-impact-2011.pdf>.

comprehensive understanding of its environmental impacts, without a process that ensures transparency and accountability, and without a commitment to fix a failing Clean Truck Program.

We hope that the Coast Guard and Port Authority will seize the opportunity to do what is right, that they will do everything in their power to ensure that port truck drivers and port communities are not forced to pay a grave price for the raising of the Bayonne Bridge.

Thank you.

