

**Comments of Behalf of the Harbor Trucking Association**

**California Air Resources Board Hearing (12/17/10 ITEM 10-11-3)**

On behalf of The Harbor Trucking Association, the leading industry organization representing trucking interests and other logistics providers in the Southern California region, I am pleased to provide these comments in conjunction with CARB’s deliberation on both the revised Class 7 regulations and the creation of a workable regulatory scheme to prevent inappropriate dray-offs at and near the Southern California ports.

Over the course of the last 36 months, Harbor Trucking Association members have collectively invested nearly 800 million dollars in new, clean trucks as part of the POLA and POLB Clean Trucks Program. These trucks represent the industry’s firm commitment to meeting aggressive environmental goals while providing workable, business solutions for the goods movement industry. The financial commitment made by our membership is being threatened, however, by a small group of businesses that have found and are exploiting a small loop-hole in the current regulations – namely, the use of Class 7 trucks which are not banned under the Ports’ CTP nor current CARB regulations to dray containers from the Ports’ terminals. In the process, these trucks are avoiding the associated clean truck fees thereby gaining an unfair competitive advantage over those in the industry who have complied with the applicable environmental regulations by making the necessary and significant financial investments. The drayage community asks that CARB re-set the regulatory framework relating to Class 7 trucks to move those vehicles into the same category as Class 8 trucks as it pertains to their phase-out from port and related uses. In addition we would ask that CARB effectuate this new regulatory framework immediately thereby removing the incentive for trucking firms to use dirtier trucks in the short term.

In addition to the Class 7 issue, the HTA is also concerned about the increasing use of dray –offs on Port property. One of the unintended consequences of the CTP, dray-offs allow some trucking firms to haul containers from Port property using a compliant truck and then switch the container to a non-compliant truck just outside the terminal gates. The HTA membership not only condemns this practice but is actively seeking CARB’s support in regulating against the continued use of such procedures. We would ask, however, that in crafting a definition of dray-off for purposes of regulation or oversight, that CARB staff engage the HTA and others on the ground to avoid over-reaching. There are a number of legitimate business practices – all CARB compliant – that involve the use of two or more trucks for the move of a single container. Such scenarios include short-haul from the terminal to a nearby container facility for placement on a long-haul truck (destined for outside the LA region) or consolidation of different cargoes into the same container for placement on a different truck. While we support a ban on the activities involving switching of vehicles to avoid regulation, we would encourage CARB to speak with trucking companies and LMCs to garner a better understanding of the legitimate practices in use in order to avoid an overly-broad regulatory scheme.

We appreciate CARB’s commitment to working with the trucking community to develop the oversight necessary to ensure that our commitment to best-practices – both in the environment and operationally – is not undercut by a handful of bad actors. We would be happy to discuss these issues with you further and look forward to any questions you may have.

"The Harbor Trucking Association is a coalition of Los Angles and Long Beach intermodal carriers whose purpose is to advocate, educate and promote strategies with other goods movement stakeholders and policy makers that will sustain emission reductions, provide a dialogue for intermodal truck efficiency, and to return cargo and jobs to Southern California ports. HTA can be reached at HTA, One World Trade Center, #800, Long Beach, CA 90831 or at [www.harbortruckers.com](http://www.harbortruckers.com).”