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July 17, 2014

**VIA ELECTRONIC SUBMITTAL AND U.S. MAIL**

Clerk of the Board  
California Air Resources Board  
1001 "I" Street  
Sacramento, CA 95814

**Re: Comments of John R. Lawson Rock & Oil and California  
Trucking Association on Notice of Public Availability of  
Modified Text: 15-Day Changes to Proposed Modified  
Regulation Order – Truck and Bus Regulation**

Dear Clerk of the Board:

This letter is submitted on behalf of John R. Lawson Rock & Oil, Inc. ("Lawson") and the California Trucking Association ("CTA"), which are represented by this firm. On behalf of Lawson and the CTA, I am writing to submit the following comments on the July 1, 2014, Notice of Public Availability of Modified Text: 15-Day Changes to Proposed Modified Regulation Order – Truck and Bus Regulation (the "15-Day Changes").

As an initial matter, the July 1, 2014, Notice does not include any data or analysis concerning the potential environmental effects of the 15-Day Changes, including but not limited to the effect of the extension of the compliance date for the second truck of the Small Fleet Option to 2017, and the additional exemptions for certain agricultural vehicles. Thus, any finding that the proposed modifications do not warrant any further environmental review is not supported by substantial evidence.

The July 1, 2014, Notice also suggests that no further environmental review is required because the "modifications are primarily administrative in nature." (See July 1, 2014, Notice at 2.) While *some* of the proposed modifications could be characterized as "administrative," other modifications contemplated in the 15-Day changes are substantive in

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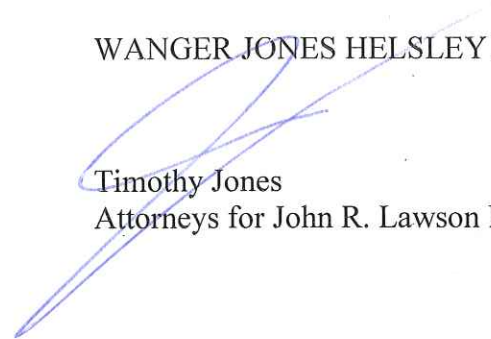
nature, including but not limited to the extended compliance date for the second truck of the Small Fleet Option to 2017, and the additional exemptions for certain agricultural vehicles. To the extent ARB Staff's environmental determination is based upon this statement, such statement is factually inaccurate, and not supported by substantial evidence.

Moreover, the Executive Officer is prohibited from making environmental determinations regarding the 15-Day Changes; rather, any such determination must be made by the Air Resources Board itself. Because the Board has already approved modifications to the Truck and Bus Rule, the Executive Officer may not complete the environmental review process, or make environmental determinations on the 15-Day Changes, as such an action would constitute an impermissible splitting of decisionmaking authority under, *inter alia*, *POET v. California Air Resources Board* (2013) 218 Cal.App.4th 681 ("POET").

Further, the environmental impacts of the 15-Day Changes *and* the modifications considered at the April 24, 2014, hearing should be analyzed together, and considered as part of the same approval. By splitting the environmental review into separate phases, and having the Executive Officer consider the environmental impacts of the 15-Day Changes, ARB is impermissibly piecemealing environmental review. The "requirements of CEQA cannot be avoided by piecemeal review which results from chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." (*Env't'l Prot. Info. Ctr. v. Calif. Dept. of Forestry & Fire Prot.* (2008) 44 Cal.4th 459, 503.)

Respectfully submitted,

WANGER JONES HELSLEY PC

  
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