

December 8, 2009

California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Board Members:

I am writing this letter in regards to the ARB's "Drayage Truck Regulation" from the perspective of my experience as the ARB's Chief of Enforcement Division for over twenty years.

The primary principle of ARB's regulations has always been to allow a reasonable transition period for new regulations so the regulated community could come into compliance without undo economic harm. In addition there has always been a provision to allow an extension of the compliance date for individuals or a class of impacted sources based on changing technical or economic circumstances.

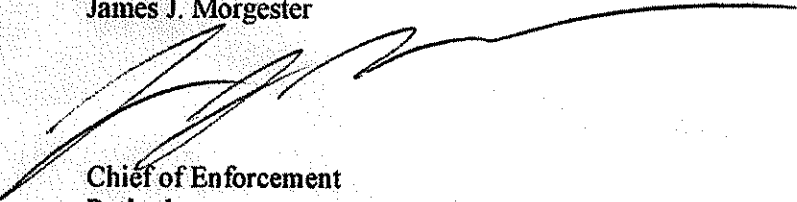
My review of the "Drayage Truck Regulation" shows that it violates the above principles.

In addition it appears that the net effect of the regulation thus far is to give preference to a select group of trucking companies for entry to the ports and rail yards of California while locking out all competition.

In today's economic climate it is important that the ARB revisit this regulation to be sure it does not violate the above principles.

Sincerely,

James J. Morgester



Chief of Enforcement
Retired