December 3, 2007

Clerk of the Board
California Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

SUBMITTAL OF COMMENTS
Re: Proposed Regulations to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks

The Pacific Merchant Shipping Association (PMSA), a maritime trade association representing marine terminal operators and ocean carriers operating at all of California's public ports, appreciates the work done by California Air Resources Board (CARB) staff in the development of this proposed regulation and have worked closely with staff throughout the process. PMSA supports the goals of this rulemaking and most of our technical and logistical concerns with the regulation have been addressed, leaving only a few issues surrounding the need for a port-specific rulemaking outstanding.

Specifically, PMSA and our members support and encourage a regulatory approach by CARB that would include all trucks in California in a single rulemaking process. In part, we take this position based on our belief that a large majority of trucks in California will, at some time, deliver or pick-up cargo at a marine terminal or rail facility making them arguably subject to this regulation, although such moves represent a very small percentage of their business. In part, a statewide approach is preferred because it would better enable port drayage trucks to participate in both existing and proposed incentive, subsidization and preferred financing programs. But, primarily, PMSA supports a statewide approach as it offers the benefit of the greatest overall reduction in emissions.

We also feel that the State should not single out one portion of the on-road trucking fleet for special regulation and limitations when there is nothing to distinguish them from any other trucks on the road besides the type of freight that they are hauling and the terminals that they are calling on. For instance, if a 1994 diesel truck is harmful to residents or workers near a port or rail facility it is equally harmful to workers and residents near a busy distribution center or domestic non-containerized cargo terminal. This is especially true given the very small percentage of total truck moves on the road that either originate or terminate at a marine terminal (in most instances less than 5% of the trucks on the road at any given time), and highlights the legal complication that the trucks carrying cargo in and out of our seaports are, almost exclusively, moving freight under interstate and foreign bills of lading. Again, a statewide regulatory approach would render these questions moot and offer greater emissions benefits.

Earlier this year, PMSA and other Goods Movement stakeholders presented to CARB and Cal-EPA a copy of a white paper entitled "A Program for Establishing Public-Private Partnerships For Infrastructure Financing and The Improvement of Harbor Drayage Trucks in the State of California" endorsed by the Association of American Railroads, National Retail Federation, PMSA, Retail Industry Leaders Association, and the Waterfront Coalition. PMSA also supported an early version of AB 233 (Jones) which would have directed this type of regulation. With regard to this rulemaking, we stand by the white paper's endorsement of CARB's efforts to regulate trucking on a statewide basis:

> **State Emission Standards For Trucks**
> The California Air Resources Board (CARB) has embarked on the dual process of developing diesel emission standards for all truck fleets statewide, as well as a specific standard for harbor drayage trucks. We support a state-wide standard only, and charge the state with moving forward with a single standard for California trucks as quickly as possible. We would expect this standard to specify accepted levels of emissions by type as well as an effective date for the standard. Because of the urgency, we recommend a short, but reasonable phase-in period. We also anticipate that trucks retrofitted with emissions reduction technology would meet the new standard.

As the statewide private fleet rule that is presently under development should align with the Port Drayage regulation in 2014, it is further our opinion that the presence of an aggressive statewide rule diminishes the need for a separate regulation exclusively focused on the port drayage fleet.

We endorse the goals of this measure to reduce emissions from the on-road trucks that service our state's seaports and, certainly, believe that CARB is the more proper regulatory entity to do so than local governments or ports attempting to regulate this commerce on a per transaction basis. PMSA also clearly endorses your ongoing development of a statewide rule for California's on-road trucking fleet and looks forward to working collaboratively with you as that process moves forward.

PMSA appreciates the opportunity to comment on this proposed regulation. If you have any questions or need clarification of our abbreviated comments, please feel free to contact me or T.L. Garrett, Vice President, at (562) 377-5677, or by e-mail at tgarrett@pmsaship.com.

Sincerely,

John McLaurin
President

cc: Mary Nichols, Chair, Air Resources Board
Boardmembers, Air Resources Board
Mike Miguel, CARB

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