

111TH CONGRESS
1ST SESSION

H. R. 3446

To provide for a competitive program making grants to seaport governing bodies for the acquisition of fuel efficient and low-emission equipment and systems at port facilities.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for a competitive program making grants to seaport governing bodies for the acquisition of fuel efficient and low-emission equipment and systems at port facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Low-Emission
5 Authorization Nationwide (CLEAN) Ports Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) According to the United States Census Bu-
2 reau, United States ports handled \$3.95 trillion in
3 international trade for an all-encompassing range of
4 goods and services in fiscal year 2007, with nearly
5 1.4 billion tons, valued at \$1.4 trillion, in water-
6 borne imports and exports alone.

7 (2) According to the United States Census Bu-
8 reau, United States ports generated more than
9 \$23.2 billion in United States Customs duty reve-
10 nues in fiscal year 2007, representing 70 percent of
11 all Customs duties collected.

12 (3) According to the Environmental Protection
13 Agency, the transportation sector accounted for
14 about 27 percent of the total United States green-
15 house gas emissions in 2003, up from 24.8 percent
16 in 1990.

17 (4) According to the California Air Resources
18 Board's Diesel Particulate Matter Exposure Assess-
19 ment, which includes our Nation's largest port com-
20 plex, marine emissions account for 30 percent of all
21 diesel particulate matter in California.

22 (5) According to a 2009 report published in
23 Environmental Science and Technology, at least
24 2,000 to 5,000 premature deaths per year in the

1 continental United States are caused by particulate
2 pollution from oceangoing vessels.

3 (6) According to the Department of Energy,
4 transportation energy use is expected to increase 48
5 percent between 2003 and 2025, despite modest im-
6 provements in the efficiency of vehicle engines.

7 (7) According to a recent study conducted by
8 the National Oceanic and Atmospheric Administra-
9 tion, it is estimated that 0.9 teragrams, or about 2.2
10 million pounds, of particle pollution are emitted each
11 year from shipping vessels on a global basis.

12 (8) Using on-dock clean technologies such as
13 smoke stack filtration, cold ironing, and low-emis-
14 sion port vehicles can remove up to 95 percent of ni-
15 trogen oxides, sulfur oxides, and particulate matter
16 from the engines and boilers of vessels while at
17 berth.

18 (9) Using low-emission rail yard locomotives
19 can cut air emissions by up to 80 percent and re-
20 duce diesel fuel use by 16 percent compared to con-
21 ventional diesel-powered locomotives used in switch-
22 ing service.

23 (10) In the past years, the Nation's busiest
24 port complex, the Ports of Los Angeles and Long
25 Beach, have achieved major pollution reductions

1 through the implementation of clean port tech-
2 nologies. Examples include the percent of vessel calls
3 that switched to a cleaner fuel for auxiliary engines
4 at berth, 100 percent in 2007 as compared to 14
5 percent in 2005, and over 30 percent reduction in
6 particulate matter emissions in just two years. Both
7 ports are on target of cutting diesel-related particu-
8 late matter (PM) pollution by more than 47 percent,
9 sulfur oxides (SOx) by more than 52 percent, and
10 smog forming nitrogen oxide (NOx) emissions by
11 more than 45 percent within the next five years.

12 (11) It is in the national interest of the United
13 States to encourage and facilitate the acquisition
14 and use of fuel efficient and low emission tech-
15 nologies and vehicles to reduce fuel use and pollution
16 at and near ports, and enact environmentally friend-
17 ly shipping regulations such as lowering vessel
18 speeds coming into and out of ports, which mitigate
19 the environmental damage to the air quality in and
20 around America's port communities.

21 **SEC. 3. CLEAN TECHNOLOGY AND VEHICLES AT SEAPORTS.**

22 (a) COMPETITIVE GRANTS.—

23 (1) IN GENERAL.—The Secretary of Transpor-
24 tation shall develop and administer competitive

1 grants for seaport governing bodies, including har-
2 bor commissions and port authorities.

3 (2) ELIGIBILITY.—To be eligible for a grant
4 under paragraph (1), a seaport governing body
5 shall—

6 (A) demonstrate to the Secretary the need
7 for the grant;

8 (B) demonstrate how the funding will be
9 used;

10 (C) specify what environmental, air qual-
11 ity, and fuel use reduction benefits will result
12 from the project for which the funding is
13 sought; and

14 (D) specify how the programs or equip-
15 ment will work, including the amount of the
16 grant funding that would be distributed to each
17 project.

18 (3) PREFERENCE.—In awarding grants under
19 this section, the Secretary shall give preference to
20 seaport governing bodies who can demonstrate a
21 pattern of successful implementation of energy use
22 and pollution reduction activities.

23 (b) PURPOSES.—Funds made available under this
24 section may be used for the following purposes:

25 (1) MARITIME PURPOSES.—

1 (A) The purchase of low-sulfur burning
2 fuels to be used within a 40 mile radius of sea-
3 ports.

4 (B) The purchase of smokestack filtration
5 systems to be used on vessel smokestacks while
6 at berth.

7 (C) The purchase of “Cold-ironing or Ship-
8 to-Shore” electrical power equipment to plug
9 into vessels while at berth.

10 (D) The purchase of hybrid tug boats.

11 (2) ON-DOCK TRANSPORTATION.—

12 (A) The building or expansion of pre-
13 existing on-dock rail systems.

14 (B) The purchase of low-emission rail yard
15 locomotives.

16 (C) The purchase or retrofit of fuel effi-
17 cient or low-carbon emitting port vehicles such
18 as trucks, forklifts, and front-end loaders.

19 (D) The purchase of diesel-electric con-
20 tainer yard cranes.

21 (3) RESEARCH AND DEVELOPMENT.—Up to 10
22 percent of the amounts appropriated for carrying
23 out this section may be used to fund research and
24 development of fuel efficient port vehicle or vessel
25 technologies that—

1 (A) reduce carbon dioxide emissions;

2 (B) increase fuel efficiency in local port
3 fleets; and

4 (C) lead to the increased production of fuel
5 efficient or clean vehicles from the American
6 manufacturing industry.

7 (4) MONITORING EQUIPMENT.—The purchase
8 or retrofitting of preexisting air monitoring equip-
9 ment that measures the level of air pollution such as
10 sulfur dioxide, nitrogen dioxide, and carbon mon-
11 oxide in and around ports.

12 (c) FEDERAL SHARE.—The Federal share of the cost
13 of activities for which a grant is made under this section
14 shall not exceed 90 percent.

15 (d) APPLICATION FOR GRANTS.—The Secretary of
16 Transportation shall develop an application process for
17 grants under this section within 120 days after the date
18 of enactment of this Act.

19 (e) REPORT TO CONGRESS.—Not later than Decem-
20 ber 31, 2011, and annually thereafter during the term of
21 the competitive grant program, the Secretary of Transpor-
22 tation shall submit to Congress a report on applications
23 submitted, activities approved for funding, and the results
24 of the competitive grant program, including the effects of
25 the program on mitigating environmental damage.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary such
3 sums as may be necessary for carrying out this section.

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