



CALIFORNIA TOW TRUCK ASSOCIATION

"Developing Professionalism in the Towing Industry"

3001 E. Tahquitz Canyon Way, Suite 108
Palm Springs, CA 92262-6900
Telephone: (760) 325-5840 Facsimile: (760) 325-5843
www.ctta.com

October 20, 2009

Mary D. Nichols
Chair, California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, CA 95812-2815
mnichols@arb.ca.gov

Re: CTTA Written Comment on the California Air Resources Board's Truck and Bus Regulation (Second 15-day Notice of Public Availability of Modified Text to Consider the Adoption of a Diesel Particulate Matter and Oxides of Nitrogen and Greenhouse Gases Control Measure for On-Road Heavy-Duty Diesel-Fueled Vehicles Operating in California)

Dear Chairwoman Nichols:

On behalf of the membership of the California Tow Truck Association (CTTA) we are writing to express our continued reservations with the California Air Resources Board (ARB)'s Truck and Bus Regulation. The recent revisions made by ARB Staff on October 6, 2009 certainly do not remedy our concerns, nor do they accurately reflect the changes approved by the Board at the December 12, 2008 hearing.

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 proposed regulation will have dire financial implications upon our industry, at a time when our industry can least afford it. The economic reality will be a shortage of tow trucks being able to respond to minor and major traffic incidents throughout the state further complicating the traffic grid lock the state already faces. As a result, the safety our state's motoring public will be jeopardized. The accelerated timelines proposed for truck turnover far exceed the natural turnover of our tow trucks, which will inevitably cause professional operators to close their doors and cease operation because of a financial inability to survive. The bleak economy is

already crushing many of these professionals in our industry. Sadly, many of these good operators perform vital towing services for various law enforcement entities across the state, providing crucial assistance with ensuring the safety of our motoring public. Without these operators, law enforcement personnel will not be able to adequately protect our citizenship – yet the Staff Report incorrectly concludes that “state agencies would not be affected” by the regulation. (ISOR, p. 53)

Unfortunately the ARB Staff continued to fail to account for our state’s continued dire economic situation in the modifications to the regulation released on October 6, 2009. Despite the Board requesting a comprehensive economic report from Staff at the December 12, 2009 hearing, to date Staff has completely failed to provide such a report. While there is now a scheduled a public workshop on October 28, 2009 to discuss the economy’s impact on the rule, Staff has so far not reached out to our industry once to provide any economic data which would be helpful for this requested economic report. Without this economic report, the Board continues to blindly adopt a rule without the requisite financial awareness. Please recall Board Member Telles’ concerns at the December hearing that an increasing unemployment rate presents much greater health concerns to our state than our PM or NOx rates.

Additionally, Staff failed to properly draft the Retired Vehicle Credit provision. As provided in the October 6th version, the provision contains an unnecessary end date of January 1, 2014. The Board previously approved the provision to encourage the continued elimination of older vehicles from California’s roads and highways. However, by unnecessarily placing this end date, Staff is only discouraging their complete elimination.

As we have discussed on many occasions with ARB Staff, the heavy heavy-duty trucks (greater than 33,000 GVWR) in our industry are particularly impacted by the Truck and Bus Regulation. These low-mileage vehicles (traditionally drive less than 30,000 miles per year) are utilized to clean-up the most disastrous accidents on our roadways. With so few miles driven and such a huge cost of replacement (they contain hundreds of thousands of dollars in specialty equipment), these trucks understandably tend to be replaced at a slower pace than smaller tow trucks. Yet, with proper maintenance these trucks can continue to operate cleanly and with much less environmental impact than high-mileage vehicles.

Unfortunately, the current regulation contains no accommodations for these heavy heavy-duty vehicles. Our members have mortgages on these trucks, and their business model is based on the assumption that they can get years of service out of the vehicles. To require our members to discontinue the use of these trucks prior to the end of their useful life will spell financial disaster for most of our members. They simply cannot afford to transition to newer vehicles in such a short time. The result will be that many of our businesses will close, and thousands of jobs will be lost at a time when California’s unemployment rate is already approaching record highs.

Another direct effect of imposition of the rule will be disastrous results on our highways and roads. With fewer heavy duty tow truck operators remaining in business, 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:

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.