

The Urban Ecological Contradictions of Port of Oakland Globalism

By John Gulick

1. Introduction

As the Port of Oakland enters the 21st century, it proceeds with a colossal capacity expansion plan known as “Vision 2000.” Dredging barges scoop silt washed in from tributaries of the Sacramento and San Joaquin Rivers from the bottom of the Port’s navigation channels and quayside berths. Gargantuan gantry cranes are bolted down at gleaming new marine terminals that vaguely resemble Hollywood studio sets, palm trees and all. Where a forlorn pile of graded dirt rests today, a much-desired “Joint Intermodal Terminal” (JIT) will soon be teeming with double-stack trains racing for the US Midwest. All this and more represents the Port’s decisive move toward becoming a *bona fide* intermodal container port, servicing its debts by functioning as a way station for boxed cargo that neither originates from nor is destined for the Bay Area regional market.

The Vision 2000 scheme graduated from blueprint to construction project in a disorderly, nonlinear process. The hurdles the Port had to clear were not erected by the usual foes of its capacity expansion plans, regionally-based environmental organizations dedicated to conserving the myriad ecosystems and habitats that make up the San Francisco Bay and the shoreline which rings it. The Port’s bid to have its harbor dredged to 50 feet was met with but an ineffective peep from those environmental NGOs who, in the past, had effectively protected the tidal flats, shorebirds, and aquatic life of the Bay from despoliation and death. To its surprise and dismay, the Port’s global quest was stymied, at least temporarily, not by middle-class defenders of the Port’s “*oceanside*,” but by grassroots defenders of the Port’s “*landside*” — that is, the neighborhood of West Oakland, home to more than 10,000

mostly low-income, African-American residents. The unsavory prospect of more freight trucks on West Oakland's streets and more filth in resident's lungs spawned landside hostility to the Vision 2000 scheme; this hostility eventually crystallized into opposition spearheaded by West Oakland Neighbors (WON), an urban environmental justice organization.

WON could only stall the Vision 2000 scheme, not kill it, and Port officials were not so lackadaisical about their global quest to let WON interminably stall it. Nor were Port officials so proud or so stupid not to bargain with WON; negotiation yielded an air pollution mitigation package and a "sustainable" version of the Vision 2000 scheme. Despite the fact that the Port went forward with a variant of its originally conceived capacity expansion plan, WON had gone to bat for the public health of a poor community's residents and more or less triumphed. But the following question remains: will mitigations WON leveraged from the Port unintentionally speed gentrification of West Oakland, ushering in a more affluent populace that will enjoy the cleaner air and big rig-free streets the neighborhood's current residents so desperately crave?

2. A Potted History of Slow Growth at the Port of Oakland

The Port of Oakland was the first major US West Coast port to adapt its berths, quays, and marine terminals to suit the most significant innovation in ocean shipping during the 1960s and 1970s, the containerization of freight.¹ But by the early-to-mid 1970s, other big general cargo ports on the West Coast made matching investments in sturdier wharves, gantry cranes, container-positioning equipment, and the like.² Once San Pedro Bay (Los Angeles and Long Beach) and Puget Sound (Seattle and Tacoma) ports neutralized the Port of Oakland's head start, the growth trajectories of the major regional port complexes on the West Coast diverged. In combination the San Pedro Bay ports grew more quickly than the Puget Sound ports, which in turn grew more quickly than the Port of Oakland.³ The Port's lagging performance reflected its inability to attract flows of "discretionary" freight — *i.e.*,

¹Mike McGrath and Michele Thomas, "The Rise and Fall of the Port of Oakland," *East Bay Express*, April 25, 1986, p. 11.

²Booz, Allen, and Hamilton, Inc., *Port Feasibility Report*, December 1996, p. A-73.

³Douglas K. Fleming, "On the Beaten Track: A View of US West Coast Container Port Competition," *Maritime Policy and Management*, 16, 2, 1989, pp. 93-107.

cargo shipments that merely pass through the West Coast *en route* to consignees in East Asia or US markets east of the Sierra Nevada and the Cascade Range.⁴

Multiple factors explain why uneven development between West Coast container port complexes came at the expense of the Port of Oakland. In a nutshell, the Port did not do well by the most significant innovation in long-distance sea-land shipping that succeeded (and complemented) the containerization of freight, “intermodalism.” Intermodalism involves the seamless and rapid transfer of containers from ship to railcar (and the reverse) *via* a near-dock depot, as well as the operation of very long trains bearing one container stacked upon another, enabling West Coast ports to grow quickly by linking them to distant inland markets formerly served by Gulf Coast and even East Coast ports.⁵ Intermodalism also reinforces and accentuates the trend toward the spatial concentration of container port infrastructure, a tendency rooted in the design and deployment of successively larger and larger steamships.⁶ By accelerating the pace and cheapening the cost of overland train transport, intermodalism liberates rail-bound cargo from the tyrannies of distance, allowing it to be routed through ports that feature frequent and high-volume ocean carrier service, rather than through the nearest port.⁷ In other words, intermodalism further encourages steamship lines, already under pressure to rationalize itineraries because of increasing vessel size, to visit fewer ports on any given orbit through the West Coast.

The reasons why the Port of Oakland fared so poorly in the wake of the intermodal “revolution” can be placed into two categories. The first of these two categories has to do with geographic and demographic attributes of the locales in which the Port’s rivals are situated. These attributes, which the Port’s rivals did not actively create and which the Port can do utterly nothing to negate, harmonized with the new regime of long-distance sea-land shipping: a new regime in which West Coast ports could grow quickly by specializing as conduits for discretionary freight, and one in which larger container-carrying ships and longer

⁴Moody’s Investors Service, *Port of Oakland Analysis*, March, 1999, p. 6.

⁵Herman L. Boschken, *Strategic Design and Organizational Change* (Tuscaloosa, AL: University of Alabama Press, 1988), p. 26.

⁶Alan, E. Branch, *Economics of Shipping Practice and Management* (London: Chapman and Hall, 1988).

⁷Gary Fields, Peter Hall, Larissa Muller, and Nadine Wilmot, “Ports, Trade and Regions: The Port Systems and Regional Economies of the San Francisco Bay and the San Pedro Bay,” manuscript, University of California, 1998, p. 13.

container-carrying trains converged on fewer West Coast ports. The Puget Sound ports' built-in advantage was (and still is) geographic. Namely, their sailing time to East Asia, a day shorter than that possessed by the Port of Oakland, allowed them to pick off large proportions of temporally sensitive discretionary cargo, hence enabling their fast growth.⁸ The San Pedro Bay ports' built-in advantage, by contrast, was (and still is) demographic. Namely, the incomparably vast size of the Southern California market proved an irresistible lure for ocean and rail carriers downsizing their West Coast service strings, hence preserving the status of Los Angeles and Long Beach as crucial ports of call and enabling their fast growth.⁹

Second the unfavorable policy orientation of Bay Area environmental protection and transportation planning agencies itself derived from the unique political economy and political culture of the region. The dominant bloc of capital in the Bay Area (high technology and allied sectors) did not *need* a competitive "global" seaport nearby, and hence did not press regional state agencies to make room for it, and the Bay Area's robust cluster of preservationist NGOs and environmental justice CBOs did not *want* such a seaport, and hence blocked regional state agencies from making room for it. Yet despite the fact that irresistible forces conspired to make the Port a secondary player in the sweepstakes for intermodal market share, it recently opted to blaze ahead with the huge, three-pronged Vision 2000 scheme, the success of which is predicated upon its becoming a *bona fide* intermodal port.

3. The Three Prongs of Vision 2000

The Port, despite decades of losing more and more business to its West Coast rivals, presses ahead with Vision 2000. Three primary components of this nearly \$700 million capacity expansion scheme involve dredging the harbor to a depth of 50 feet, constructing four new berths (Berths 55-58) and two new 100 acre-plus marine terminals, and building a near-dock intermodal rail facility (the Joint Intermodal Terminal, or JIT).¹⁰ For the better part of two decades, the Port was nagged by approach channels and berths insufficiently deep to accommodate latest-generation containerships at low tide. For more than two decades of seemingly unending regulatory reviews, court actions,

⁸Fleming, *op. cit.*, p. 100.

⁹John Fossey, "Oakland/San Francisco Make Intermodal Push," *Containerisation International*, January, 1991, pp. 47-50.

¹⁰Bill Mongelluzzo, "Going Deep," *Journal of Commerce*, September 19, 1999; Dashka Slater, "Port in a Storm," *East Bay Express*, September 18, 1998, pp. 5, 39.

and behind-the-scenes bargaining, the Port battled regional authorities (especially the Bay Conservation and Development Commission, or BCDC) and bay protection NGOs (especially Save San Francisco Bay Association, or SSFBA, and Communities for a Better Environment, or CBE) to secure a permit allowing the Army Corps of Engineers to dredge Oakland's Inner Harbor to a depth of 42 feet.¹¹ At long last in 1994, BCDC granted the Port of Oakland the go-ahead on the 42-foot dredging project, although the job was not actually finished until mid-1998.¹²

Well before the project began, however, Port officials were painfully aware that a 42-foot deep harbor was still too shallow to accommodate the titanic vessels that American President Lines, Maersk Lines, and other clients were intending to charter in the trans-Pacific trades by the mid-to-late 1990s.¹³ Always pushing the economies-of-scale envelope, by the late 1990s the ocean carriers were introducing floating warehouses hauling 4800, even 6000, TEUs, oversized boats that required harbor depths of at least 46 feet.¹⁴ Before Port directors and technocrats could celebrate completion of the 42-foot dredging project, Maersk Line officials warned that in future years they could not and would not accept sailing megaships through the Golden Gate at high tide only, or less than fully-loaded, and threatened to pull up stakes.¹⁵ More intimidating yet were industry forecasts circulating in the late 1990s which projected that by the year 2010, so-called "gigaships" — 7000 TEU-carrying behemoths with drafts of nearly 50 feet — would haul some 40 percent of global seaborne commerce.¹⁶ Indeed, in April 1999, the 7000-TEU, billion-dollar Regina Maersk docked at the Port, but only after bobbing around offshore, waiting for the tide to rise, and less than fully-loaded at that.¹⁷ Always happy to recast the necessity of adjusting to ecologically

¹¹Mongelluzzo, *op. cit.*

¹²Edward Iwata, "Port of Dreams," *San Francisco Examiner*, October 1, 1995, p. D-1, p. D-3; Jonna Palmer, "Oakland port seeks more dredging," *Oakland Tribune*, July 17, 1998.

¹³Peter Tirschwell, "Oakland Port Officials Discuss Need to Dredge even Deeper than Planned," *Journal of Commerce*, May 17, 1995, p. 1B; Peter Tirschwell, "Maersk Ships May Bypass Oakland," *Journal of Commerce*, March 24, 1997, p. 2B.

¹⁴TEU, or "twenty-foot equivalent unit," is a standard of measurement for shipping containers. Tirschwell, 1995, *op. cit.*; Tirschwell, 1977, *op. cit.*

¹⁵Tirschwell, 1977, *op. cit.*

¹⁶"The gigaships are coming," *Oakland Tribune*, September 4, 1999.

¹⁷Rick DeVecchio, "Giant State-of-the-Art Containership Visits Port of Oakland," *San Francisco Chronicle*, April 23, 1999; Slater, *op. cit.*, p. 5.

outrageous trends in ocean shipping as a positive virtue, the minute the 42-foot dredging project was completed the Port public relations machine began to bang the drum for a 50-foot-deep harbor.¹⁸

The 50-foot dredging project would require the Army Corps of Engineers to dispose of roughly 13 million cubic yards of silt resting at the bottom of the Inner Harbor.¹⁹ The Port faced the challenge of dumping these spoils in a way that was easy on the balance sheet (since the federal government would pick up only part of the tab for the project), but at the same time likely to pass muster with BCDC and elude legal contestation from the Bay Area's environmental NGOs. Twenty-two grueling years of litigation and haggling over the 42-foot dredging project schooled the Port's pros at how to finesse BCDC, and, to a lesser degree, the San Francisco Bay's preservationist watchdogs.²⁰ Compared to disposing of mud at a distant upland site or off the continental shelf, filling the Bay with dredge spoils was clearly the cheapest option for the Port.²¹ But its staff knew full well that BCDC, armed with a mandate to prevent any "net loss" to the Bay, would overrule such a proposal — unless the Port could frame the "net loss" as, in fact, a "net gain."

Putting a green spin on a disposal plan that would save it \$100 million more than its closest option, the Port proposed to get rid of more than half of the 13 million cubic yards of spoils, some million truckloads' worth, by creating a shallow marsh in the vacant Middle Harbor.²² The Port insisted that, if properly bedded with an eelgrass plantation, the resulting artificial lagoon would host a growing population of nesting shorebirds, and thus the 50-foot dredging project could actually be parlayed into a "net gain" for the Bay.²³ To satisfy BCDC guidelines stipulating public access to the waterfront, and to charm restive West Oakland CBOs, the Port additionally offered to build a 37.4-acre park next to the restored tidal marsh, one outfitted with a beach, trails for cycling and walking, a nature interpretation center, an

¹⁸Palmer, *op. cit.*

¹⁹Henry K. Lee, "Dredging OK'd for Port Of Oakland," *San Francisco Chronicle*, December 22, 2000.

²⁰Mongelluzzo, *op. cit.*

²¹Palmer, *op. cit.*

²²Rick DelVecchio, "Key Vote Looms on Plans for 2 Oakland Harbors," *San Francisco Chronicle*, October 14, 1998.

²³Palmer, *op. cit.*

amphitheater, and an area for viewing marine terminal operations.²⁴ Apparently, the BCDC was impressed with the Port's seeming turn to "sustainable development:" in mid-October 1998, it charitably bestowed first-stage approval upon the 50-foot dredging project more quickly and with less commotion than any other in the three decades of its existence.²⁵ Departing from its usual practice, BCDC did so despite the fact that the Port had yet to gain a thumbs-up from the Regional Water Quality Control Board, citing, in unprecedented fashion, the significance of a streamlined permitting process for the economic fate of the port and the region.²⁶

Making the San Francisco Bay safe for gigaships was all downhill from there for the Port. In August 1999, BCDC unanimously awarded the Port the final go-ahead necessary for the first sequence of the multi-tiered 50-foot dredging project, the scraping of the Inner Harbor for the new Berths 55-58.²⁷ Ignoring the objection of the preservationist NGOs that the Environmental Impact Statement (EIS) for Berths 55-58 did not include enough details as to how the stagnant Middle Harbor would be miraculously transformed into habitat teeming with waterfowl, the BCDC allowed the Port to consult with US Fish and Wildlife Service experts on tidal marsh restoration after Inner Harbor dredging and spoils dumping was actually underway.²⁸ BCDC was willing to bequeath the Port such regulatory relief even though one of its own coastal program analysts had expressed sincere doubts about successfully reintroducing eelgrass to the Middle Harbor, based on the futility of past efforts tried elsewhere.²⁹ Although the SSFBA's executive director grouched that the Port was winning victories by "intentionally piecemealing the (entire 50-foot dredging) project" — that is, by preventing BCDC from ever scrutinizing the removal and disposal of the composite 13 million cubic

²⁴Palmer, *op. cit.*. The Port of Oakland conveniently skirted the question of public accessibility to a park that during the 9-to-5 workweek is reachable only by slaloming through a wall of big rigs.

²⁵Rick DelVecchio, "Oakland Port Wins OK to Dump Mud," *San Francisco Chronicle*, October 16, 1998.

²⁶*Ibid.*

²⁷Laura Counts, "Port expansion gets commission's OK," *Oakland Tribune*, August 20, 1999.

²⁸Janine DeFao, "Port of Oakland Plans Receive Unanimous OK," *San Francisco Chronicle*, August 20, 1999; Counts, *op. cit.*

²⁹Andrea Gaut, Coastal Program Analyst, Bay Conservation and Development Commission, letter to Richard Sinkoff, Supervisor, Environmental Planning Department, January 29, 1999, in *Berths 55-58 Project, Final Environmental Impact Report* (Oakland, CA: Port of Oakland, 1999), Chapter 4, Written Communication No. 5.

yards of mud all at once — the preservationist NGO never pursued a lawsuit regarding the Berths 55-58 EIS, for whatever reason.³⁰ In any event, the SSFBA's position that the Port was nickel-and-diming BCDC to death soon became groundless. In December 2000, with a resounding 18-0 vote BCDC granted the Port a permit for each, every, and all aspects of the 50-foot dredging project.³¹ Equipped with \$128 million in federal funding (courtesy of the 1999 Water Resources Development Act) and \$124 million from its own pocket, the Port is set to commence 50-foot dredging in late 2001, with an eye on wrapping up the project four years thereafter.³²

The second important component of the Vision 2000 initiative is the fashioning of two new 100-acre-plus marine terminals at Berths 55-58.³³ Carrying an estimated price tag of \$400 million, the dikes, wharves, and container yards affiliated with Berths 55-58 are the most costly facet of the total Vision 2000 scheme.³⁴ Just as aggressive capacity expansion was unimaginable at the Port absent deeper shipping channels, so too was it held hostage by severe land shortages and marine terminal crowding — until the domestic geopolitics of post-Cold War base closures came to the rescue. In the early 1990s, the Fleet Industrial Supply Center Oakland (FISCO), which occupied hundreds of choice waterfront acres deeded to it by the Port in the mid-1930s, was decommissioned. Between 1994 and 1998, the US Navy steadily vacated the property, in the end handing about 600 acres back to the Port.³⁵ Securing backlot property was of utmost importance for the Port's moving ahead with new marine terminal construction, since BCDC's by-laws oblige it to overrule using dredge fill for purposes of maritime commerce.³⁶ Like manna from heaven, here was the room needed to build capacious marine terminals and auxiliary facilities (including the

³⁰DeFao, *op. cit.*. Perhaps the SSFBA, wanting to maintain cordial relations with the BCDC, decided not to spend its political capital contesting a project that the BCDC was holding up as a model of "sustainable development."

³¹Lee, *op. cit.*.

³²"Oakland port plan clears an obstacle," *Oakland Tribune*, August 6, 1999; Lee, *op. cit.*

³³Mongelluzzo, *op. cit.*.

³⁴*Ibid.*

³⁵Selwitz, Robert, "Ports Making Room," *Intermodal Shipping*, August 1994; Rick DelVecchio, "Panel OK's Bigger Port In Oakland," *San Francisco Chronicle*, September 3, 1997; Iwata, *op. cit.*, p. D-3.

³⁶Multitrans, *San Francisco Bay Area Seaport Plan Update* (San Jose: Multitrans, 1996), p. A-13, p. A-14.

JIT) necessary to keep the Port from getting wiped off the map by its West Coast competitors. In September 1999, the Port of Oakland tendered a \$60 million construction contract to begin work on the 120-acre marine terminal at Berths 55-56, one designed purposely for Hanjin Shipping Lines. Ground was broken the following month, with expectations that both Berths 55-56 and 57-58 (with accompanying 140-acre marine terminal) would be completed by the middle of 2001.³⁷ The most spectacularly symbolic moment in the Berths 55-58 project — one that temporarily riveted media attention on the sheer scale of the whole Vision 2000 scheme — came in an October, 2000 dawn. Aboard a Chinese freighter and *en route* to their installation at Hanjin's new marine terminal, the world's four tallest gantry cranes slipped under the Bay Bridge by a mere two feet.³⁸

More so than the 50-foot dredging project and the Berths 55-58 project, the \$200 million, 340-acre Joint Intermodal Terminal is the lodestar in the Port's monumental campaign to become a truly global port.³⁹ Although both the deeper harbor and the huge new marine terminals are intentionally devised to lure megaships that carry too much cargo to be soaked up regionally, only the JIT by its very architecture is a fixed investment solely geared to extra-regional container throughput. For years its shallow harbor and cramped spatial conditions kept the Port from becoming a notably *bigger* port, but the void of a common-user near-dock intermodal rail facility kept the Port from becoming a specifically *discretionary* port. Significantly, the western terminus of one of the major transcontinental rail lines serving the Port, the Burlington Northern-Santa Fe (BNSF), was located eleven miles to the north of the port's boundaries, in the hardscrabble city of Richmond. More significantly, the BNSF's intermodal rail depot was connected to the Port by the most congested stretch of highway in the Bay Area, that portion of Interstate 80 converging on the Bay Bridge. Until the Port could assure all its potential intermodal customers that their shipments would never be stuck in a fender bender somewhere on the western

³⁷Mongelluzzo, *op. cit.*; Counts, 11/20/1999, *op. cit.*; Laura Counts, "Officials celebrate development," *Oakland Tribune*, November 3, 1999.

³⁸Steve Rubenstein, "By a hair, cranes squeeze beneath the bridge," *San Francisco Chronicle*, October 25, 2000.

³⁹Richard Knee, "Railroads eye joint terminal," *Journal of Commerce*, April 29, 1997.

fringes of Berkeley, its fate as a slow-growing regional port was sealed.⁴⁰

The Port's FISCO land transfer deal with the US Navy put the wheels in motion for the siting of the JIT. But what really triggered the JIT's feasibility was the mid-1990s acquisition of the Southern Pacific Railroad (SP) by the Union Pacific (UP), the two other major transcontinental railroads serving the Port besides BNSF. As a condition of validating the UP's takeover of the SP, the federal Surface Transportation Board (STB) ruled that the UP had to cede to the BNSF the right to use trackage leading to and from the Port's jurisdiction.⁴¹ Once the BNSF had secured access to the Port's territory, in order to do away with the 11-mile freeway slog to Richmond both the Port and the BNSF took an interest in building a near-dock intermodal rail yard. Such a project was only physically and economically viable if the UP came on board as a second tenant, and so with some arm-twisting of the UP, a common-user near-dock intermodal rail facility was born. When fully built out, the JIT will be able to handle 40 double-stack trains per day, taking about 400 formerly Richmond-bound freight trucks off Interstate 80 per day and providing more than 1.5 million container lifts per year.⁴²

4. "Going Global in Order to Stay Regional"

Past trends suggest that the Port of Oakland is almost doomed to fall further behind its West Coast rivals for share of discretionary freight flows. However, it is worth examining why its directors and technocrats are so attached to such a counterintuitive proposition as the Vision 2000 project. Put simply, those in charge contend that the Port must add infrastructure geared to serving *extra-regional* shippers and receivers — that is, a 50-foot-deep harbor, new state-of-the-art marine terminals, and a common-user intermodal rail freight depot — in order to remain a viable *regional* port. A shorthand way of expressing this rationale for the Vision 2000 capacity expansion plan is "going global in order to stay regional." When invoking this rationale for going forward with the Vision 2000 scheme, Port officials imply that 1) retaining the Port as a viable regional port is a desirable goal; 2) in service of this goal, objective technological-organizational and political-economic imperatives require adding intermodal capacity; and 3) environmental

⁴⁰Sam Zuckerman, "Hoping Its Ship Comes Back In: Port of Oakland in renovation to boost sinking business," *San Francisco Chronicle*, May 14, 1999; Mongelluzzo, *op. cit.*.

⁴¹Knee, *op. cit.*.

⁴²Mongelluzzo, *op. cit.*; Multitrans, *op. cit.*, p. A-25.

disadvantages accruing from “going global in order to stay regional,” are not so terrible as to justify surrendering the Port’s long-range status as a working maritime port.

The most portentous trend of the past 30 years in the commercial searades is the crisis-driven consolidation of the sector into fewer, bigger players deploying fewer, bigger ships that call at fewer, bigger ports.⁴³ There is a direct link between this three-sided trend of organizational consolidation, upward physical scaling, and spatial concentration and the need for port authorities to provide ocean carriers with deeper harbors, larger marine terminals, and near-dock intermodal freight transfer facilities. A port authority not interested in capacity expansion and volume growth for their own sake, but merely in staying alive to serve the shippers and receivers of the region in which it is located — as does the Port of Oakland — confronts a tremendous dilemma. Colossal steamships that are par for the course in today’s searades do not drop anchor at a port only to discharge and pick up regional cargo. Ocean carriers seeking to cut costs by optimizing economies of scale simply operate vessels so monstrous that they cannot content themselves with strictly regional cargo drops and loads at each stop they make, especially given how expensive, time-consuming, and dangerous it is for ungainly megaships to navigate dredged shipping channels and dock in the first place.⁴⁴ The port authority which tries to get around this problem by inking marine terminal leases with shipping lines that operate more modest fleets soon learns that this is a hard row to hoe, given how much the long-distance searades are dominated by a handful of transnational firms organized into market-controlling alliances — strategic partnerships formed in the first instance precisely to allow ocean carriers to deploy megaships without having to worry about the underutilization of vessel cabotage.⁴⁵ In 1998, 80 percent of the Port of Oakland’s containerized throughput was accounted for by the five carrier alliances which lord over the trans-Pacific searades: Maersk/SeaLand at 23.5 percent, the New World Alliance (American President Lines, Hyundai Merchant Marine, and Mitsui O.S.K. Lines) at 19.5 percent, the United Alliance (Hanjin Shipping Company, Cho Yang Line, and

⁴³Boschken, *op. cit.*, p. 29.

⁴⁴Port of Oakland, “Vision 2000: Protecting and Enhancing Oakland’s Regional Port and Load Center Status,” 1998, p. 7; Bill Mongelluzzo, “Moody’s Sees Tough Financial Conditions for Ship Lines and Ports,” *Journal of Commerce*, March 19, 1999.

⁴⁵Brian Slack, Claude Comtois, and Gunnar Sletmo, “Shipping Lines as Agents of Change in the Port Industry,” *Maritime Policy and Management*, July-September 1996, pp. 289-300.

DSR-Senator Lines) at 15.1 percent, China Ocean Shipping Corporation/"K" Line/Yang Ming Line at 12.0 percent, and the Grand Alliance (NYK Line, Hapag-Lloyd, P & O Nedlloyd, and Orient Overseas Container Line) at 9.5 percent.⁴⁶

A port authority cannot change the fact that the shipping lines which could potentially conduct nothing but regional cargo through its gates will bypass those gates unless the port authority supplies infrastructure that enable carriers to transport extra-regional cargo cheaply, quickly, and predictably. Recall how in the mid-to-late 1990s some of the Port of Oakland's most important customers began to drop hints that they would not renew their marine terminal leases unless the Port enthusiastically championed the 50-foot dredging project. The Port's major tenants also began to clamor for marine terminals in excess of 100 acres, since the existing Outer Harbor marine terminals of thirty to eighty acres were plainly too small to handle the voluminous flows of containers disgorged by and loaded upon megaships.⁴⁷ Newly-formed shipping line alliances additionally lobbied for reallocation and remodeling of existing marine terminals to allow strategic partners to share yard equipment and space.⁴⁸ The Port's reply to these demands was its planning and financing of the construction of marine terminals at Berths 55-58; the two new mammoth marine terminals not only represented an expansion of physical capacity but could also be temporarily occupied by one shipping line alliance while older, smaller Outer Harbor marine terminals were reconfigured.⁴⁹ The shipping line alliances also pressed their case for building intermodal rail transfer yards to speed discretionary cargo hand-offs, and their entreaties inspired the Port to take the lead on the JIT project.⁵⁰

⁴⁶Port of Oakland, 1998, *op. cit.*, p. 8.

⁴⁷Booz, Allen, and Hamilton, Inc., letter to Gay Joseph, Port of Oakland, September 1, 1998; Port of Oakland, 1998, *op. cit.*; see comments by Michael Beritzhoff, Project Manager for Vision 2000 Program, in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription (Concord, CA: Zandonella Reporting Service, 1999), pp. 15-20.

⁴⁸Bill Mongelluzzo, "Oakland Must Move Fast on Expansion," *Journal of Commerce*, February 5, 1998.

⁴⁹See remarks by Michael Beritzhoff, Project Manager for Vision 2000 Program, in *Joint Intermodal Terminal Draft Environmental Impact Report*, Public Hearing transcription (San Francisco: Combs and Greenley, 1999), p. 11; also see remarks by Beritzhoff in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*, pp. 15-20; Mongelluzzo, February 5, 1998, *op. cit.*

⁵⁰Port of Oakland, 1998, *op. cit.*.

Wary of its pack of critics, every step of the way the Port justified the Vision 2000 scheme as a necessary evil, as the medicine that would regrettably but inevitably have to be swallowed if the Bay Area and the city of Oakland wanted a functioning maritime port at all.⁵¹ Some independent analysts confirmed that the Port indeed had to “go global in order to stay regional,” lest the bigger, fewer carriers bypass the Golden Gate. In a 1998 letter to the Port, a consultant at Booz, Allen, and Hamilton, Incorporated wrote:

Several carriers stated explicitly that if Oakland were not to invest in the requirements larger carriers were seeking...it would become incompatible with the balance of their West Coast services and they might find a different way to serve the local cargo base. Essentially, while Oakland itself might be the best port to serve the local cargo base, it might not fit within the carrier’s network and the carrier would choose to suffer a higher cost for local Oakland cargo in order to optimize the network costs as a whole.⁵²

The Port’s worst nightmare was that if carrier alliance members ceased to schedule frequent Bay Area visits in their regular West Coast rotations, cargo exporters at the edges of its hinterland would divert shipments to the San Pedro Bay ports, and overseas shippers serving receivers at the fringes of this hinterland would route cargo through the ports of Los Angeles and Long Beach as well. If megaships routinely bypassed the Port of Oakland, the territorial zone which it customarily had locked up — a zone stretching to the California-Oregon border in the north, Reno (and even Salt Lake City) in the east, and the Fresno-Tulare area in the south — would wither.⁵³ Port officials voiced especial concern about the shrinkage of its formerly captive export basin, given that a great proportion of its regional exports are bulky, low-value commodities (animal feeds, cotton, and wastepaper). The transport paths of these commodities are extremely sensitive to slight variations in land shipping costs.⁵⁴ The specter of an evaporating drainage basin was a theme constantly repeated by Port officials when they stressed the unfortunate imperative of “going global in order to stay regional.”

⁵¹DelVecchio, September 3, 1997, *op. cit.*.

⁵²Booz, Allen, and Hamilton, Inc., 1998, *op. cit.*.

⁵³Port of Oakland, 1998, *op. cit.*, p. 3; Fields *et. al.*, 1998, *op. cit.*, pp. 78-79.

⁵⁴Port of Oakland, 1998, *op. cit.*, p. 5.

Container ports burdened by debt service obligations to bondholders add intermodal capacity to generate the terminal rents, TEU assessments, and dockage fees necessary to pay off paper notes issued in the past — even if these maturing bonds were floated only to finance the costs of *regionally-oriented* capacity expansion.⁵⁵ In other words, the treadmill of debt drags port authorities into “going global” even when it is not their wont. Even if the Port did not have to resort to the three prongs of the Vision 2000 scheme to remain a viable regional port — even if niche-occupying ocean carriers were willing to visit the Port to unload and pick up exclusively regional cargo — sooner or later depreciating marine terminals would have to be repaired and overhauled. The Port quite effectively contended that without upgrades to its *regionally-oriented* infrastructure, it would lose export cargoes emanating from the nebulous boundary of its once-captive hinterland, such as containerized cotton bales sent from southwestern San Joaquin Valley.⁵⁶ “Going global” would empower the Port to pull in more revenue; this revenue, in turn, could be pledged to bondholders so that the Port could raise cheap fictitious capital (*i.e.* highly-rated bond issues) required to efficiently upgrade its *non-globally oriented* infrastructure, thus allowing it to remain a viable regional port.⁵⁷

If we take the Vision 2000 proponents at their word and accept that undertaking the three-pronged project was a baseline condition for protecting the Port’s long-term future as a regional port, what in their view would have happened if all facets of the Vision 2000 scheme had not been implemented? In other words, what did they conceive of as the signals that would demonstrate the Port was dying a slow death as a regional port? Port officials forecast that *sans* the Vision 2000 scheme, the value of assessments from TEU throughput would remain flat for a few years, and then decline at two percent per year as the boundaries of the captive hinterland steadily ebbed.⁵⁸ Port officials also ominously suggested that without the extra revenues generated by Vision 2000 projects, debt service costs on the needed improvements to *regionally-oriented* infrastructure would sharply rise, thus furthering the rate at

⁵⁵See comments by Beritzhoff in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*, pp. 15-20.

⁵⁶*Ibid.*; Port of Oakland, 1998, *op. cit.*, p. 5.

⁵⁷See remarks by Beritzhoff in *Joint Intermodal Terminal Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*, p. 11; Port of Oakland, 1998, *op. cit.*, p. 7.

⁵⁸See comments by Beritzhoff in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*, pp. 15-20; Port of Oakland, 1998, *op. cit.*, p. 9.

which the Port's oblivion would approach.⁵⁹ Ostensibly independent analysts seconded the Port's official portrait of absolute throughput loss and debt service bondage.⁶⁰ The most audacious doomsday scenario depicted by the Port was that the salt marsh rehabilitation project abutting Middle Harbor Park, as well as the park itself, would be forfeited unless Vision 2000 was adopted.⁶¹ In other words, the Port insisted that one segment of the San Francisco Bay would have to be destroyed in order to save another segment — *i.e.*, as part of Vision 2000, the Inner Harbor would have to be dredged to 50 feet in order to foster the revenues diverted to wetland restoration and park construction. Ironically, the very vigilance of Bay Area environmental NGOs and CBOs — vigilance which translated into the Port having to cough up salt marsh and public access mitigations in order to proceed with the 50-foot dredging project — was now being turned against those same NGOs and CBOs, as the Port and other Vision 2000 partisans maintained that only vigorous extra-regional capacity expansion could subsidize “sustainable development.”⁶²

5. Vision 2000: Just *How* Necessary?

Vision 2000's skeptics and detractors came in a variety of sociological and ideological guises: San Francisco Bay preservationists, West Oakland environmental justice advocates, and Oakland politicians who believe that port expansion compromises the gentrifiability of the downtown and its satellite districts. From the point of view of the Port, however, one commonality shared by all of Vision 2000's opponents was their failure to appreciate that the sheer long-term survival of the port depends on its capturing a larger share of West Coast discretionary cargo. By promoting the view that the political economy of sea-land shipping and port competition *dictates* that the Port must “go global in order to stay regional,” its directors, technocrats, and spokespeople saddled Vision 2000's opponents with the following burdensome question: do *you* want to be held responsible as the party who helped kill the Port of Oakland? In raising such a question, the devotees of the Vision 2000 project were not merely engaging in arch, demagogic

⁵⁹See comments by Beritzhoff in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*, pp. 15-20; Port of Oakland, 1998, *op. cit.*, p. 9.

⁶⁰Booz, Allen, and Hamilton, Inc., 1998, *op. cit.*.

⁶¹Port of Oakland, 1998, *op. cit.*, p. 10.

⁶²See comments of Ellen Johnck, Executive Director of the Bay Area Planning Coalition and Secretary Treasurer of the Bay Dredging Action Coalition, in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*, pp. 37-39.

posturing. One can legitimately profess that without a 50-foot-deep harbor, more and larger marine terminals, and a common-user near-dock intermodal rail facility, the Port's grip over its regional market would slip, its revenues would dry up, and its debt service costs would mount — the sort of deleterious circumstances which normally lead public agencies to receivership.

Many (but not all) of Vision 2000's skeptics and detractors elided the possibility that under prevailing political-economic arrangements, there may be objective truth in the maxim that the Port "must go global in order to stay regional." To the extent that the critics of Vision 2000 dismissed this possibility outright, baldly asserting that Oakland could stand pat with a medium-sized regional port — its blue-collar citizens reaping the benefits of jobs, incomes, and tax revenues yielded by a working maritime port while simultaneously enjoying an urban ecology unsullied by port capacity expansion — these critics tried to have their cake and eat it too. To be fair to those Vision 2000 opponents who rejected out of hand the Port's plea that it is necessary "to go global in order to stay regional," it was politically tempting to unequivocally argue just the opposite, that it is indeed entirely feasible for the Port to "stay regional without going global." Few leaders of environmental NGOs/CBOs or elected officials, committed to the give-and-take game of municipal *realpolitik* and accountable to a mass constituency (or a private philanthropic foundation), would dare admit the effects that their campaign to limit port growth might ultimately have on the Port.⁶³ Such reluctance is especially pertinent in Oakland, a city which (until recently) was tarred with an "image problem" of being an island of industrial decay amidst a sea of post-industrial glitter, and a city whose port is its lone "crown jewel" or "success story."⁶⁴ Through all of Vision 2000's disparate critics knew that the Port had habitually exaggerated its local job, income, and tax revenue "impacts" of container loading and unloading operations, few wanted to take the rap for

⁶³In an interview, Willie Keyes of West Oakland Neighbors claimed that he (and WON) always recognized that the Port needed to "go global in order to stay regional;" he also claimed that he (and WON) never opposed the Vision 2000 scheme *per se*, only those versions of Vision 2000 which did not safeguard the public health of West Oakland residents. Keyes, Willie, West Oakland Neighbors, interviewed by author, June 25, 1999.

⁶⁴Dick Walker, and the Bay Area Study Group, "The Playground of U.S. Capitalism? The Political Economy of the San Francisco Bay Area in the 1980's," in Mike Davis, *et al.*, eds., *Fire in the Hearth: The Radical Politics of Place in America* (London: Verso, 1990), p. 65.

curtailing operations of this mythic entity.⁶⁵ Had skeptics and detractors of the Vision 2000 scheme taken a more candid approach in their opposition, rejecting port capacity expansion in the present might entail a radical downsizing of the Port's future, and then proceeded to discuss and debate alternative uses of the Port's land and facilities (ranging from typical upscale waterfront redevelopment to more creative options not driven by the logic of the real estate market).

However, it is equally ambiguous as to whether the Port *really* needs to dredge approach channels and berths to 50 feet, to install new spacious marine terminals, and to build out the JIT in order to remain a viable regional port. By no means are nominally independent consultants unanimous on this score.⁶⁶ A December, 1996 Booz, Hamilton, and Allen, Incorporated report avers that the Bay Area regional consumer market is simply too vast, the Central Valley agricultural export hinterland simply too close, intermodal capacity at the San Pedro Bay and Puget Sound ports simply too inadequate, and the cost of shipping containerized goods by truck or train to (and from) Southern California and the Pacific Northwest simply too steep for the Port of Oakland to ever lose its status as a robust regional port, Vision 2000 or no Vision 2000.⁶⁷ A document prepared by Moody's Investors Service maintains that it is precisely the Port's firm lock over its hinterland that enables it to sell bonds used to finance the Vision 2000 improvements.⁶⁸ This

⁶⁵When interviewed, Oakland City Councilwoman Nancy Nadel, the lone Oakland elected official to combat the Vision 2000 scheme on expressly environmental justice grounds, suggested that even those politicians who would rather have a gentrified waterfront than one devoted to intermodal cargo transport tended to be dazzled by the Port's job creation and tax receipt incubation claims, or at least cowed by the prospect that the Port public relations apparatus could accuse them of killing the goose that laid the golden egg. In fact, Nadel went so far as to suggest that those elected officials who privately believe that the Port does not need to "go global in order to stay regional," and favor a vision of a regionally-oriented working port set alongside "clean air, hotels, and tourists," nonetheless lacked the "political will" to impede the Vision 2000 scheme.

⁶⁶Moreover, neither is there consensus that adding the Vision 2000 upgrades *guarantees* that the Port can capture a higher share of West Coast discretionary cargo, a position that I hold.

⁶⁷Booz, Allen, and Hamilton, Inc., Port Feasibility Report, December 1996, p. A-87. This analysis, however, does not address the Port's claim that without the Vision 2000 scheme, there would not be enough revenue or sufficiently discounted bonds to add the *regionally-oriented* infrastructure necessary to remain a viable regional port.

⁶⁸Moody's Investors Service, 1999, *op. cit.*, p. 3.

analysis suggests that, far from *having* to “go global in order to stay regional,” the Port parlayed its invincibility as a regional port in order to take the plunge into the far riskier intermodal business — that is, it used the regional as a springboard to go global. An interview conducted with a long-range planner at another major West Coast port elicited the observation that the Port would not undergo chronic decline “under almost any foreseeable scenario,” including the scenario of not pursuing the Vision 2000 scheme.⁶⁹ Within the varied range of respectable opinion as to whether or not the Port has to “go global in order to stay regional,” virtually all analysts predict the future using simple linear projections or crude multivariate models, and by definition none can account for unknowable crises that could drastically alter the competitive balance among the West Coast ports.

Because informed perspectives differ as to whether the Port of Oakland *really* needs to “go global in order to stay regional,” it is at the very least worth speculating that the vise of West Coast port competition in the era of intermodal container transport and “load centers” is not *forcing* the Port to push ahead with the Vision 2000 scheme in the name of defending its long-term existence. If the regime of fewer, bigger shipping lines deploying fewer, bigger ships that call at fewer, bigger ports is not *forcing* the Port to undertake capacity expansion under pain of extinction, then what *is* prompting its commissioners to embark on such a risky infrastructure enhancement plan? Many of Vision 2000’s skeptics and detractors suggest that those who determine the investment policies of the Port’s Maritime Division are enamored with “growth for growth’s sake.”⁷⁰ A typical comment from one of the more persistent thorns in the Maritime Division’s side was “the port isn’t concerned with anything but maximizing the tonnage it brings in.”⁷¹ Vision 2000 critics who took this position basically implied that those who run the show at the Port manipulatively trot out the “going global in order to stay regional” line to provide ideological cover for a capacity expansion plan that is not objectively necessary for the working port’s long-term survival, but is instead fundamentally driven by a perverse institutional fetish for higher and higher TEU

⁶⁹Larry Cottrill, Deputy Director of Planning and Research, Port of Los Angeles, interview by Jack Thurston, University of California-Berkeley, Spring 1999.

⁷⁰Slater, *op. cit.*.

⁷¹Joe Donnelly, “How Will Oaklanders Benefit From the Expansion of Their Port ?” *East Bay Express*, April 15, 1994, p. 29.

counts, environmental externalities and opportunity costs (including foregone waterfront gentrification opportunities) be damned.⁷²

6. Environmental Justice Resistance to Vision 2000

Regardless of whether the Port of Oakland is pressing ahead with the Vision 2000 scheme because it *has to* in order to remain a viable regional port, or because its investment policy-makers are maniacally growth-minded, the fact is that the die has been cast. Financial commitments have been made and construction is underway on the numerous projects geared toward transforming the Port of Oakland into an authentic intermodal port. One circumstance that enabled the Port at long last to indulge its intermodal ambitions before the window of opportunity closed altogether was the historically unprecedented speed with which BCDC approved the 50-foot dredging initiative. The laxity of regulatory streamlining represented a sea change: for more than a decade relentless surveillance of environmental NGOs prevented BCDC from signing off on permits allowing the Port's "oceanside" conditions of production to be reconfigured for megaships. When SSFBA and allied organizations relegated the 42-foot dredging project to the courts, the direct and intended effect was the preservation of habitat threatened by the dumping of contaminated spoils. More interestingly, an indirect and unintended effect of stalling 42-foot (and hence 50-foot) dredging was that West Oakland residents were spared increases in various forms of "*landside*" pollution that would have resulted had the Port made the quantum leap into *bona fide* globalism.

Consequently, until the latter 1990s, the Port was relieved of attack on expressly environmental justice grounds. Until Vision 2000 graduated from drawing board fantasy to likely prospect, the main beef

⁷²Some, if not all, of the "growth for growth's sake" accusations directed against the Port were waged by those whose political agenda has little to do with principles of environmental justice, much less radical ecological critiques of capitalism. For example, proponents of waterfront gentrification mobilized a quasi-environmentalist discourse against the Port to legitimate their agenda. The crux of this rhetorical strategy was to brand the Vision 2000 scheme as "wasteful" because it prevents potentially very valuable waterfront property from being put to its highest land rent-yielding use. What made this discursive ploy especially effective was that it framed key policy architects in the Maritime Division as ecological paleo-conservatives of sorts. Port champions of Vision 2000 were subtly branded as (male) "good old boys" more concerned with port "size" (note the phallic connotations) and the gritty, sweaty romance of ships and big rigs than with careful stewardship of scarce and hence highly valuable waterfront land.

West Oakland CBOs had with the Port had to do with the affirmative action and local hiring record of Port tenants and the Port itself.⁷³ However, once it became evident that San Francisco Bay would be made safe for latest-generation containerships, to at least some of West Oakland's community activists it also became evident that their neighborhood might be doused in a burgeoning cloud of noxious fumes emitted by more freight trucks, more double-stack trains, and more cargo-handling equipment. And once it became evident to these community activists that the health of their families, friends, and neighbors could conceivably be sacrificed on the altar of the Port's drive to expand capacity, their political battles against the Port took on a new ideological coloring.

West Oakland CBO mobilization against the Port's capacity expansion plan did not just magically materialize from a social milieu devoid of ecological consciousness or environmental justice movement experience. While the specific phenomenon of neighborhood mobilization against port capacity expansion was new, West Oakland CBOs already had an established history of contesting ecologically degrading aspects of transportation infrastructure projects. More precisely, just about the time the Vision 2000 scheme was coming into focus as a serious possibility, West Oakland was emerging from a nearly decade-long fight with various federal and state governmental agencies over reconstruction of the Cypress Freeway, a notorious stretch of interstate highway which sliced through the heart of the neighborhood and collapsed during the 1989 Loma Prieta earthquake.

Prior to its collapse, the Cypress Freeway constituted the primary conduit by which tractor-trailers from outside the immediate local area accessed the cargo transport and storage facilities of the Port; about 15 percent of the roughly 170,000 vehicles in daily traffic were freight trucks.⁷⁴ In the wake of the post-earthquake devastation, truckers in their battered diesel rigs, lacking direct interstate access to the complex of marine terminals, container marshaling yards, tractor and chassis parking lots, and warehouses, plied the arterial streets of West Oakland as never

⁷³Mike McGrath, "Gateway: Inside the Port of Oakland," *East Bay Express*, April 25, 1986, p. 14, p. 16.

⁷⁴Metropolitan Transportation Commission and Bay Area Economic Forum, *The Missing Transportation Link: Economic Impacts of the Closure of the Cypress Freeway on the San Francisco Bay Area* (Oakland: Metropolitan Transportation Commission; San Francisco: Bay Area Economic Forum, 1990), pp. 3, 10.

before.⁷⁵ Tractor-trailer traffic more than doubled on Cypress Street (now Nelson Mandela Parkway), Grand Avenue, and Market Street, all thoroughfares which bisect residential areas.⁷⁶ Dogged community leaders organized under the auspices of CERT (Citizens Emergency Relief Team) succeeded in getting governmental agencies to redirect the reconstructed highway in a seam west of West Oakland and east of the Port—the most significant benefit of which was to eliminate much if not all of the freight truck movement along that portion of Seventh Street which abutted residential sections of the neighborhood.⁷⁷ This pitched battle between CERT and the highway planners raised community awareness of matters of environmental justice generally, and more particularly sensitized residents and activists to issues of geographically and socially uneven exposure to transportation infrastructure-related risks, especially noxious fumes, noise pollution, and traffic hazards produced by Port-using tractor-trailers.

As the Vision 2000 scheme evolved into a likely possibility, a well-entrenched history of sometimes active, sometimes latent battle between the Port and conservationist NGOs put the Port's commissioners, planners, and public relations people on guard. But despite a modicum of resistance to the 50-foot dredging project from outfits such as SSFBA, the Port never faced a stiff challenge to its ambitions to alter its deep-water conditions of production. To the Port's West Oakland "landside," struggles over terms of Cypress Freeway reconstruction injected environmental justice concerns into the lifeblood of community organizing. Although the Port had tangled and bargained with West Oakland CBOs over the rerouting of the Cypress Freeway, and dissonance about truck traffic in the neighborhood was on the rise, the architects of Vision 2000 never expected to be ambushed by groups opposed to the capacity expansion plan on expressly environmental justice grounds.

⁷⁵Catherine Bowman, "Replacing Cypress Route OK'd: Residents won fight to protect neighborhood," *San Francisco Chronicle*, October 28, 1993.

⁷⁶Metropolitan Transportation Commission and Bay Area Economic Forum, 1990, *op. cit.*, pp. 7, 15.

⁷⁷Bowman, *op. cit.*; Multitrans, *op. cit.*, p. D-9. According to Oakland City Councilwoman Nancy Nadel, despite the fact that the rebuilt Cypress Freeway was rerouted to the west of its original path, nonetheless it was not rerouted far enough to the west to please many activists. These activists contended that the rerouted Cypress Freeway was still located too close to southwestern West Oakland, thus subjecting its denizens to far too much of the ecological harms and nuisances generated by voluminous streams of vehicular traffic.

Policy-makers and bureaucrats at the Port were vaguely aware that from time immemorial largely poor, working-class, and African-American West Oakland had borne a disproportionate share of environmental hazards generated by Port operations. But in and of themselves, negative externalities imposed on West Oakland's skies, roads, and housing stock posed no danger to the Port's prerogative to "go global." A community-based social movement emerged to translate objective facts of polluted air, streets clogged with tractor-trailers, and the pronounced presence of truck-related land uses into threats to the public health of West Oaklanders, and then traced these threats back to the Port itself. The Port was forced to fully recognize these negative externalities as a problem. Their cognizance of environmental inequalities piqued, some community activists began connecting the growing presence of freight trucks in West Oakland not only to the temporary absence of the Cypress Freeway, but to the permanence of the ultimate generator of "truck trips" — the Port and the bevy of warehouses, distribution centers, container storage yards, truck parking lots, truck fuel stations, and truck repair shops surrounding the Port. This gathering cognizance of the relationship between routine Port operations and the negative environmental impacts of Port-using tractor-trailers was truly detonated, however, when disparate draft versions of Vision 2000 Environmental Impact Reports started to circulate in the hands of neighborhood activists. Not until West Oakland Neighbors (WON) entered the scene, speaking a language the Port had no choice but to understand (that of an environmental justice lawsuit), could the Port no longer semi-consciously take for granted its freedom to displace more and more "landside" ecological harms onto the adjacent community.

The Port was poorly prepared to deal with a "landside" attack on the Vision 2000 scheme not only because it underestimated and even overlooked the prospect of environmental justice mobilization, but also because its directors and bureaucrats bought into their own discourse about the benign urban ecology of the three-pronged Vision 2000. After all, the centerpiece of the whole scheme, the JIT, appeared to allay the environmental stress of big rig traffic on the East Bay flatlands. By enabling the Burlington Northern-Santa Fe to relocate its intermodal rail yard from eleven miles north (in Richmond) to the Port itself, once in use, the JIT would cut down on trucks short-hauling discretionary freight on the notoriously congested Interstate 80. Consequently, Port officials promoted the notion that flatland neighborhoods in the vicinity of I-80 (including West Oakland) would be spared diesel fuel emissions that formerly drifted from tailpipes of dray tractors stuck in freeway

gridlock.⁷⁸ But West Oakland activists were not so easily misled by the Port's out of context claims about the environmental benefits of the JIT. That the JIT would confine a sizable chunk of intermodal truck traffic to the Port's territorial boundaries did not mean that the (originally proposed) Vision 2000 scheme *in toto* would not also subject flatland neighborhoods in general and West Oakland in particular to a greater overall volume of truck trips and to greater exposure to microscopic particulate matter and other deleterious emissions — inconvenient truths which did not slip by WON and its partisans.

Documentation released by the Port in its 1997 FISCO Disposal and Reuse Environmental Impact Report revealed that if amortized as projected the new marine terminals at Berths 55-58 and the JIT would trigger approximately 12,000 additional daily truck trips to, from, and within Port property by the year 2010.⁷⁹ Multiple factors associated with the Vision 2000 scheme were responsible for this forecast doubling of big rig traffic through West Oakland, on the edges of West Oakland, and near West Oakland. First of all, while the JIT would take dray trucks that used to shuttle to and from BNSF's Richmond facility off I-80, discretionary containers moving between the Port's marine terminals and the JIT would still be carried by old-fashioned tractors. The ecological economics of container port land use and the cheapness and flexibility of dray service militate against on-dock (as opposed to near-dock) intermodal rail terminals, and the spatial configuration of the Vision 2000 components follows this tendency.⁸⁰ In other words, the JIT would physically reallocate and concentrate short hauls of discretionary freight, not eliminate them altogether.

Secondly, if the Port's hopes and dreams for a properly amortized Vision 2000 infrastructure came to fruition, the sheer volume of intermodal TEU's passing between more and more spacious marine terminals and the JIT would swell significantly. One joint Port/BCDC report predicted that if Vision 2000 add-ons were to go on line and be utilized as planned, truck trips on Port property would jump by 224 percent between the mid-1990s and the year 2020.⁸¹ In other words, not

⁷⁸“Drayage” refers to the short-haul truck movement of a container between a marine terminal and an intermodal rail yard.

⁷⁹Nancy Nadel, Oakland City Councilwoman, “Air Pollution and Human Health in West Oakland,” agenda report submitted to the Oakland City Council, November 4, 1997; DelVecchio, September 3, 1997, *op. cit.*.

⁸⁰Joe Miniace, President, Pacific Maritime Association, interview by Jack Thurston, University of California-Berkeley, Spring 1999.

⁸¹Multitrans, *op. cit.*, p. C-13.

only would the JIT spatially intensify short hauls of discretionary freight on Port property, it would also spatially intensify a far larger number of short hauls. The Vision 2000 scheme may allow dray truck-to-stack train transfers of this flow of intermodal cargo to take place almost entirely within the Port's jurisdiction. But the ever-more intensive localization of dray truck traffic on Port property was hardly comforting to West Oakland environmental justice activists, who feared that such a dense compression of dray truck activity would produce a toxic cloud of airborne pollutants that would not confine itself to Port property. That dray service normally entails much engine starting, gear shifting, tractor stopping, and idling in line at marine terminals (all activities which spit out high emissions per mile traveled) only exacerbate these activists' fears about the toxic cloud.

Finally, according to the aforementioned joint Port/BCDC report a fully-utilized Vision 2000 infrastructure would not only magnify truck trips on Port property, it would also magnify the number of truck trips between the Port's formal domain and local, regional, and extra-regional markets (although to a lesser degree). The report predicted that if Vision 2000 add-ons were built out and used as planned, truck trips leaving and entering the Port's territorial jurisdiction would increase by 101 percent between the mid-1990s and the year 2020.⁸² Part of this projected surge in truck trips between the Port and origins and destinations outside its property could be attributed to mere construction of a near-dock common-user intermodal rail facility that would not eclipse a thriving business in moving discretionary freight by means of long-haul road carrier. Just because a majority of the Port's new discretionary throughput would be channeled through the JIT did not mean that anything close to all of this new discretionary throughput would be channeled through the JIT. As recently as the mid-1980s, some 50 percent of the discretionary cargo passing between the Port and the non-California West Coast and some 40 percent of the discretionary cargo passing between the Port and the Rocky Mountain states and beyond was handled by big rigs.⁸³ While the availability of a near-dock common-user rail facility at the Port would obviously reduce those percentages, by no means would it eradicate them completely. It might not even erode the absolute number of long-haul truck trips between the Port and those markets beyond its captive hinterland whatsoever.

Regardless of whether or not successful implementation of the Vision 2000 scheme would amplify extra-regional truck trips to and

⁸²*Ibid.*

⁸³*Ibid.*, p. A-14.

from the Port, it would substantially raise the raw total of truck trips that enter and exit the Port's territorial jurisdiction. Many trucks hauling this amplified volume of local, regional, and extra-regional road freight would access the Port *via* the usual highway routes — the rerouted and rebuilt Cypress Freeway, the Nimitz Freeway (which spills south and east of downtown Oakland), and Interstate 80 (which unfurls north of the Port and abuts the northern Alameda County flatlands). Even if road carriers hauling increased consignments of local, regional, and extra-regional cargo were to avoid the surface streets of West Oakland and to use the Cypress Freeway access ramps at Market Street, Seventh Street, and Maritime Street, regional transportation planners expect that by the year 2020, permanent gridlock or near-gridlock will be the norm during ever-lengthening peak commute hours on the Cypress Freeway, I-80, and especially that stretch of the Nimitz Freeway which slashes through the East Oakland flatlands.⁸⁴ Increased local, regional, and extra-regional truck trips on the three highways that radiate away from the Port, then, would more than nullify those short-haul container moves taken off I-80 by relocation of the BNSF intermodal rail yard to the JIT. And so too would the alleviation of harmful diesel truck emissions brought about by the BNSF intermodal rail yard relocation be more than nullified. Especially during ever-lengthening peak commute hours, the bevy of big rigs hauling increasing loads of local, regional, and extra-regional cargo to and from the Port would be trapped in a wall of freeway congestion just as before, and would unload diesel soot and other unhealthy emissions on East Bay flatland residents just as before — except the gridlock would be far worse and so too would be the heavily polluting stop-and-go truck traffic.

In 1997, the looming reality of more than a twofold increase in daily truck trips to, from, and exclusively on the Port's property by 2010 (not to mention a threefold increase in daily truck trips exclusively on Port property by 2020), and the Port's seeming indifference to mitigating the most public health-threatening harms attributable to this increase, jolted West Oakland environmental justice activists, including the members-to-be of WON.⁸⁵ Already awakened by the Cypress Freeway collapse to the many ecological hazards of additional *local* truck traffic (noise pollution, visual blight, pavement corrosion, endangerment of pedestrians and children, parking conflicts on neighborhood streets, and so on), West Oakland's community activists turned their attention to one hazard the Vision 2000 scheme would exacerbate even if Port-using

⁸⁴*Ibid.*, p. D-61.

⁸⁵DelVecchio, September 3, 1997, *op. cit.*.

tractor-trailers stayed out of the immediate area: degraded air quality. Environmental safety advocates had more than ample cause to be attuned to West Oakland's air quality and the relationship between Port capacity expansion and the respiratory health of neighborhood residents. A disproportionate number of two demographic groups highly susceptible to air pollution-related diseases make West Oakland their home: poor inner-city youth (children comprise 34 percent of the neighborhood's population) and low-income African-American elderly.⁸⁶ Among West Oakland's populace the incidence of lung cancer and asthma, especially asthma in children, considerably exceeds both regional and national averages.⁸⁷ Noting that between 1994 and 1996, Alameda County featured an asthma hospitalization rate eight times higher than targets enunciated in the federal Clean Air Act, and that West Oakland was one of the worst offending districts in Alameda County, an investigative journalist put it succinctly: "West Oakland is the heart of the East Bay asthma belt."⁸⁸

The species of air pollution that most concerned the environmental health critics of the Vision 2000 scheme was fine-grained particulate matter invisible to the naked eye (so-called "PM10" emissions, or solid and liquid particles less than ten microns in diameter), more specifically microscopic particles of exhaust produced by fuel combustion processes in diesel truck engines.⁸⁹ Epidemiological studies link human exposure to elevated levels of diesel exhaust to the very maladies unusually prevalent in West Oakland: lung cancer and asthma (in addition to chronic bronchitis, "excess deaths in sensitive individuals with respiratory disease," and "excess seasonal decline in pulmonary function especially in children").⁹⁰ To date no research has been conducted which specifically links higher-than-expected rates of lung cancer and asthma in West Oakland to the disproportionate presence of diesel trucks in and around the neighborhood. But research shows that higher-than-expected rates of lung cancer are associated with "exposures to (PM10) pollutants

⁸⁶Nadel, interviewed by author, June 23, 1999; A. Clay Thompson, "Gasping for Air," *San Francisco Bay Guardian*, April 21, 1999, p. 18.

⁸⁷Nancy Nadel, Oakland City Councilwoman, letter to Ellen Garvey, Air Pollution Control Officer, Bay Area Air Quality Monitoring District, September 23, 1997; Martin G. Reynolds, "Renaissance draws skepticism," *Oakland Tribune*, April 25, 1999.

⁸⁸Thompson, *op. cit.*.

⁸⁹"ATA to sue EPA," *Journal of Commerce*, July 7, 1997; Nadel, November 4, 1997 *op. cit.*.

⁹⁰Robert B. Gunnison, "State Blacklists Diesel Exhaust," *San Francisco Chronicle*, August 28, 1998; Nadel, July 7, 1997, *op. cit.*.

at levels that only marginally exceed clean air standards,” and that small increases in exposure to PM10 emissions significantly boost emergency department visits for asthmatics and hospital admissions for asthmatic attacks.⁹¹ And in the year between April 1997 and April 1998, a Bay Area Air Quality Monitoring District (BAAQMD) station located on Port property detected a violation or near-violation of the state 24-hour PM10 standard on six separate occasions.⁹² Likewise, a monitoring station located in West Oakland at the intersection of 22nd and Filbert Streets detected three such violations or near-violations during the same year-long span.⁹³

By matching up the monitoring station reports with the studies on PM10 emissions and respiratory disorders, popular epidemiologists figured that the public health effects of an additional 12,000 truck trips in and near West Oakland could be catastrophic, especially for the neighborhood’s young, old, and breathing-impaired. Defenders of West Oakland’s public health admitted that no studies meeting the strictest standards of scientific proof had linked big rig exhaust drifting through the neighborhood to higher-than-average rates of lung cancer and asthma in the neighborhood, but contended that the “precautionary principle” demanded no less than vigilance in the face of the Vision 2000 scheme.⁹⁴ What really fueled the activists’ consternation, though, was the Port’s *laissez-faire* disposition toward the public health disaster the originally conceived Vision 2000 scheme could potentially unleash in a community of largely indigent people, many of whom lack medical insurance. In its 1997 FISCO Disposal and Reuse Environmental Impact Report, the Port admitted that the Vision 2000 scheme *in toto* would generate “significant” volumes of harmful airborne pollutants (including nitrogen oxide and reactive organic gases, in addition to PM10 emissions); at the same time, the Port also claimed that cost-effective mitigations would not disarm these pollutants, and hence were not worth pondering, much less implementing.⁹⁵ West Oakland’s environmental justice activists retorted that the Port made no serious

⁹¹Nadel, *ibid.*

⁹²*Ibid.*

⁹³*Ibid.*

⁹⁴Nadel, interviewed by author, June 23, 1999.

⁹⁵Rick DelVecchio, “West Oakland Group Sues to Block Port Project,” *San Francisco Chronicle*, October 7, 1997, p. A19; DelVecchio, “Cargo Expansion Project OK’d at Oakland Port,” *op. cit.*; Port of Oakland, *Joint Intermodal Terminal Project, Draft Environmental Impact Report* (Oakland, CA: GAIA Consulting, Inc., 1999), p. 14, pp. 26-27; Nadel, July 7, 1997, *op. cit.*.

effort to consider various lower-cost mitigation alternatives suggested by the community, such as requiring cleaner-burning electrical engines for stationary motorized operations on Port property and bio-diesel fuel for Port-using trucks, developing and enforcing its own rigorous diesel soot standards for trucks entering and leaving Port property, and designing an “emissions sink” greenbelt to serve as a buffer between Port property and West Oakland.⁹⁶ What further burned up environmental health advocates was that not only did the Port dismiss community-recommended mitigation options, but it also used the “unfeasible” expense of its own proposed options as an alibi to wave off all forms of mitigation altogether.⁹⁷

Defenders of West Oakland’s public health decided that their only recourse was an environmental justice lawsuit aimed at the Port and the federal agencies that were aiding and abetting the Vision 2000 scheme (the US Department of Transportation and the US Navy), or at least the credible threat of one.⁹⁸ One point on which they would attack the Port would be its unwillingness to alleviate hazardous airborne emissions, even if these emissions could not be reduced to levels of “insignificance.”⁹⁹ But the main point of attack conformed to the following logic: in preparing its FISCO Disposal and Reuse Environmental Impact Report, the Port had committed the *faux pas* of not earnestly exploring the disproportionate harmful impact of its capacity expansion plan on a specifically *ethno-racial minority* community (in this case, the largely African-American community of West Oakland).¹⁰⁰ The Port *had* made a series of procedural gaffes. Its environmental planners did not undertake an extensive analysis of how the toxic PM10 emissions plume generated on Port property would be dispersed locally and regionally, nor did it collect and scrutinize air quality monitoring station data in most districts of West Oakland—including the district closest to the infamously truck-clotted Seventh Street and Maritime Street intersection, and the poorest and blackest section of West Oakland, Prescott.¹⁰¹ The Port also neglected to invite representatives of the BAAQMD to attend the early-stage Vision 2000

⁹⁶Nadel, *ibid.*; Nancy Nadel, Oakland City Councilwoman, interviewed by author, November 1, 1997; Robinson, Lisa, Community Economic Development Agency, City of Oakland, interviewed by author, March 11, 1998.

⁹⁷DelVecchio, October 7, 1997, *op. cit.*.

⁹⁸*Ibid.*

⁹⁹*Ibid.*

¹⁰⁰DelVecchio, September 3, 1997, *op. cit.*.

¹⁰¹Nadel, “Air Pollution and Human Health in West Oakland,” *op. cit.*.

“scoping sessions” required by environmental law.¹⁰² Because the Port had (deliberately or inadvertently) made these procedural blunders, and because land for the new marine terminals and the JIT was coming courtesy of the federal government (*i.e.*, the US Navy), the Port was a sitting duck for a suit on the grounds that it had violated Title VI of the Civil Rights Act of 1964.¹⁰³ Named as the plaintiff in a threatened environmental justice lawsuit targeting the Port, West Oakland Neighbors was born.

The Port was not about to let the complaints of a small but spirited environmental justice organization in West Oakland hold up its capacity expansion plans, even if it meant allocating some funds to alleviate some of the deleterious “landside” ecological harms of the Vision 2000 scheme. Once pushed to the brink by the threat of an environmental justice lawsuit, a lawsuit that could imperil its timely receipt of former FISCO land and scare off prospective Berths 55-58 and JIT tenants, the Port arrived at a court-backed memorandum of understanding with WON. The court’s consent decree obligated the Port to dedicate some of its budget to mitigating the health hazards of the Vision 2000 project, to underwrite the salary of an independent environmental consultant hired to work with WON, and to bargain in good faith with WON (and its lawyers) about which of WON’s proposed mitigation alternatives were practical (*i.e.*, economically possible according to a “reasonable” determination of the Port’s spending limits).¹⁰⁴ WON and other of West Oakland’s public health advocates did not possess the legal basis nor the political muscle to out-and-out stop the originally conceived Vision 2000 scheme.¹⁰⁵ But by holding the environmental justice litigation

¹⁰²Nancy Nadel, Oakland City Councilwoman, interviewed by author, November 1, 1997. Nadel pointed out that both BAAQMD and CARB (the California Air Resources Board) were not exactly militant about ensuring that the various components of the Port’s Vision 2000 EIR were procedurally correct or substantively accurate. The BAAQMD responded late to the issuance of the 1997 FISCO Disposal and Reuse EIR and initiated a “feeble response” which dealt only with passenger vehicle and not diesel truck emissions; CARB did not comment on the Port’s Berths 55-58 EIR at all. Both Nadel and members of West Oakland neighbors had to *make* the air quality control agencies live up to their respective legislative mandates. See Nadel letter to Garvey, *op. cit.*.

¹⁰³DelVecchio, October 7, 1997, *op. cit.*; DelVecchio, September 3, 1997, *op. cit.*.

¹⁰⁴DelVecchio, “Cargo Expansion Project OK’d at Oakland Port,” *op. cit.*; Robinson, interviewed by author, March 11, 1998.

¹⁰⁵Another reason why unequivocally *halting* the Vision 2000 scheme was never seriously broached by West Oakland’s environmental health stalwarts

card and the power to embarrass officials who liked to present the Port as West Oakland's "good neighbor," they were able to get the Port to resort to a more costly and more "sustainable" capacity expansion plan.

A battery of measures designed to mitigate the harmful air pollution impacts of the Vision 2000 scheme — \$18 million worth to be spread out over a period of 30 years — made up the most significant portion of the Port's overall mitigation package, a package which totaled around \$55 million.¹⁰⁶ The Port pledged to pay up to 75 percent of the cost of replacing diesel engines in 363 pieces of stationary cargo-handling equipment located at marine terminals on Port property; it also pledged to pay for the installation of add-on exhaust treatment devices for 50 more of these pieces of equipment.¹⁰⁷ For the purpose of overhauling or converting the diesel engines of 110 Port-using dray tractors, the Port agreed to give \$1.5 million to a cast of independent owner-operators of said vehicles (a meager \$90,000 was also set aside to subsidize the fitting of add-on exhaust treatment devices on forty more trucks that specialize in short-haul container moves).¹⁰⁸ Although it undoubtedly would not have been forthcoming were it not for environmental justice

was that there simply wasn't mass-based political support for doing so. Both the leadership and the rank-and-file of the construction trades (the Building and Construction Trades Council of Alameda County) and the longshore labor union (the ILWU), as well as the bulk of West Oakland's CBO's (East Bay Alliance for a Sustainable Economy, the Committee for West Oakland Revitalization, and others), were more or less unified in their fervor for a "socially equitable and environmentally sustainable" Port capacity expansion plan. The "socially equitable" dimension of the Vision 2000 scheme was at least nominally achieved when the unions and the CBO's forced the Port and Vision 2000 construction contractors to agree to a "Project Labor Agreement" (PLA). The PLA specified that half of all the Vision 2000 project construction jobs be awarded to East Bay flatland community residents, that a quarter of these jobs be awarded to unskilled apprentices, and that all contractors pay their employees prevailing wage. See Jennifer Barrios, "As Port Continues to Expand, Truckers Wonder When Their Ship Will Come In," *East Bay Express*, October 27, 2000; Janine DeFao, "Port of Oakland Expansion Awaits Major Go-Ahead," *San Francisco Chronicle*, August 19, 1999.

¹⁰⁶The \$55 million figure also includes the "oceanside" mitigations — Middle Harbor Park, for example. Community and Economic Development Agency, City of Oakland, "Joint City and Port Informational Report on Truck-Related Activities in West Oakland," May 21, 1999, p. 6.

¹⁰⁷Community and Economic Development Agency, *op. cit.*, p. 6.

¹⁰⁸*Ibid.*, p. 2; DelVecchio, "Cargo Expansion Project OK'd at Oakland Port," *op. cit.*.

movement pressure, the Port's air pollution mitigation package was more than a facile public relations gesture; numerous third-party commentators (including a BAAQMD planner) hailed it as path-breaking and truly substantial.¹⁰⁹ For environmental health experts and many West Oakland activists who understood that rising PM10 emissions constituted the primary urban ecological hazard of the Vision 2000 scheme, the air pollution mitigations were *the* central element of an acceptably "sustainable" capacity expansion plan.

However, from the perspective of some key players in WON, for a couple of reasons there were limitations to a "landside" mitigations strategy that revolved principally around emissions control. For one, replacing or retrofitting the diesel engine of any given piece of cargo handling equipment (including a dray tractor) is a very expensive proposition, costing tens of thousands of dollars per unit.¹¹⁰ Happily for the Port, the court-backed consent decree to which the Port and WON were bound stipulated a fixed budget for Vision 2000 mitigations. Given that WON sought to maximize the "amount" of community health secured per dollar spent on mitigations, it made little sense to throw all of the settlement money strictly at overhauling the diesel engines of stationary marine terminal equipment and mobile dray trucks.

More importantly, WON had a popular mandate to reduce those capacity expansion-associated hazards which West Oaklanders *subjectively* considered the most undesirable, even if these hazards did not *objectively* compose the gravest threats to community health. Most West Oakland residents did not necessarily regard that hazard which was to be contained by the air pollution mitigations — the formation of a potentially toxic cloud on and near Port property — to be the paramount hazard related to the Vision 2000 scheme. When the Cypress Freeway collapsed and local truck traffic increased, most West Oaklanders appeared to be more perturbed by the dangers posed to passenger vehicles, bicyclists, and pedestrians, by the premature destruction of surface street pavement, and by visual blight and noise than by heightened exposure to diesel soot. Although epidemiological studies may underscore that PM10 emissions are linked to lung cancer, asthma, and other respiratory disorders, even noxious concentrations of diesel soot are not visible to the naked eye, and the ill effects of sustained exposure to truck exhaust may not manifest themselves for years or

¹⁰⁹DeIVecchio, *ibid.*

¹¹⁰"EPA rule causes uproar," November 25, 1996, *Journal of Commerce*; "Low-pollution truck rolls along with electric power," *Oakland Tribune*, May 28, 1999; "ATA to sue EPA," *ibid.*

decades. If their collective reaction to forms of local environmental degradation induced by the destruction of the Cypress Freeway were an accurate indicator, most West Oakland residents cared more about the *visceral* and *instantaneous* harms of big rig traffic than they did about the *invisible* and *temporally-delayed* harms of truck traffic.¹¹¹ The particular set of environmental hazards which seemed to most concern community residents also had more to do with the disproportionate presence of big rig traffic and truck trip-generating land uses in *West Oakland itself*, rather than with the disproportionate presence of emissions-producing big rigs *near* West Oakland, on the edges of the neighborhood or completely within Port property. When the Port announced that it was going forward with its capacity expansion project, most West Oaklanders appeared to be more worried that the Vision 2000 scheme would draw yet more big rigs and truck trip-generating land uses *into* West Oakland, thus leading to more congestion, parking conflicts, noise, and so on, than they were about the scheme drawing more trucks *in the vicinity of* West Oakland, thus leading to the debasement of the community's respiratory health.

While outfitting marine terminal equipment and dray trucks with clean fuel-burning engines would help protect West Oakland's endangered air quality, in and of themselves these emissions control mitigations would do nothing to keep big rigs off West Oakland's residential streets, nor to rid the neighborhood of the truck-related land uses which spurred so much local truck traffic in the first place. Dismayed that the 1997 FISCO Disposal and Reuse EIR did not analyze how the Vision 2000 scheme might spawn more truck trip-generating facilities in West Oakland, much less propose how this potential epidemic might be alleviated, WON requested that the Port include in its overall mitigation package a commitment to permanently reserving some of its own acreage for various truck-related land uses.¹¹² The Port grudgingly agreed to set aside a parcel of at least twenty acres for a container storage depot, and even entertained the idea of leasing out a much larger space to a full-service truck stop operator.¹¹³ WON's

¹¹¹Robinson, interviewed by author, March 11, 1998; Community and Economic Development Agency, *op. cit.*, p. 5.

¹¹²Nadel, interviewed by author, June 23, 1999.

¹¹³Community and Economic Development Agency, *op. cit.*, p. 2; Testimony of Beritzhoff, in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*; Robinson, interviewed by author, March 11, 1998; Keyes, interviewed by author, June 25, 1999; Freight Advisory Council (FAC) meeting notes, Metropolitan Transportation Commission (MTC), Oakland, California, April 7, 1998.

insistence that the Port accommodate truck trip-generating land uses on its own territory had ramifications even a few years after WON and the Port achieved détente. When the City of Oakland's original reuse plan for the abandoned Oakland Army Base (OAB) was scuttled in early 2001, and the Port was granted more than 180 acres in the revamped plan, the City and the Port jointly declared that more than half of these 180 acres would be devoted to dray tractor and chassis parking and other related activities.¹¹⁴

Even though the Port caved in to some of WON's demands that it host truck-related land uses on its own property, it did not (and probably could not) accede to all of these demands. When the Port promised WON that it would allocate in perpetuity at least twenty acres of its own property to a container storage lot, it framed this gesture as a financially burdensome act of goodwill that it was not under legal compunction to perform. Because container storage is a space-intensive and low ground-rent yielding land use, the Port forfeited hundreds of thousands of dollars in lease revenue when it fulfilled its twenty-acre promise to WON.¹¹⁵ At the time when the Port was enmeshed in mitigations bargaining with WON (*i.e.*, before it knew that it would be given more and better former OAB land than it could realistically anticipate), it simply was not prepared to absorb millions of dollars of lost lease revenue — losses that reserving vast tracts of land for space-eating container storage lots and tractor parking yards would require.¹¹⁶ The Port also steadfastly maintained that it bore no legal and little moral responsibility for environmental hazards that did not emanate from sources located on its own property, even if those sources' presence in West Oakland could be traced to normal Port operations or the growth of the Port. The Port stubbornly contended that the overwhelming number of truck-related facilities in West Oakland — the clusters of container freight stations, container storage depots, refrigerated container “prepping” stations, truck fueling stations, truck repair shops, and so on — as well as the local truck trips generated by these facilities were matters to be regulated by the City of Oakland's zoning and traffic authorities, not the Port.

¹¹⁴DeFao, Janine, “State Panel OKs New Plans for Old Army Base,” *San Francisco Chronicle*, January 5, 2001.

¹¹⁵Community and Economic Development Agency, *op. cit.*, p. 2.

¹¹⁶Nadel, interviewed by author, June 23, 1999; Bill O'Brien, “West Oakland Truckers Seek New Location: The Oakland Army Base Would Be Just Fine,” *East Bay Express*, March 31-April 6, 2000; Robinson, interviewed by author, March 11, 1998.

Tapping into the anger of a community already agitated by big rig traffic diverted from the fallen Cypress Freeway, West Oakland's environmental health advocates did take their grievances about hazards generated by truck-related land uses to the City of Oakland's zoning and traffic authorities. Thanks to the unremitting pressure of the neighborhood's public health activists, in April 1998 the Oakland City Council instituted the West Oakland Truck Circulation Program.¹¹⁷ One plank of the program, a round-the-clock parking ban, was tailored to outlaw the practice of dray truck operators parking their cabs and dumping empty containers on the curbs of West Oakland's residential streets.¹¹⁸ Another plank of the program, a route designation scheme, restricted big rigs from driving on all neighborhood thoroughfares, excepting those major conduits that link the Port to industrially-zoned districts and interstate highway ramps — Mandela Parkway, Seventh Street, and West Grand Avenue.¹¹⁹ West Oakland's defenders of environmental health also prodded the Oakland City Council to recognize that the Port ultimately generated the disproportionate presence of dray truck parking and big rig traffic in the neighborhood; the Port was directed to sponsor the salaries of two traffic cops whose sole job was to patrol West Oakland and enforce the provisions of the Truck Circulation Program.¹²⁰

Although the parking ban dealt with the hazard of independent owner-operators stashing their heavily polluting short-haul units on West Oakland's curbs, and the route designation scheme dealt with the hazard of big rigs plowing down West Oakland's quiet and narrow residential streets, neither plank of the Truck Circulation Program addressed the fact that in excess of sixty truck-related facilities dotted the long-suffering neighborhood.¹²¹ But the community's public health advocates were on top of this too. At the behest of West Oakland's environmental justice activists, in February 1999 the Oakland City Council passed an emergency ordinance that tightened the issuance of zoning and building permits for both truck repair and truck parking

¹¹⁷Community and Economic Development Agency, *op. cit.*, p. 2; Robinson, interviewed by author, March 11, 1998.

¹¹⁸Freight Advisory Council meeting notes, January 6, 1998, *op. cit.*.

¹¹⁹Testimony of Beritzhoff, *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*; Community and Economic Development Agency, *op. cit.*, p. 2; Robinson, interviewed by author, March 11, 1998.

¹²⁰Community and Economic Development Agency, *op. cit.*, pp. 2-3.

¹²¹*Ibid.*, p. 2.

facilities in the neighborhood.¹²² The establishment of any new or the expansion of any old truck repair or truck parking facility in West Oakland now involved obtaining a Conditional Use Permit that would be granted only after lengthy review of the facility's environmental impact on surrounding residential blocks.¹²³ Oakland's Community and Economic Development Agency also proposed that sometime in the near future *all* truck trip-generating facilities in West Oakland, from local intermodal trucking companies to scrap metal and waste paper recycling plants, be hemmed in to the northwestern corner of the neighborhood, bordered by West Grand Avenue to the south and Mandela Parkway to the east.¹²⁴ By the time the year 2000 rolled around, the Oakland City Council was mulling over an initiative to eliminate (or "amortize out") most types of truck-related facilities from West Oakland altogether.¹²⁵ Just as community resistance to the hazards unleashed by the Cypress Freeway collapse had sparked environmental justice activism against the prospective hazards of the Vision 2000 scheme, the campaign against the Vision 2000 scheme was now sparking community resistance to all kinds of truck-related facilities in West Oakland. However, while West Oakland environmental justice activists were making manifold gains in ridding their neighborhood of various ecological nuisances directly and indirectly attributable to the presence of their giant neighbor, the Port, by making their community more "livable" they were also unwittingly paving the way for gentrification and the displacement of many low-income renters.

7. Conclusion

A decade of sustained citizen mobilization assured that West Oakland would no longer be a dumping ground for urban environmental hazards directly and indirectly produced by routine Port operations. The air pollution mitigation package brokered by WON and the Port relieved the neighborhood of the peril of being doused in a haze of diesel fumes; the Truck Circulation Program impressed upon the City of Oakland by community activists limited tractor-trailer parking and big rig traffic to

¹²²*Ibid.*, p. 3; Testimony of Beritzhoff, in *Berths 55-58 Draft Environmental Impact Report*, Public Hearing transcription, *op. cit.*.

¹²³Community and Economic Development Agency, *op. cit.*, p. 3.

¹²⁴*Ibid.*

¹²⁵Sharon Lerman, "West Oakland industries fear phaseout by city fiat," *Oakland Tribune*, November 11, 1999; DelVecchio, Rick, "Oakland Takes Fight Over Blight To New Level," *San Francisco Chronicle*, August 31, 1998; Bill O'Brien, "Planners Hope Redesigned Mandela Parkway Will Soon Be the 'Nicest Street in Oakland'," *East Bay Express*, December 29-January 4, 2000; O'Brien, March 31-April 6, 2000, *op. cit.*.

cordoned nodes of West Oakland. Perhaps most dramatically, revised land use policies (also impressed upon the City by public health advocates) spurred (and should continue to spur) a slow but steady exodus of various truck trip-generating facilities from the industrially zoned segments of the neighborhood. One place immediately proximate to West Oakland where container storage depots, truck repair shops, and the like could conceivably relocate is on former Oakland Army Base (OAB) territory, but both the City and the Port have other (higher ground rent-yielding and employment-generating) things in mind for their respective grants of landed property.¹²⁶ Most likely, truck-related facilities ancillary to Port operations will be scattered to the wind and spatially redistributed to other less tony cities of the East Bay flatlands such as Hayward, San Leandro, and Richmond.¹²⁷

In short, by fighting first to reroute the rebuilt Cypress Freeway, and then for a less ecologically sinister Vision 2000 scheme, West Oakland CBO's delivered a modicum of environmental justice to their neighborhood. The California Department of Transportation, the Port, and proprietors of truck trip-generating facilities had to bend to the will of the defenders of West Oakland's public health representing an important change for the community. But as of 2001, pacification of Port-related environmental hazards does not constitute the most massive

¹²⁶DeFao, "State Panel OKs New Plans for Old Army Base," *op. cit.*; O'Brien, March 31-April 6, 2000, *op. cit.*.

¹²⁷O'Brien, March 31-April 6, 2000, *op. cit.*; O'Brien, December 29-January 4, 2000, *op. cit.*; Community and Economic Development Agency, *op. cit.*. The on-street parking ban and the geographical scattering of truck-related land uses away from the Port of Oakland may make life all the more miserable for dray tractor drivers. These drivers, most often recent immigrants (in the case of the Port of Oakland, Mexicans, Central Americans, Eritreans, and Sikhs), sub-contract for intermodal trucking companies and are paid according to the number of short-hauls performed in a day, not by the hour. Because these owner-operators have to insure, fuel, maintain, and pay taxes on their dray tractors, endure horrible congestion and prolonged queues at marine terminals, and work at the whim of clients with whom they have an arm's-length yet dependent relationship, they typically make less than \$25,000 per year — even though they often work 60-hour weeks. See Theodore Prince, "Further tales of the drayman," October 15, 1999, *Journal of Commerce*; Bill Mongelluzzo, "Trucking is flashpoint in many ports," August 20, 1999, *Journal of Commerce*; Steve Greenhouse, "On the California Waterfront, Mostly Tough Times for Port Truckers," *New York Times*, April 15, 2000; Marjorie Valbrun, "Unions Look to Immigrants to Reverse Membership Slide," *Wall Street Journal*, May 27, 1999; Barrios, *op. cit.*

change transforming West Oakland. This honor (if it can be called that) goes to what one team of analysts describe as “a process of gentrification in its very early stages” — *i.e.*, the incipience of symptoms such as landed property speculation and ballooning ground rents, the refurbishment and/or conversion of both residential and commercial structures, (a few) homeowners cashing in, and (many more) tenants being evicted.¹²⁸

Were one to travel back in time half a decade and inform West Oaklanders that in the near future real estate speculators would be gushing about “greater-than-average investment returns” in their neighborhood, they would be staggered — probably far more so than by the revelation that a few Port-related environmental hazards would be ameliorated.¹²⁹ Indeed, compared to the budding gentrification which is gripping West Oakland, the fact that dray tractors can no longer drive or park on residential streets, or the fact that container storage depots and truck repair shops are being zoned out of the area, seem to be trifling developments. But the momentous shift toward the gentrification of West Oakland is not unrelated to phenomena such as the rerouting of the rebuilt Cypress Freeway around the western perimeter of the neighborhood, the reduction of PM10 emissions in the community’s air, and the banishment of truck trip-generating facilities from the neighborhood’s mixed-use districts. While by no means is West Oakland’s emergent gentrification reducible to the improvements in local environmental quality brought about by successful community mobilization against Port-related hazards, the latter undeniably played a role in the former. By making West Oakland a more desirable place for “adventurous” members of the technical-professional strata to live and work, each of the respective upgrades to the neighborhood’s ecological conditions has helped lay the groundwork for gentrification.¹³⁰

¹²⁸Todd Harvey, *et al.*, “Gentrification and West Oakland,” paper written for graduate course in City and Regional Planning at the University of California, Berkeley <<http://comm-org.utoledo.edu/papers2000/gentrify/gentrify.htm>> Fall 1999, pp. 15, 23.

¹²⁹Wayne Rowland, *et al.*, “Where the next deals are,” *San Francisco Examiner*, March 7, 1999.

¹³⁰A proprietor of a heavily polluting business being squeezed out of West Oakland opined, “We can now relate to what (West Oakland’s) residents feel about gentrification.” See Lerman, *op. cit.*. For more on how the zoning-out of truck trip-generating facilities is facilitating the gentrification of West Oakland, see DelVecchio, August 31, 1998, *op. cit.*, O’Brien, December 29-January 4, 2000, *op. cit.*; O’Brien, March 31-April 6, 2000, *op. cit.*. For more on how the rerouting of the rebuilt Cypress Freeway has expedited the

Admittedly, the fruits of the WON-Port consent decree, the Truck Circulation Program, and so on hardly constitute sufficient conditions for the gentrification that is only now beginning to seriously alter the built landscape, the demographic composition, and the cultural texture of West Oakland. Large-scale forces galvanizing the latest round of capitalist urbanization in the Bay Area, well-entrenched patterns of uneven development in the region, and the peculiar geographical and real estate market attributes of West Oakland — forces, patterns, and attributes more potent and irresistible than local environmental justice triumphs — are primarily responsible for the burgeoning gentrification of the neighborhood. Given how mighty and durable these political-economic, spatial, and institutional structures are, it would be preposterous to claim that the motive force behind the sweeping transformation of West Oakland’s built and social landscape is the collective success of local environmental justice campaigns waged against Port-related hazards. At the same time, it is hard to imagine that the gathering changes in the community would be so drastic were the neighborhood as bedeviled by dirty air, big rig traffic, and truck-related land uses now as it was a mere five years ago.¹³¹

To gauge with certitude the precise degree to which the pacification of Port-related urban ecological hazards accounts for the budding gentrification of West Oakland is a near impossible task. Yet recognizing that seemingly positive outcomes of environmental justice activism played at least some role in engendering the process of gentrification now seizing the neighborhood is crucial. Taken together, the rerouting of the rebuilt Cypress Freeway, the Vision 2000 mitigations package brokered between WON and the Port, the West Oakland Truck Circulation Program, and the exiling of truck-related

gentrification of West Oakland, see DelVecchio, Rick, “Oakland’s Parkway Renaissance,” *San Francisco Chronicle*, April 22, 2000; O’Brien, “December 29-January 4, 2000, *op. cit.*.”

¹³¹The concentration of high-tech capital accumulation in the Bay Area means upward pressures on land values everywhere in the Bay Area and gentrification pressures in some neighborhoods of the Bay Area. The “dominant” reasons why West Oakland is one of these neighborhoods is its location in the center of an information technology triangle (with downtown San Francisco and Silicon Gulch, Emeryville, and downtown Oakland as this triangle’s vertices) and the gap between the actual market value and the potential market value of its commercial and residential properties. A “subordinate” reason why West Oakland is one of these neighborhoods is the amelioration of various Port-related hazards in the area.

facilities from West Oakland have ironically yielded unfortunate consequences for many among West Oakland's current populace. In a wholly unanticipated and unintended fashion, the triumphant prosecution of a series of environmental justice campaigns has expedited a long-term but rapidly-accelerating process of gentrification which will ultimately empty the neighborhood of many of its low-income, African-American residents, especially tenants — the exact constituency whose public health the environmental justice campaigns were geared to protect. The emergent and future population of West Oakland — more affluent, less African-American, and comfortably inhabiting restored Victorians and “funky” live-work condominium units — will instead reap the “positive externalities” (diesel fume-free air, streets unimpeded by big rigs, views uncluttered by stacked containers, and so on) which WON and its partisans fought so hard to wrest from the Port and its customers.

