

PORT COMMUNITIES

Bill of Rights

Preamble

Whereas communities and cities that border international trade ports, goods movement transportation shipping corridors and distribution centers have inherent and inalienable rights to a quality of life standard equal to those enjoyed by other communities, cities and citizenry of a country:

Whereas international trade ports, goods movement transportation shipping corridors and distribution centers throughout the world contribute significantly to the world's air, land and water pollution, global warming, loss of sea life habitats and destruction of natural coastal tidelands:

Whereas communities and cities that border ports, goods movement transportation corridors and distribution centers are most often people of color, indigenous people, poor and the economically disadvantaged:

Whereas communities that border ports, transportation shipping corridors and distribution centers are subject to economic exploitation, discrimination, racial classism, neglect and are excluded from economic benefits of development:

Whereas communities and cities that border ports, transportation shipping corridors and distribution centers often bear the greatest exposures to carcinogens, respiratory reproductive and developmental toxicants and often suffer disproportionately from diseases associated with these exposures and do not have affordable and accessible health care:

Whereas the economic benefits of international trade are extensive they must be shared equitably by all residents and citizenry of a country:

Whereas the world's population human and natural resources are finite and our current practices are not sustainable, we have a public trust duty to take anticipatory action to protect and preserve human health, wildlife, seafood resources and the environment for present and future generations:

We therefore resolve and declare:

Article 1 Right to Economic & Environmental Justice

All communities and cities that border international ports, goods movement transportation shipping corridors and distribution centers are entitled to economic, environmental justice and mitigation whereby they will be free from economic exploitation, discrimination, racial classism, neglect, deprivation of public services, disproportionate and negative cumulative environmental impacts.

Article 2 Right to Good Health

Health care is a right, not a privilege. Every community is entitled to an environment that promotes a good healthy quality of life. Ports, shipping companies, distributors and retailers have the responsibility to protect public health by utilizing integrated pest management and environmentally preferred sanitation methods to keep ships, containers and their properties clean.

Article 3 Right to Quality of Life

Everyone living or working in a port community, transportation corridor and distribution center is entitled to a quality of life standard equal to other communities, cities, countries, nationalities, cultures or religions. Every resident is entitled to affordable, sustainable housing and every goods movement worker is entitled to a living wage.

Article 4 Right to Know & Public Safety

Every community has the right to know about potential hazards and risks associated with ports, shipping and goods movement industry business operations. The public has a right to live in safety, work in safety and know about emergency and disaster preparedness plans.

Article 5 Right to Clean Air, Water & Land

Every community is entitled to clean air, water and land free from pollution, contamination, degradation, loss and sprawl from ports, ships, shipping lane routes, intermodal facilities, transportation corridors, cargo handling equipment, inspection facilities, fumigation facilities, off-port site container & chassis facilities, distribution centers, diesel trucks, truck sales/maintenance/storage locations, railroad yards, train tracks and trains business operations. Residents and workers in ports, transportation corridors and distribution centers shall not be exposed to toxic, carcinogenic or hazardous chemicals, compounds, substances or particulate matter.

Article 6 Natural Resources Rights

Every community is entitled to have its natural resources, fauna, wildlife, habitats, agricultural food crops, domestic animal food sources, sea food, organic and non-organic traditional medicinal resources protected from pollution, contamination, infestation, destruction, over exploitation, degradation and loss due to ports, ships, shipping lane routes, intermodal facilities, transportation corridors, cargo handling equipment, inspection facilities, fumigation facilities, off-port site container & chassis storage facilities, distribution centers, diesel trucks, truck sales/maintenance/storage locations, railroad yards, train tracks and train business operations. Every community is entitled to enjoy the natural beauty and wonder of its natural resources and its future sustainability.

Article 7 Right to Participate In Decision Making

All communities and residents are entitled to participate in and vote on decisions, laws, rules, regulations, guidelines and projects that may negatively impact them. They are further entitled to have adequate advance notice, copies of all proposals and related and supplementary documents and a sufficient period of time to review all proposed laws, rules, regulations, guidelines and projects so as to ascertain their immediate and long term impacts. General master plans and zoning changes shall not occur without the vote of approval by the impacted community and residents.

Article 8 Right to be Free From Financial Burden Caused By The Goods Movement Industry

All cities, communities and residents are entitled to be free from the financial burden of ports and goods movement transportation corridors operation, maintenance, replacement, construction, modernization and expansion. The public shall not financially subsidize private business operation, private business growth, private business cost-of-doing-business and transportation infrastructure for private business goods movement by being burdened with taxes, bonds, loan obligations and the majority of the costs. The public shall be entitled to have a full cost accounting cost-benefit analysis study, best available alternative technology assessment study, environmental and public health impact studies performed to validate the public benefit and actual cost of ports, off-port site container & chassis storage facilities, intermodal facilities, distribution centers, transportation corridors, shipping lane routes, cargo handling equipment, diesel trucks, railroad yards and trains.

Article 9 Right to Noise & Light Exposure Limitations

Every community is entitled to be free from excessive noise or light exposure from ports, shipping lane routes, intermodal facilities, transportation corridors, cargo handling equipment, inspection facilities, fumigation facilities, off-port site container & chassis storage facilities, distribution centers, diesel trucks, truck sales/maintenance/storage locations, railroad yards, train tracks and train business operations. Communities and residents are entitled to noise and light abatement, free medical diagnosis, medical health care and compensation for any personal health injuries.

Article 10 Right to Freedom from Community Blight

Every community is entitled to be free from blight caused ports, ships, shipping lane routes, intermodal facilities, transportation corridors, cargo handling equipment, inspection facilities, fumigation facilities, off-port site container & chassis storage facilities, distribution centers, diesel trucks, truck sales/maintenance/storage locations, railroad yards, train tracks and trains. Cities, communities, homeowners and residents are entitled to be compensated for decreased property values caused by goods movement related blight.

Article 11 Right to Traffic Congestion Limitations

Every community, resident, worker and visitor is entitled to be free from traffic congestion, travel delays, loss work pay, increased child care costs, traffic accidents, medical care and increased insurance costs caused by ports, ships, shipping lane routes, intermodal facilities, transportation corridors, cargo handling equipment, inspection facilities, fumigation facilities, off-port site container & chassis storage facilities, distribution centers, diesel trucks, truck sales/maintenance/storage locations, railroad yards, train tracks and train routes. Communities and residents are entitled to congestion relief plans, growth moratoriums, medical diagnosis, medical health care and compensation for any injuries.

Article 12 Right to Personal & Real Property Destruction, Degradation & Loss

Every community, homeowner and resident is entitled to be free from personal and real property destruction, degradation, depreciation, loss or forced removal due to ports, ships, off-port site container & chassis storage facilities, intermodal facilities, inspection facilities, distribution centers, transportation corridors, shipping lane routes, diesel trucks, truck sales/maintenance/storage locations, railroad yards, train tracks and trains. Every homeowner and resident dislocated is entitled to just and fair compensation, relocation at no expense to an equal or better home with all relocation, down payments, security fees, taxes or increased insurance and utilities costs born by the governmental or private entity having caused the forced removal.

Article 13 Right to Limit Industrial Planning & Zoning Exploitation

Every community is entitled to have city and community master plans that contribute to a high standard of living and quality of life. These include adequate open space parks, access to ocean beaches and coastal tidelands, freedom from traffic congestion and business sprawl. Governmental municipalities have a public trust duty to protect the rights and collective interests of bordering port, transportation corridor and distribution centers communities.

Article 14 Right to the Best Available Alternative Technologies

Every community has the right to have all governmental agencies, ports, ships, off-port site container & chassis storage facilities, intermodal facilities, inspection facilities, cargo handling equipment, distribution centers ships, transportation corridors, shipping lane routes, diesel trucks, truck sales/maintenance/storage, railroad yards, train tracks and train business operations use the best available alternative and control technologies, clean fuels, safe energy sources, efficiency technologies, waste management and recycling programs.

Port Communities Bill of Rights History

The idea of a Ports Communities Bill of Rights has probably existed in the minds of impacted Port communities for centuries. It was the environmental justice movement, environmental impact report challenges and recent court victory of the Wilmington, San Pedro and Long Beach communities against the Port of Los Angeles and Port of Long Beach which made the Port Communities Bill of Rights a reality.

It was the realization that the international trade and goods movement industry causes devastating environmental and public health impacts that helped guide the writing of this document. It was soon discovered that the goods movement industry could also have significantly regional impacts which resulted in the inclusion of our transportation corridor and distribution center community neighbors.

The environmental justice community organization Coalition For A Safe Environment initiated the writing of the Port Communities Bill of Rights in the year 2004. It is hoped that Port, Transportation Corridor and Distribution Center Communities throughout the world will benefit from its writing.

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