



CALIFORNIA TOW TRUCK ASSOCIATION

"Developing Professionalism in the Towing Industry"

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January 28, 2010

Clerk of the Board
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, CA 95812-2815

Re: CTTA Written Comment on the California Air Resources Board's Regulation to Reduce Greenhouse Gas Emissions from Vehicles Operating with Under Inflated Tires (Proposed Modified Regulatory Language for the Second 15-day Comment Period)

To Whom It May Concern:

On behalf of the membership of the California Tow Truck Association (CTTA) we are writing to express our concerns with the January 12, 2010 proposed amendments to the California Air Resources Board's (ARB) Regulation to Reduce Greenhouse Gas Emissions from Vehicles Operating with Under Inflated Tires. Specifically, despite ARB's originally stated intentions that the regulation would not apply to "wrecking and towing companies," the current regulation still does not specifically exempt, nor clarify that the regulation would not apply to, towing companies.

Founded in 1969, the California Tow Truck Association represents over 1,000 towing companies within the state of California, providing vital services to the state's motoring public. Our members employ approximately 15,000 people across the state.

While CTTA is generally supportive of efforts to clean our state's air, this is a regulation that should not apply to towing companies due to safety and equipment concerns. ARB has already recognized towing companies should be specifically exempt, as cited in ARB's Initial Statement of Reasons for Proposed Rulemaking (ISOR):

C. Exemptions

The Proposed Regulation excludes auto body repair, collision, and paint facilities, glass and windshields repair/replacement facilities, auto parts sales,

exclusive stores, wrecking and **towing companies**, and miscellaneous automotive service facilities such as car wash and detailing shops not engaged in automotive service or repair. (ISOR, February 2009, Page 5).

In fact, towing companies were specifically excluded from the ARB's estimated capital and operating costs for Automotive Service Providers due to the Proposed Regulation during the period 2010 through 2020. (ISOR, February 2009, Page 85, footnote 26). ARB has therefore already acknowledged that this rule was never intended to apply to towing companies. Applying this rule inappropriately to towing companies would be manifestly unfair, because our members have relied upon ARB's prior representations. Indeed, the rule-making process almost certainly would have proceeded differently in terms of public comment had our members believed they were not exempt. It would be unfair at this late date to attempt to regulate an industry that all along has been assured it would be exempt.

Applying this rule to our members would also be bad policy, because it would result in significant safety concerns, as any additional time required for a tow truck operator and the consumer to be on the side of the roadway only drastically compounds the hazardous situation. Additionally, not all tow trucks are equipped with the on-board air compressor systems that would be required to inflate all the tires on a customer's vehicle to the proper inflation levels.

Unfortunately the most recent modifications to the regulatory language fail to codify ARB's intent to exempt tow trucks. The modifications to Section 95550(b)(2) fail to clarify that this regulation does not apply to towing companies. Specifically, we request the following modifications to the regulation:

Add the following language to Section 95550, subd. (b)(2):

“(E) towing companies.”

To the extent it is necessary to further define the term “towing companies” we recommend the following language be added to Section 95550, subd.(c):

“(13) ‘Towing Company’ means a business that operates a tow truck, as defined in section 615, subd. (a) of the Vehicle Code and does not perform or offer to perform automotive maintenance or repair services.”

Another direct effect of imposition of the rule will be disastrous results on our highways and roads. With tow truck operators ensnared in tire inflation activities, roads will remain uncleared, traffic will back up, vehicle emissions will increase, and our economy and environment will be further harmed. It is ironic that the very air the rule is designed to help clean will actually become even more polluted.

Thank you for your consideration. Please contact me should you have any further questions.

Sincerely,

Jeff Hunter
Executive Director, CTTA

CC: Air Resources Board Members:

Ms. Mary Nichols
Dr. John R. Balmes, M.D.
Ms. Sandra Berg
Ms. Dorene D'Adamo
Mr. Ken Yeager
Ms. Lydia H. Kennard
Mr. Ronald O. Loveridge
Ms. Barbara Riordan
Mr. Ron Roberts
Mr. Daniel Sperling
Dr. John G. Telles, M.D.