



April 24, 2020

Ms. Lea Yamashita
Transportation and Toxics Division
California Air Resources Board (CARB)
P.O. Box 2815
Sacramento, CA 95812-2815
Submitted Via Electronic Comment Log

Subject: Comments on March 12, 2020 Transport Refrigeration Unit (TRU) Regulation Draft
Regulatory Language for Stakeholder Review

Dear Ms. Yamashita:

The Port of Oakland (Port) appreciates the opportunity to comment on the rulemaking materials posted March 12, 2020, for the Transportation Refrigeration Unit (TRU) Regulation Draft Regulatory Language. We understand from the workshop held on March 19, 2020, that the goal is to bring the proposed regulation to CARB Board in December 2020.

Before listing comments on the regulation, itself, the Port questions whether CARB's timeline for implementing this regulation is still appropriate. Ports and industry stakeholders are responding to an unprecedented global economic and public health crisis while operating under extraordinarily challenging conditions to provide essential services to the public and to local, state and federal agencies. It seems ill-timed to require ports, terminal operators, and shipping companies to divert limited staff resources and attention to this rulemaking process under the current COVID-19 pandemic circumstances.

Comments and Questions on the Draft Regulatory Language

1. The Port of Oakland does not control operations on the marine terminals or at its tenants' warehouses. Please clarify a California seaport's expected role and obligations in this proposed regulation.

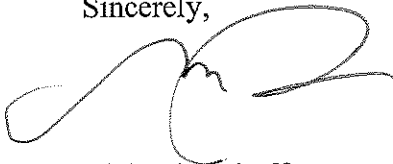
2. The Port understands from the email exchange between CARB and Port staff on March 23, 2020, that CARB envisions the geofence area to be defined as the marine terminal boundary. The Port of Oakland Seaport Area comprises an array of marine terminals, warehouses, and rail yards. Most Seaport facilities share property lines with other facilities.
 - a. How will CARB ascertain the specific facility for which a truck with a TRU genset is queuing when many facilities are adjacent to each other?
 - b. Similarly, how will CARB enforce the rule that a TRU genset cannot be mobile within one mile of a facility boundary for more than 30 minutes? How would the regulation apply when a truck is dropping off or picking up a container with a TRU genset at one facility that is adjacent to another facility, without violating the one-mile, 30-minute rule?
 - c. How will truck drivers know where the multiple geofence-plus-one-mile boundaries are? Will these be mapped and accessible to truck drivers?
 - d. Won't this rule have the foreseeable result of trucks queuing and circling just outside the prescribed one mile limit from a facility, which would likely cause trucks to circulate closer to residences?

Port staff appreciate the opportunity to review the Draft Regulatory Language. We offer our comments to support a clear and pragmatic regulation that avoids unintended adverse consequences.

The Port of Oakland shares the goal of the proposed regulation to continue promoting maximum feasible plug-ins of TRUs. Achieving this goal benefits Seaport workers and Port neighbors.

Please contact Tracy Fidell, P.E., Port Associate Environmental Planner/Scientist at tfidell@portoakland.com with any follow-up questions. We would appreciate specific responses to the comments in this letter.

Sincerely,



Richard Sinkoff
Director of Environmental Programs and Planning

CC:

Kristi McKenney, Chief Operations Officer
Matthew Davis, Director of Governmental Affairs
John Driscoll, Maritime Director