



Department of Economic and
Community Development

Connecticut
still revolutionary

Jacob Galloza
ED Business Development

Transportation Committee Informational Hearing regarding Connecticut's Ports

Senator Maynard, Representative Guerrero, Senator Boucher and Representative Scribner. I'm Jacob Galloza of the Department of Economic and Community Development. Commissioner Smith is unable to be here and asked me to represent her today.

Ultimately, this port study confirmed what the market has been telling us for years. Connecticut is not well positioned to compete with other major ports in our region. We need to act now to stop the decline of our maritime industry where we can, but not ignore the fact that our ports have limited potential due to geography, available space and relative location - many things we simply can't change. We need to support the businesses we have by helping them thrive and grow. We need to make informed decisions about investments in infrastructure, guided by realistic expectations in the marketplace.

The fact that CT does not have a State Wide Port Authority (SWPA), as all other east coast states do, is indicative of our previous lack of a development strategy for our ports. There are several good models for us to follow, and we need to carefully consider how a State Wide Port Authority would be structured and empowered. Since we released the port study, there has been ample time for people to review and contemplate its findings. There appears to be almost universal stakeholder support for creating a SWPA. Of course the details of how it should be structured is the challenge we must think through.

If we create a State Wide Port Authority, it must be empowered and properly funded as described in the port study. It should be staffed with professional industry/policy experts who are carefully selected, not political appointees. It must have the ability to make investments and leverage both public and private sector resources. It should be able to represent industry and stakeholders to local boards and commissions to streamline decision making. And it should be embedded with representatives from the three deep draft ports so local interests are fully represented.

In this port study, the collaboration of OPM, DECD, DOT and DEEP, along with representatives from Bridgeport, New Haven and New London produced a useful examination of our situation. The road ahead should be navigated with that same collaboration, as we are all in this effort together and it will take a collective effort to arrest the decline of our deep ports and support our maritime industries.

Thank you for providing this forum to hear from the many stakeholders represented here today. If you have specific questions or comments for DECD, I would be happy to take those back to Commissioner Smith.



Suggested Tax Change to Support the Governor's Recommendations on Connecticut's Deep Water Ports New London New Haven and Bridgeport.

March 4, 2013

My name is Thomas Santa and I am the secretary of the Ct Maritime Coalition, a state cluster organization and CEO of Santa Energy Corporation of Bridgeport. In addition to the supply of energy to land based users my company supplies marine fuels. We have for over twenty years supplied marine diesel and other fuels to a variety of vessels including ships, tugboats, ferries and yachts in the ports of Connecticut. In 2011 we invested in a direct to vessel fueling operation at our Bridgeport marine petroleum terminal.

The current tax on motor fuels sold to vessels engaged in interstate commerce puts Connecticut fuel distributors at a serious disadvantage to those in neighboring states. As a result most commercial vessels transiting CT waters do not fuel in the state and the business and tax revenue is lost. We have seen our sales decline by several million gallons as a direct result of this tax.

The tax on marine fuel sold to this class of trade today stands at \$0.22 per gallon. There is no tax on this marine fuel in Rhode Island and the tax in New York is \$0.1639 per gallon. In addition to lost sales of marine fuel the state also loses ancillary sales of products and services to these vessels.

Additionally vessel owners calling in Connecticut Deep Water Ports truck their stores (parts and supplies) from neighboring states to the vessel to avoid Connecticut State Sales Tax, increasing truck traffic on the I-95 corridor, and bypassing goods sold in Connecticut. It is our belief that companies in considering location take these taxes into account among other factors and decide to locate elsewhere.

Eliminating these taxes would have little impact on current tax revenue as these sales are not occurring in Connecticut. It is conservatively estimated to generate \$9 million to \$15 million in additional Connecticut fuel sales annually at the outset. These sales could be expected to generate corporate income taxes, jobs and new marine business.

Fuel sales to vessels having a displacement exceeding 4000 dead weight tons are currently exempt from this tax. Unfortunately vessels of this size rarely call on CT ports. This exemption is spelled out in CGS Section 12-587(b)(2)(E). It is suggested that this exemption be expanded as follows "bunker fuel oil, Intermediate fuel, marine diesel oil and marine gas oil for use in any vessel having a displacement exceeding four thousand dead weight tons or any vessel primarily engaged in interstate commerce." (Underlined is suggested addition to existing language)



moffatt & nichol

CT Deepwater Port Strategy Study



moffatt & nichol



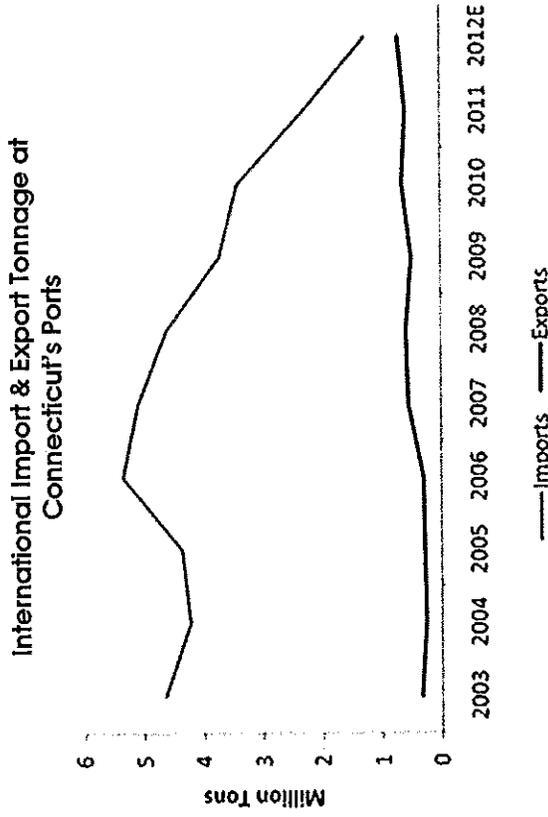
Purpose

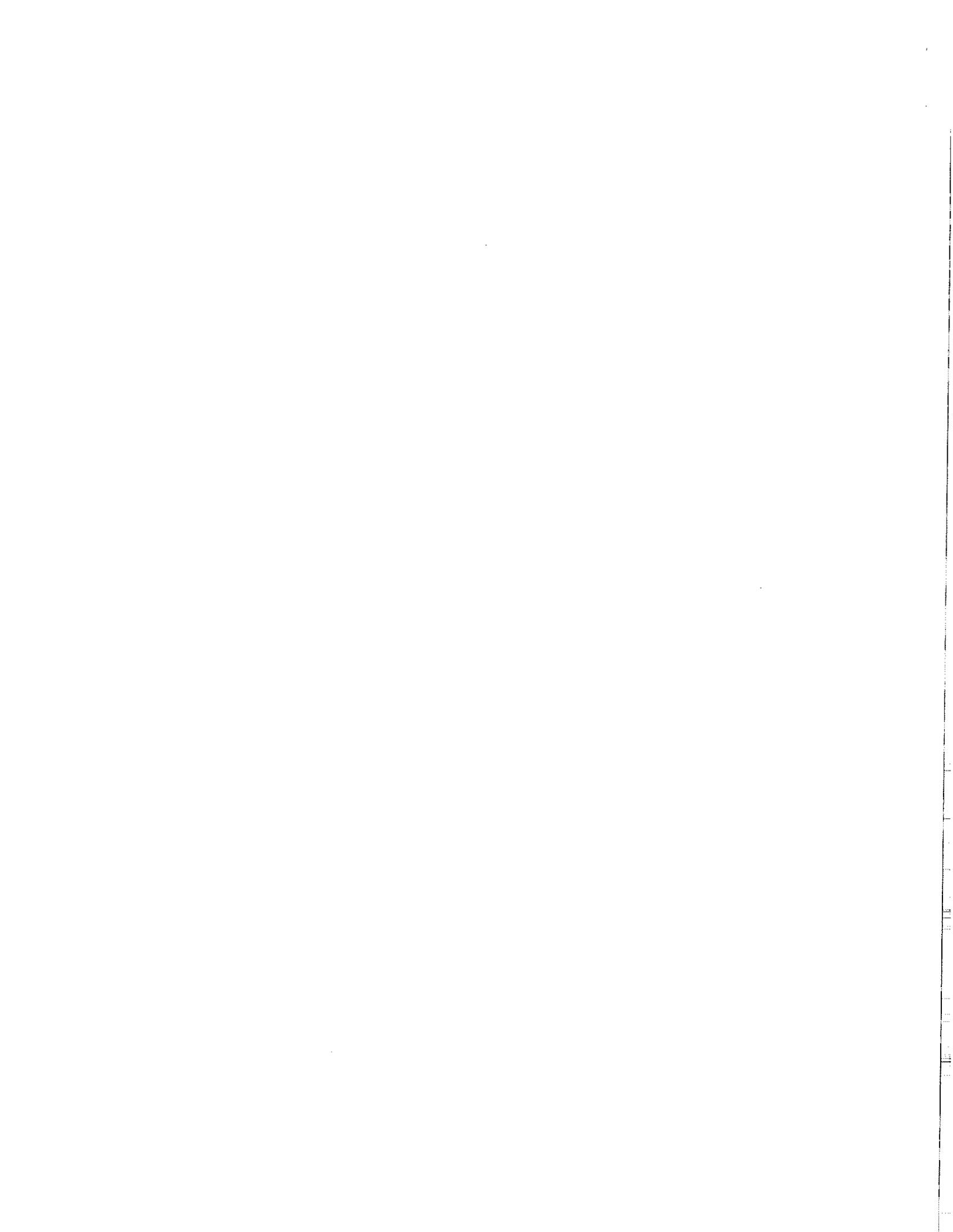
- Assist the State in developing a long-term strategy for the economic development of Connecticut's deep water ports.
- Main focus is a market analysis to determine the best uses of the ports.
- Development of a marketing plan and identification of required infrastructure investments that will make the ports more competitive.
- Formation of a model for an efficient and effective Grants-in-Aid program to address necessary improvements.

Background

Despite its rich maritime history, the Connecticut ports and related maritime industries have not fared well in recent decades.

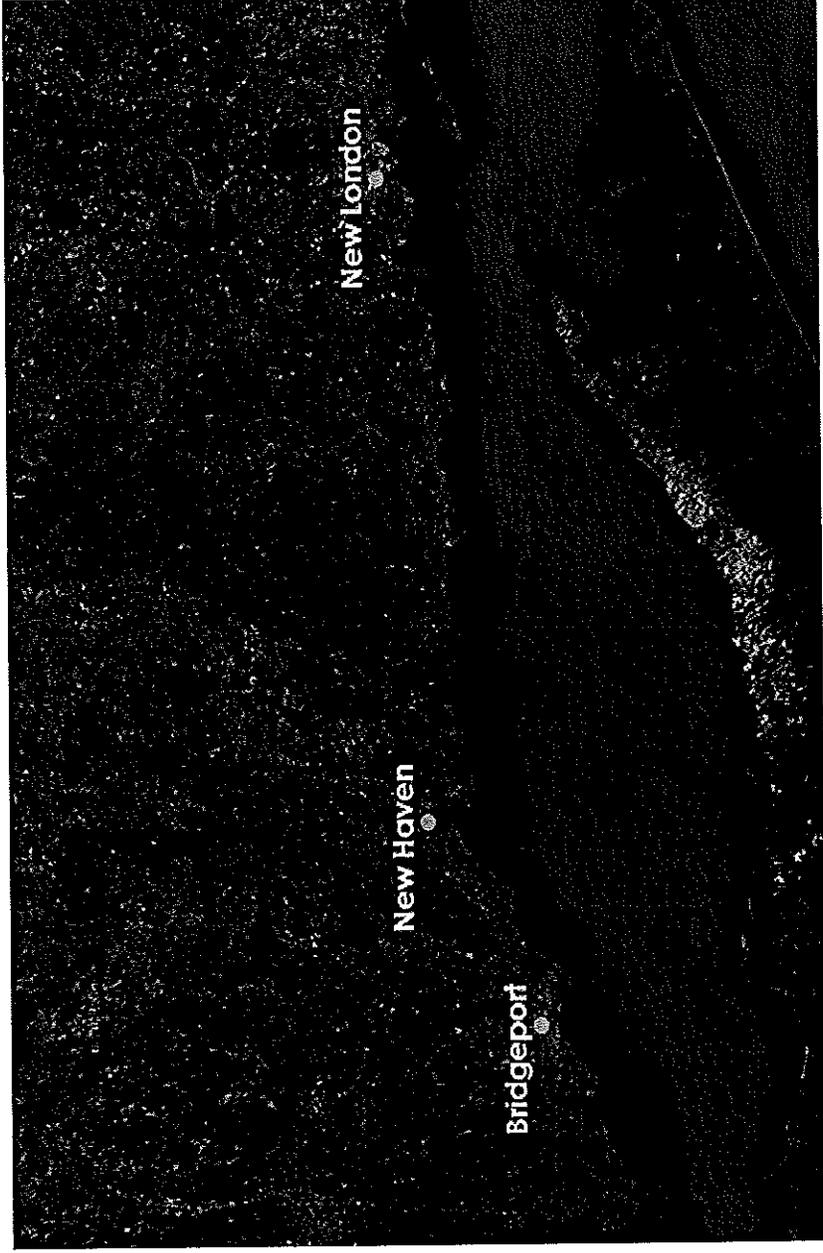
The long-term decline of Connecticut deep water ports is a function of global and geographic forces beyond the reach of any individual port or state government.





Recommendations

Market analysis did not reveal any potential for a significant container port. However, the study details eight specific, market-based strategies to respond to these long-term trends and outlines five specific government actions and policies in support of these strategies.

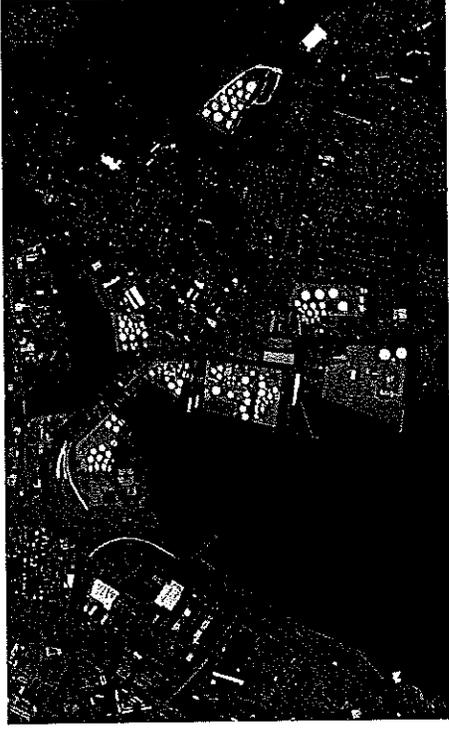




Market-based Strategies

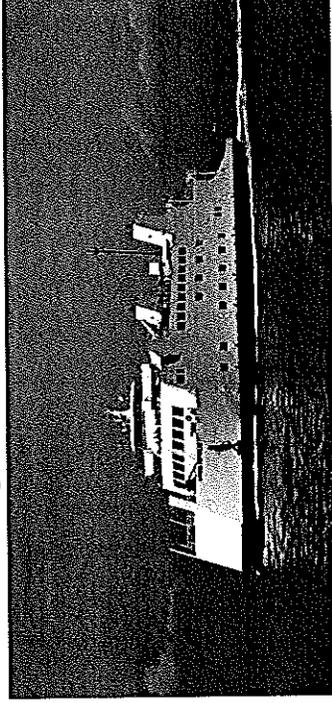
1. **Protect and enhance liquid bulk and related energy uses**

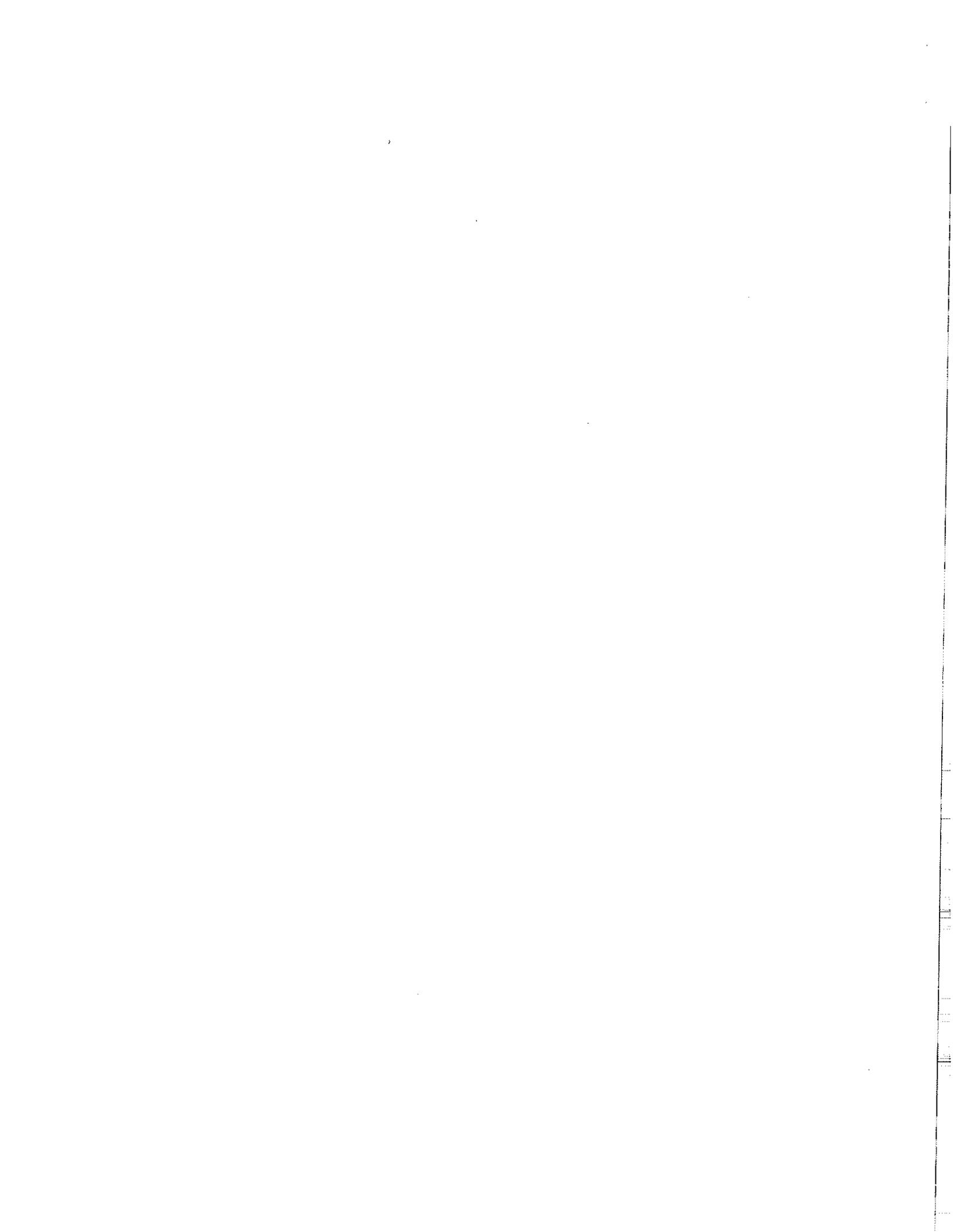
New Haven Energy & Liquid Bulk Facilities



2. **Protect and enhance private ferry services**

Bridgeport's "Grand Republic"

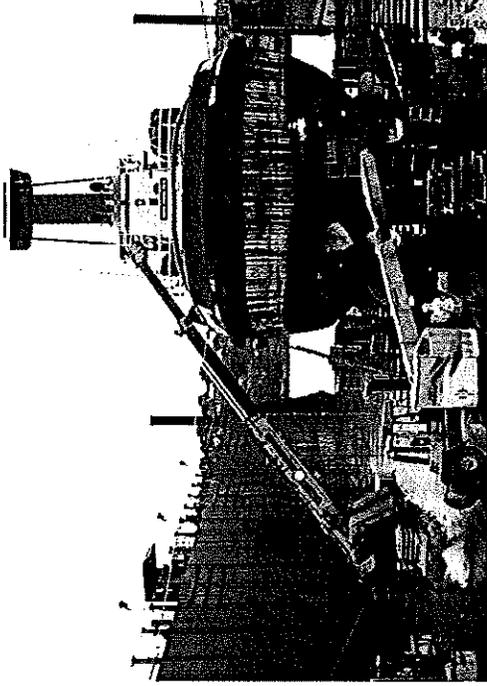




Market-based Strategies

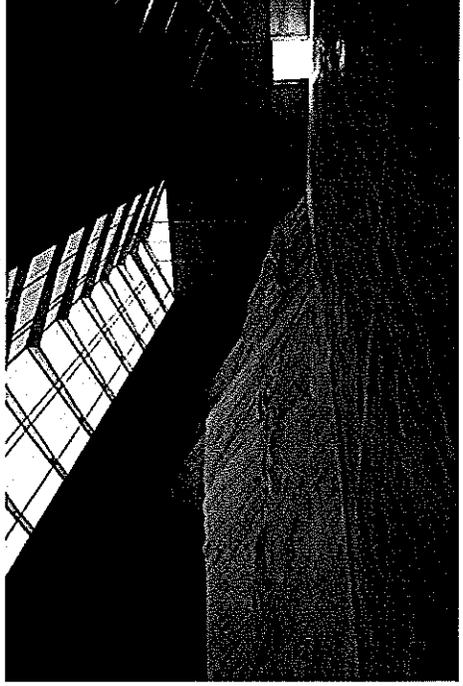
3. **Protect and enhance shipyard and ship repair services**

Thames Shipyard



4. **Increase dry bulk and break bulk cargoes**

Bulk Salt Storage





Market-based Strategies

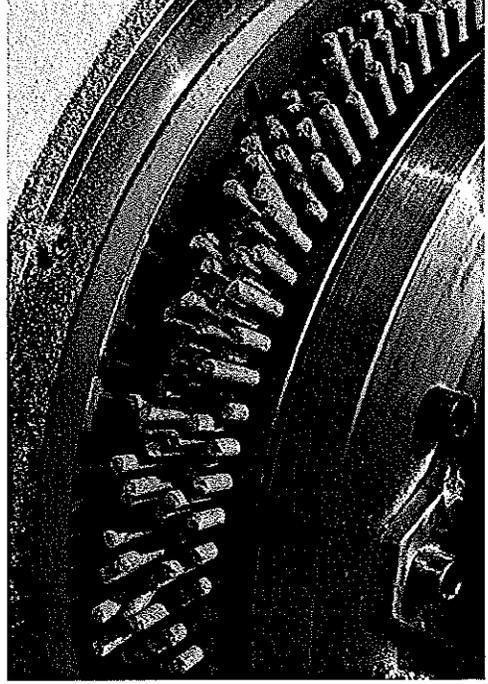
5. Increase scrap metal exports

Sims Metal Management in North Haven



6. Attract wood pellet exports

Wood Pellets

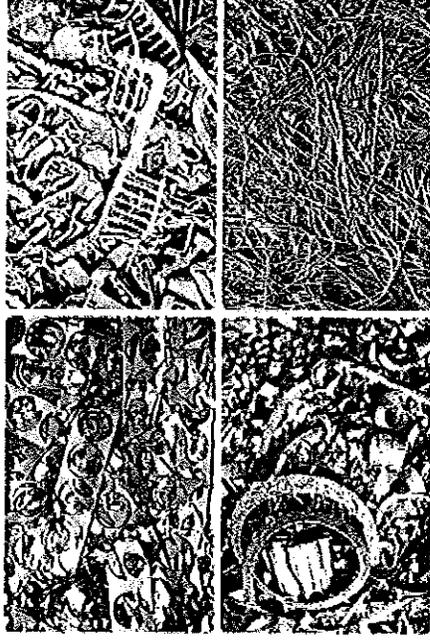




Market-based Strategies

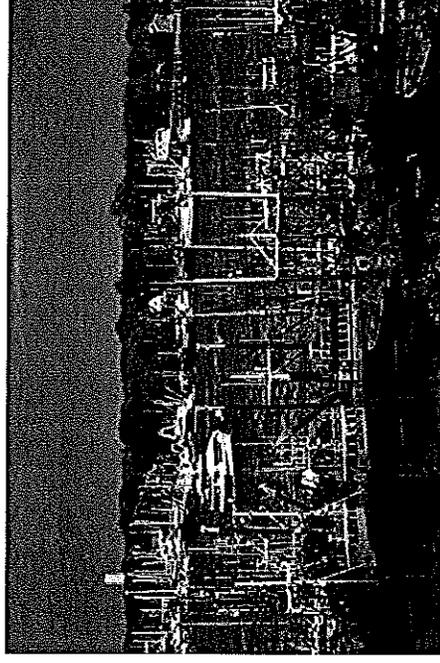
7. Compete for break bulk lumber, copper and steel imports

Various Metals



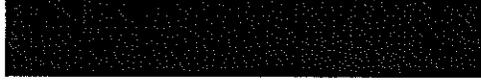
8. Evaluate fresh food imports

Docked Fishing Vessels



Policies and Actions

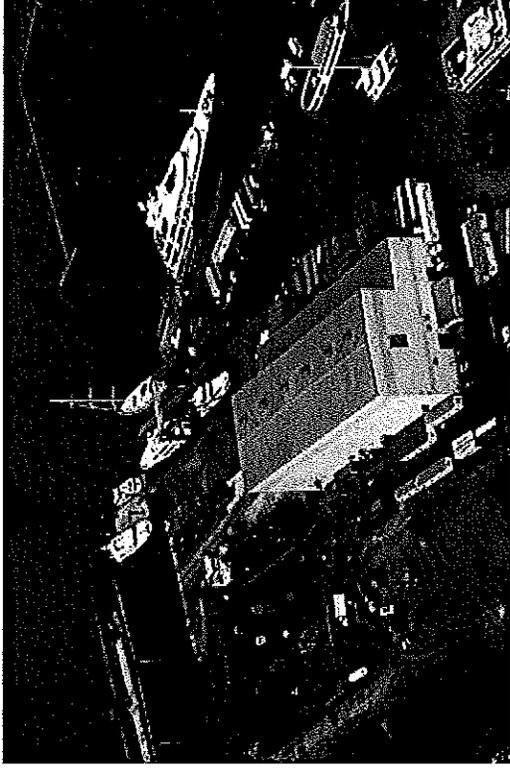
1. Fund New Haven Channel and Small Marina Dredging
2. Revise State Pier Solicitation



Policies and Actions

3. Bridgeport /Derecktor Shipyard solicitation

Derecktor Shipyard



4. Create Market-Based Grant-in-Aid Program



Policies and Actions

5. Revise and improve governance structure:

Market-Based Approach

Statewide Port Authority Approach





PORT GOVERNANCE AND MANAGEMENT MODELS

Capt. Jeffrey Monroe, MM, MTM, CPE

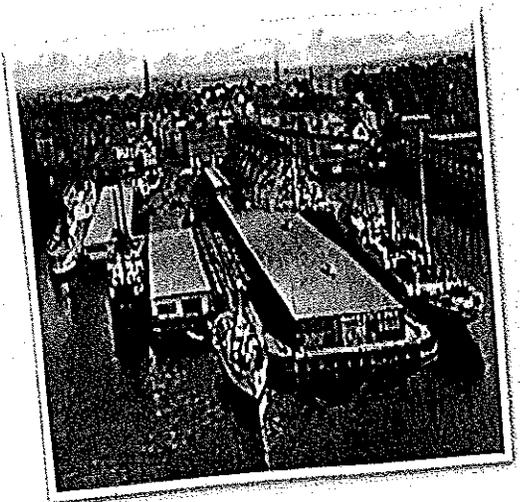
Chairman-Department of Homeland Security National Maritime
Security Advisory Committee

Senior Port, Maritime and Transportation Consultant

Seminar Leader-Certified Port Executive Program

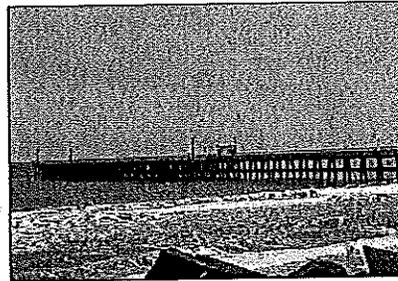
Public Ownership Increased When Industry Changes Forced A Shift from the Private Sector

- Most significant during the transition from break bulk to container operations
- Stranded many waterfront properties and left many facilities with marginal use



Public Ownership Created Through Necessity

- Over the last sixty years, public entities have taken over large expanses of waterfront property
- Included terminals and marine facilities
- Older property in need of repair and investment



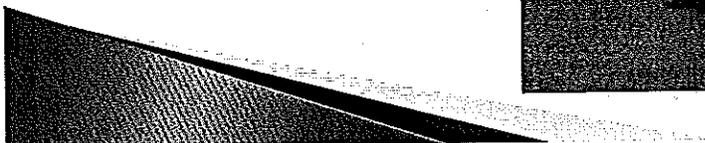
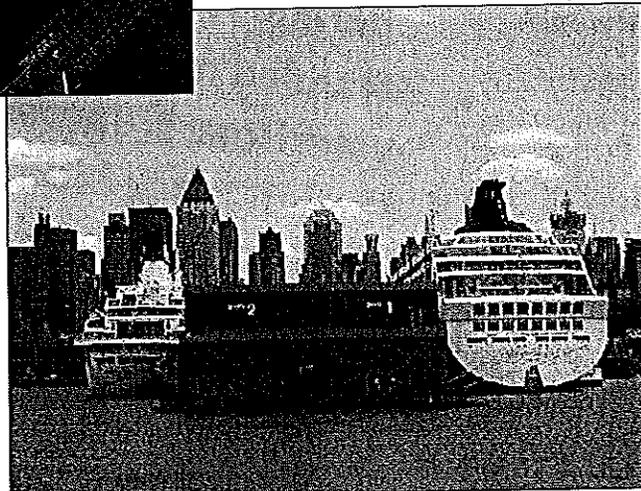
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Preservation and Renewal Occurred Due to Political Efforts and Leadership

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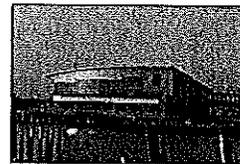
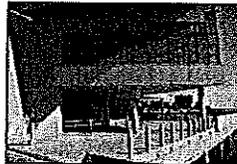
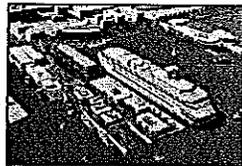
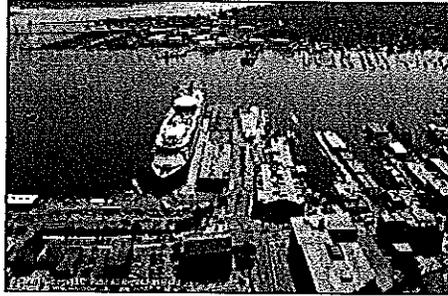


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Public Sector in Best Position to Care for Public Benefit, Private Sector Has A Significant Role



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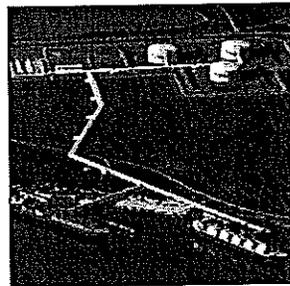
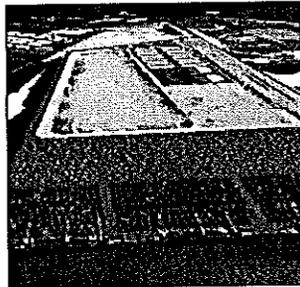
THE PORT COLLECTIVE-Public and Private

- Ports are a collection of public and private marine terminals with associated landside transportation infrastructure
- There is a common interest in the growth and development of port areas and transportation
- Public entities have leadership roles
- Work with private entities to address common interests and objectives for the port & customers
- Public entities may operate marine terminals
- Ports are economic engines & create well paid jobs benefiting the State and the region

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Public vs. Private Facilities– Primary Difference

- Public facilities are common carrier oriented willing to handle all types of cargo & industrial activities in support of jobs and economic development
- Private terminals generally handle their own cargoes & products, or specific types of cargoes for profit



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PUBLIC PORT MANAGEMENT

- Public Port Authorities
- Public Port Commissions
- State Department Port Divisions
- Municipal Department Port Divisions
- Publicly Owned, Commercially Operated
- Associated Ports Councils
- Public Agency 2nd Party Managed

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COMMON OPERATIONAL MODELS

BASED ON TERMINAL TYPE, UTILIZATION AND CUSTOMER BASE

- Owner operated
- Second party operated
- Third party operated
- Common carrier operated
- Public-Private operated

May be public or private, exclusive or non-exclusive

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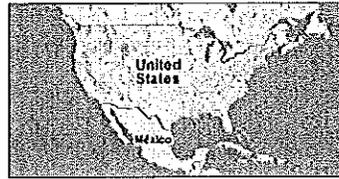
CANADA & U.S. PORT MODELS

- US Port Authorities often manage seaports, airports, bridges and rail facilities
- Canadian port authorities are for the most part prohibited from engaging in activity unrelated to their maritime functions, such as airport, rail or toll bridge operations
- Determination is made in the enabling legislation
- Public Agencies need to Coordinate and Connect together transportation infrastructure into a System

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U.S. Port Governance

- In the U.S. there are multiple models for port management
- Range from simple terminal management within a port to combined or collective port management which encompass multiple facilities or waterfront properties
- 326 ports nationwide
- 10,000+ terminals



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U.S. Port Governance

- Port management revolves around one essential factor, the ownership or right/title/interest of property, which in most cases is retained for some public benefit
- The amount of port property and jurisdictional locations often dictate how the management will be structured
- Government serves as the steward and promoter of port activity recognizing ports are economic engines and public assets & utilities
- Multiple models depending on level of Government

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Municipal Port Model

- Municipal ports are more common in small port areas where property is mostly publically owned
- The local municipal entity, town or city, provides management & care of public port facilities
- Managers are within a department of the local government
- Funded as part of the municipal budget
- Advantage is cost effective operations
- Disadvantage is the port competes for funding with schools and community services

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Port Commission Model

- Quasi-governmental ports or commissions are created by State legislatures or City Councils
- Have a form of connected governance but a level of autonomy
- Are dependent on public and private funding and revenue
- Intended to allow the local governmental entities to exert a level of local control over waterfront property in a community
- Advantage is the involvement of local government in decision making
- Disadvantage is that the waterfront issues can be so diverse, that progress is often slow for industrial or commercial development.

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State Port Models

- State ports can be operated under the transportation department of a State
- Managed or staffed with State employees or Agent
- Many communities have State owned facilities which are either promoted by the State or leased to a public or private entity
- State port management is often limited to port promotion or infrastructure investment
- Advantage is coordinated transportation programs under a single State entity
- Disadvantage is parochial interests, funding competition and balance with other public desires

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Port Authorities

- Public port authorities are entities that are created or enabled by State legislative action for port property control and development
- Have independent management and bonding authority
- Focus on commercial marine terminal activities but can often include other operations such as airports, marinas, real estate development, rail or highway infrastructure
- Advantage is that they have the ability to promote their business activities with limited involvement from local government processes
- Disadvantage is that they can have diverse policy from their host communities

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State Port Council

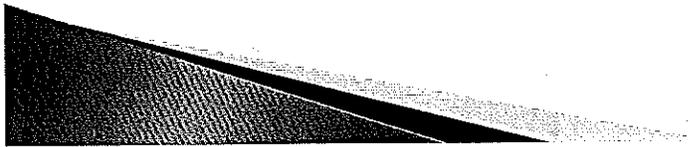
- Includes independent port interests that work together to achieve common state-wide goals
- Each port is represented along with key public officials who have regulatory or development responsibilities for port areas
- Acts like a Metropolitan Planning Office (MPO).
- Reviews projects, coordinates State's response and allocates funding
- Provides a policy development forum that is coordinated with other State objectives
- Provides coordination and strategic planning



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Public Vs. Private Management

- Public entities insure infrastructure is protected and sustained to provide public benefit with public dollars invested to benefit public need and possible utilization
- Private entities are efficient and revenue driven focusing on profit & long term growth
- Their roles should not be confused
- Publically owned property is entitled to a rate of financial return to meet public benefit goals



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Management considerations

- Ports consist of both public and private management models
- Public port models must be designed to provide optimal stewardship of a valuable resource
- Public agencies look after the public good
- Public-private partnerships are critical to the success of port management and growth
- Stakeholders are part of those partnerships
- Ports are critical to the public welfare

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Questions?

Thank You

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**STATEMENT OF STANLEY MICKUS
DIRECTOR OF PUBLIC AFFAIRS
CROSS SOUND FERRY SERVICES, INC.
IN SUPPORT OF R.B. NO. 1043**

Good morning Sen. Maynard, Rep. Guerrero, ranking members and members of the Transportation Committee. My name is Stan Mickus and I am the Director of Public Affairs for Cross Sound Ferry Services and I am submitting this testimony in support of Raised Bill No. 1043 AN ACT CONCERNING STATE-WIDE TRANSPORTATION ISSUES AND THE ESTABLISHMENT OF A STATE-WIDE PORT AUTHORITY.

Cross Sound Ferry is one of the largest vehicle and passenger ferry systems in the U.S. In 2012, we transported just over 1.1 million passengers and over 430,000 vehicles including commercial trucks and tractor trailers between New London and Orient Point, Long Island. We operate year-round service with as many as 58 arrivals and departures daily. We also operate seasonal high-speed passenger only ferry service to Block Island from New London. In 2012, this service carried over 100,000 passengers between these two points. We operate a fleet of nine vessels, seven vehicle and passenger ferries and two high-speed passenger-only vessels. We employ over 300 people during our peak operating season and over 225 year round. Our ferry terminal in downtown New London is the largest component of the City's multi-modal transportation center accounting for approximately 75% of all passengers coming through the transportation center which also includes rail, bus and taxi services and a 1000 car parking garage across the street not directly connected to the transportation modes.

One of the recommendations coming out of the State's Deep Water Port Strategy Study is to "Protect and Enhance Connecticut's Private Ferry Services." The study identified that the U.S. EPA estimates greenhouse gas benefits of approximately 4-6 cents for every mile of reduced passenger vehicle travel. This figure does not take into account the congestion benefits of taking cars and trucks off of I-95. The Connecticut DOT Policy and Planning Department calculated that based on present use data, use of Cross Sound Ferry's New London – Orient Point service to get to a central location on Long Island saves

approximately 58,929,327 vehicle miles traveled annually. This accounts for more than \$3.5 million annually in greenhouse gas benefits.

As the traffic burden on I-95, 395 & 91 grows, travelers should be encouraged to utilize alternative modes of transportation such as ferries. The creation of a State-wide Port Authority assembled properly with representation from the industry promoting maritime interests should have as its mission to promote interstate ferry travel as a cost-effective and environmentally-friendly alternative to the roadways. Appropriate interstate signage for ferries as alternate routes is a must – both static and even usage of the digital smart-messaging boards to alert travelers of delays with enough advance notice that they can make a decision on choosing an alternative route such as the ferries. Having the ferry routes posted on state maps, websites and mobile applications is also a way to promote awareness of ferry travel.

As a carrier of large commercial vehicles, heavy trucks including tractor-trailers, we support the Port Study's recommendation that "Cross Sound Ferry could contribute to moving freight between New England and Long Island, taking trucks off of I-95. An incentive program recognizing the public benefits of doing so may be appropriate." With our vessels running at just over 50% capacity on a year-round basis and having the ability to add trips, expand schedules short term and procure new vessels long term, Cross Sound Ferry is capable of meeting the demand for increased commercial truck traffic.

A State-wide Port Authority with a clear mission of promoting and supporting ferry transportation should be an advocate for the maritime industry to bolster Connecticut's economy.

**STATEMENT OF ADAM WRONOWSKI
VICE-PRESIDENT
THAMES SHIPYARD & REPAIR CO., INC.
IN SUPPORT OF R.B. NO. 1043**

Good morning Sen. Maynard, Rep. Guerrero, ranking members and members of the Transportation Committee. My name is Adam Wronowski and I am Vice President of Thames Shipyard & Repair Company headquartered in New London, and I am submitting this testimony in support of Raised Bill No. 1043 AN ACT CONCERNING STATE-WIDE TRANSPORTATION ISSUES AND THE ESTABLISHMENT OF A STATE-WIDE PORT AUTHORITY.

Thames Shipyard is a third generation family business started by my grandfather, John H. Wronowski in 1967. Our "North Yard" site located at the foot of Farnsworth Street dates back to the early 1900's as a commercial ship repair facility on New London's waterfront. Thames Shipyard is the largest commercial vessel repair facility in Connecticut and one of the largest in the Northeast. The importance of Thames Shipyard's impact as a vital regional facility located in Connecticut cannot be stressed enough as other shipyards in neighboring states have gone out of business over the past 10-15 years.

Thames Shipyard services vessels in many of the major ferry systems in the Northeast including the Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority, Cross Sound Ferry, Block Island Express, Fishers Island Ferry, Bridgeport-Port Jefferson Ferry, and the Lewes, Delaware – Cape May, New Jersey Ferry. The shipyard also services the commercial tugboats in the region, vessels for the Army Corps of Engineers, commercial barges, commercial fishing vessels, and vessels for the Naval Submarine Base in Groton and Electric Boat Shipyard. Thames Shipyard currently has over 90 employees and according to the Port Study is the largest non-cargo employer among the three deep water ports. We have seen growth in both our business and number of employees in the past five years. We are optimistic about the future of Thames Shipyard as the premier commercial ship repair facility in the Northeast.

The shipyard's main activities take place on two large floating drydocks which are used to haul vessels out of the water in order to perform repairs and maintenance on them. We recently

completed a project to expand our Number 2 drydock and dredge around our facility in order to service larger and deeper draft vessels. This work was largely funded through federal and State grants. Because of these capital improvements, last year, Thames Shipyard secured a seven year, \$7 million contract to service and maintain the New York City Fire Department's fleet of fireboats. In fact, many of Thames Shipyard's customers are out-of-state interests. In other words, we are bringing in revenue from other states and using it to create and support Connecticut jobs.

We feel that the formation of a State-wide Port Authority should protect and enhance commercial shipyard activities and ship repair services as recommended by the Port Study. We also support the recommendations in the Study to "review the combined effects of the multiple local, regional, state, and federal requirements on this industry and streamline the regulatory processes for ship repair and shipbuilding." We feel a State-wide Port Authority made up of entrepreneurial thinkers can be an advocate when dealing with local, State and federal agencies and protect the industry in this State and the people whose livelihoods depend on employment in this business.

A State-wide Port Authority can also be instrumental in identifying and helping to secure federal funding opportunities for commercial shipyards. Federal funding for shipyards is extremely competitive with hundreds of yards applying for a limited amount of funding each year. Funding is used for capital projects and large equipment purchases such as cranes and power washers used to clean vessel hulls.

With a clearly defined mission and properly assembled, the creation of a State-wide Port Authority in Connecticut has the chance to greatly improve the maritime climate in the State, especially if members of the maritime industry are included in the Authority. A State-wide Port Authority should be an advocate for commercial shipyards and the entire maritime community. A Port Authority must not create another layer of bureaucracy and regulations, which will do nothing more than stifle an industry that has the potential to become a significant economic generator for the State of Connecticut.

An Act Concerning Connecticut's Deep Water Port Strategy Study

1. This bill establishes the Connecticut Statewide Port Authority (CSPA) as a quasi-public agency of the State of Connecticut which will provide the governance structure for Connecticut's three deep-water ports; New London, New Haven and Bridgeport.
2. The CSPA will provide the requisite planning and marketing to increase the movement of freight through Connecticut's three deep water ports and integrate the ports into the State's transportation network by implementing the recommendations of Connecticut's Deep Water Port Strategy Study.
3. The CSPA will be authorized to improve land; retain, dismiss and compensate employees and consultants; apply for federal and state funds in support of increasing cargo movement through the three ports; enter into contracts; borrow money; develop and administer the grant-in-aid program; issue CSPA bonds backed by its revenue and assets; and make recommendations to the Administration and General Assembly to further its goals and function.
4. The CSPA will be governed by a thirteen member board with four members appointed by the majority and two members appointed by the minority leadership of the General Assembly; four members appointed by the Governor and three members appointed by the Mayors of the three deep water ports. The State Treasurer, the Secretary of OPM, the Commissioners of the Departments of Transportation, Energy and Environmental Protection and Economic and Community Development, or their designees shall serve as *ex officio* members of the board. Appointed board members shall have business and management experience and expertise in financial planning, budgeting and assessment, marketing, master planning, maritime trade or transportation management.
5. Initial staffing organization includes an executive director with extensive experience in the development and management of multi-use port operations, and a marketing manager with experience in port market development and promotion, including working with vessel operators, shippers, railroads, truckers, ect.
6. CSPA must annually submit a performance report to the governor and the Transportation and Commerce committees by December 15 of each year. The report must summarize CSPA's activities, include complete operating and financial statements, and recommend legislation to promote CSPA's purposes.
7. The act supersedes and eliminates the Connecticut Maritime Commission.

Statement of Purpose: The Act establishes the Connecticut Statewide Port Authority (CSPA) to implement the recommendations of Connecticut's Deep Water Port Strategy Study which seeks to reverse the decline and improve the competitiveness of the commerce of the State's three deep water ports of New London, New Haven and Bridgeport.



NEW HAVEN PORT AUTHORITY

Raised Bill No. 1043: An Act Concerning State-Wide Transportation Issues and The Establishment of a State Wide Port Authority

My name is Judi Sheffele, I am the Executive Director of the New Haven Port Authority and I am here to speak in support of the creation of a state-wide port authority. To provide you with some background on our organization, although there has been a commercial port in New Haven since colonial times, our authority was just established in 2003; and its creation was driven in large measure by two initiatives of the State of Connecticut. A call by the Transportation Strategy Board "TSB" in 2000, for container on barge projects that would reduce traffic congestion and improve air quality along the I-95 corridor and the second was the I-95 Q-Bridge project that was about to, and continues, to impact port operations.

One of the very issues identified in the port study, the competition between ports for limited state and federal resources need not occur, as did when both New Haven and Bridgeport vied for the TSB funding. It was and is quite frankly a waste of very valuable yet limited resources. A state-wide port authority could essentially eliminate this waste by becoming the over-arching entity to undertake the planning and marketing needed to increase the movement of freight through Connecticut's deep water ports. It would be responsible for integrating the movement of waterborne freight into the State's transportation network, in concert with the Federal Freight Transportation Network. It would develop and administer a grant-in aid program recommended in the port study, identify federal programs and funding opportunities, vetting and supporting those applications that were consistent with its plan for Connecticut's Deep Water Ports. A perfect example of the need for greater State involvement was evident in 2010 when the New Haven Port Authority, in collaboration with four businesses located in the port district, prepared an application for a TIGER grant to fund infrastructure improvements. We were unable to secure a letter of support from the State and, in fact, our written request to meet with the then commissioner of Connecticut's Department of Transportation was not acknowledged until after the grant had been submitted to the US Department of Transportation. The significance of that lack of support was communicated to me at a meeting with USDOT staff in Washington to discuss why we had not been successful in our bid for funding.

Land use regulation is of critical importance to ports around the county. Our ports and the landside property that support maritime activities are often viewed as areas prime for gentrification; tank farms, trucks and large piles of bulk cargo are not considered desirable and for many struggling municipalities they can envision uses that will produce greater tax revenue while ignoring the asset our ports represent. There is a limited amount of land available for growth within our port district and consequently terminals have had to secure land for cargo storage outside the district. This conflict also presents an opportunity to identify properties along the Interstates and rail corridors that could support the port activities. The I-95 crossing project, although certainly improving vehicular access to the port, did result in significant land takings within our district including the demolition of two warehouses. Although some of this land will become available once the project is completed, those takings will have a lasting impact. One can only ponder if marine transport had been acknowledged as an integral component of the transportation network would a greater effort have been made to reduce these takings. I can only hope that a worthy advocate for the maritime industry is in Connecticut's future with the creation of a State-wide Port Authority.

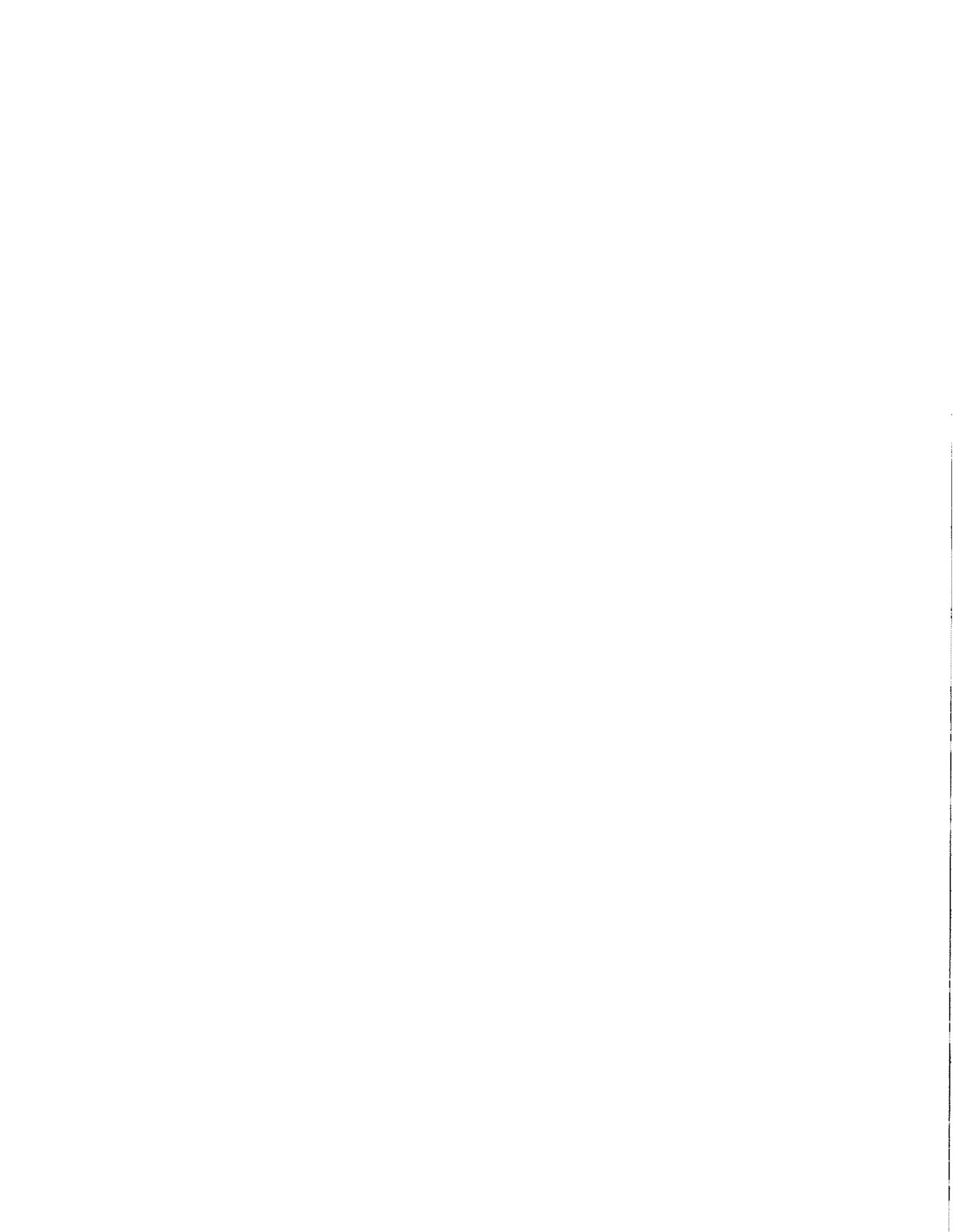
RAISED BILL NO. 1043

AN ACT CONCERNING STATE-WIDE TRANSPORTATION ISSUES AND THE
ESTABLISHMENT OF A STATE-WIDE PORT AUTHORITY

My name is David Pohorylo, and I come here today to speak in favor of the creation of a statewide port authority. I am the current chair of the Connecticut Maritime Coalition, a state cluster organization, and I am president of New England Shipping, a ship agency coordinating and providing land and water based services to commercial vessels, ships owners & operators and cargo interests. We founded our company in 1991 in New Haven, at a time when 90% of our business was within Connecticut's three deep water ports. Over the last 20 years we have seen that 90% dwindle down to less than 20%. Our business has grown over the last 20 years, but it has grown in the ports of Providence, Boston, Albany and the Port of New York and New Jersey. Connecticut ports business losses have truly been gains for our neighbors to our north and south. As recently as the year 2000, the Port of New Haven was the largest port in the northeast, next to Philadelphia, for imported steel. Today not one ton of steel enters the Port of New Haven by water. Imported steel still comes into Connecticut, but you'll see that steel on the back of a flatbed truck, not on a vessel berthed in the Port of New Haven. A port has to be just as competitive as any other business, but there is a big difference between how our ports compete and how our neighbors and other deep water ports in the United States compete. What we lack compared to what they have, has cost us jobs and tax revenue. Other states realize having a deep water port is a great asset, an asset that they support, market and cultivate for the good of all the people of their state. We here in Connecticut have not had the positive support that our competitors have. We have virtually been left to fend for ourselves, and we have. But today we need your help, help to create jobs for our people which ultimately will benefit our state with increased tax revenues and an expansion of our state economy; help to expand the cargo traffic in our ports which will lead to a reduction of truck traffic on our already over-crowded highways; help to get us on a level playing field with our neighbors. And how do we do that; what do our neighbors have that we lack? You have to look no further than the Moffatt and Nichol Port Strategy Study. Let me quote a small portion of the study for you.

"Connecticut deep water ports are the only east coast ports without dedicated, state-level financial and institutional support. State-level entities in Maine, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia provide some or all of the following: direct financial support, credit assistance, simplified regulatory regimes (including land use), and high level marketing and economic development services. In Connecticut, these responsibilities have fallen to two small, financially distressed localities and a branch of the State DOT. Each has preformed its task well, but none is properly equipped to complete in the global economy or even against other east coast ports."

With Raised Bill 1043 and with it, the creation of a statewide port authority, you have a chance to turn our ports around. If you get it right, if you create a statewide port authority using the recommendations in the Port Strategy Study and the recommendations of our panel and others here with us today, you will put our ports on a level playing field with our neighbors. If you get it right, a statewide port authority will give us the tools we need to grow. We are here to help you move forward, to work together in the best interests of our ports and the people of Connecticut.



Testimony in Support of SB 68, SB 628, and HB 6037
To Allow Undocumented Immigrants Access to Driver's Licenses
Josh Bendor, Kendall Hoechst, Aaron Littman, and Lilian Timmermann
Worker & Immigrant Rights Advocacy Clinic, Yale Law School
Counsel for Congregations Organized for a New Connecticut (CONNECT)

One argument we have heard in response to today's bills is that undocumented immigrants are here illegally, and so should not receive any further protection from the government. This argument misunderstands the nature of our immigration law and the way our society and its laws relate to immigrants.

It is not a crime to be present in the United States without lawful immigration status.¹ It is not a felony or even a misdemeanor. Rather, it is a civil violation, subject to administrative sanction.² A person cannot be jailed or even fined for being undocumented.³ She can only be sent back to her country of origin.⁴

Sometimes people speak about undocumented immigrants as if they were a kind of outlaw. They are "illegals," and that is it. But that is not how our law works. If an undocumented immigrant woman is beaten by her husband, the police do not turn a blind eye.⁵ If a little girl who is undocumented shows up for the first day of third grade, we do not slam the door in her face.⁶ Our law treats undocumented immigrants as human beings, not "illegals."

I know that many people out there may say to themselves, my family came to this country legally, why can't undocumented immigrants today? And so I want to say a few words about how our immigration law has changed over the years, and why my family, and I would guess yours, if they were immigrating today, would have come here however they could, with a visa or without.

Our families came here to build a better life for their children. Many came fleeing economic hardship. Others fled religious persecution as well. Until the 1920s, you did not even need a visa.⁷

Today, things are different. If you are a farm worker in Mexico and you are trying to get into the United States on a family visa to join your brother, it will take you about sixteen years to get a visa.⁸ Imagine you have just gotten married, you are starting a family. What do those sixteen years mean to the life chances of your son, your daughter?

¹ *Arizona v. United States*, 132 S. Ct. 2492, 2505 (2012) ("As a general rule, it is not a crime for a removable alien to remain present in the United States.")

² *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984) ("A deportation proceeding is a purely civil action to determine eligibility to remain in this country, not to punish an unlawful entry . . .").

³ *Id.*

⁴ *Id.*

⁵ In certain cases, the Immigration and Nationality Act provides for visas for the victims of crimes, including domestic violence. Immigration and Nationality Act (INA) § 101(a)(15)(U).

⁶ *Plyler v. Doe*, 457 U.S. 202, 205 (1982) (holding that Texas's attempt to "withhold from local school districts any state funds for the education of children who were not 'legally admitted' into the United States" violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution).

⁷ U.S. Citizenship & Immigration Serv., *Overview of INS History to 1998*, in A HISTORICAL GUIDE TO THE U.S. GOVERNMENT, (George T. Kurian, ed., 1998).

⁸ U.S. DEP'T OF STATE, VISA BULLETIN FOR MARCH 2013, http://www.travel.state.gov/pdf/visabulletin/visabulletin_march2013.pdf. The family-sponsored preference categories are defined in INA § 203(a).



And if you do not already have a family member here, you have no real shot of getting in at all.⁹

So, yes, undocumented immigrants are here without the authorization of the federal government. But they are here for the same reasons that our families came. And I would guess that, if my family were in their shoes, looking at a sixteen-year wait for a bright but difficult American future, they would not wait. At least, I would hope not.

And the truth of the matter is, undocumented immigrants are integral to our economy. When Alabama passed its harsh immigration laws and farm workers fled to other states, crops rotted in the fields.¹⁰ Immigrants do the jobs that no one else wants to do. They help this country prosper.

But once undocumented immigrants come here illegally, there is no real pathway to legal status or citizenship.¹¹ That is federal law and there is nothing Connecticut can do to fix it. What Connecticut *can* do is ensure the safety of all its residents by requiring all drivers in the state to pass written and road safety tests and obtain licenses and insurance without regard to their status.

We hope Congress will pass immigration reform soon. But that is no reason not to pass this bill. Even if Congress creates a pathway to legal status tomorrow, the federal government will have to process millions of applications. That will take a long time. In the meantime, we should make sure that the undocumented immigrants who are here in Connecticut, sharing our roads, can get a simple driver's license.

⁹ Only highly skilled workers are eligible for the various categories of employment-based visas. INA § 203(b). Temporary workers can also receive H-2A and H-2B visas, but these are temporary and must be petitioned for by employers. INA § 101(a)(15)(H)(ii). H-2B visas, for non-agricultural workers, are capped at 66,000 per year. U.S. Citizenship & Immigration Serv., *Cap Count for H-2B Nonimmigrants*, available at http://www.uscis.gov/h-2b_count.

¹⁰ *Farmers Complain About Rotting Crops but Sen. Scott Beason Says No to Immigration Law Changes*, ASSOCIATED PRESS, Oct. 3, 2011, available at http://blog.al.com/wire/2011/10/chandler_mountain_farmers_comp.html.

¹¹ INA §245(a) (providing that adjustment of status is not available for persons who entered the United States without inspection).

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