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December 15, 2010

Chairman Mary Nichols and Honorable Board Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

SUBJECT: COMMENTS ON PROPOSED AMENDMENTS TO THE STATE DRAYAGE TRUCK RULE

Dear Chairman Nichols and Honorable Board Members:

This letter is to express our support for and provide comments on two proposed amendments to the State Drayage Truck Rule that will be considered at the December 16-17, 2010 California Air Resources Governing Board meeting. We would also like you to know that we have appreciated being able to consult with your staff on these issues in recent months. They are very knowledgeable and always very helpful.

First, we fully support the proposal to expand regulation of drayage trucks to include not only the truck tractor that actually handles a container when it is picked up from or delivered to a port or rail yard, but also other truck tractors that may handle a loaded container during its journey, provided the cargo itself is not removed or transferred from its original container or trailer. We believe this proposed amendment will assist in controlling the practice of truck tractor switching to avoid progressive bans, or "dray-offs", which has been occurring with increasing frequency in recent months. We plan to recommend similar tariff changes to our Board of Harbor Commissioners at its December 16, 2010 meeting in order to address this activity within the Port of Los Angeles Harbor District. We have also already begun to reach out to your enforcement branch to discuss opportunities for cooperation on enforcement of dray-offs in the Port area.

Second, we also want to express our support for the proposal to move regulation of Class 7 vehicles from the Truck and Bus Rule to the Drayage Truck Rule, though we think you could go farther with the proposed changes. Our staff has seen a dramatic growth of Class 7 operation at the Port of Los Angeles since the January 1, 2010 progressive ban was instituted. In just the past 11 months, the number of Class 7 trucks operating at the Port has gone from 28 to more than 550. Use of these Class 7 trucks is a way to move empty containers, bare chassis and an increasing number of lighter loads in the Port without having to invest in newer, cleaner Class 8 trucks, and it places trucking companies with compliant Class 8 trucks at a competitive disadvantage, as the newer trucks require more capital investment.

If Class 7 trucks are not held to the same standards as Class 8 trucks, the older Class 7 trucks will continue to be utilized at ports and railyards around the State with negative emissions impacts. We plan to recommend tariff changes to our Board of Harbor Commissioners at its December 16, 2010 meeting that would cause Class 7 trucks to be subject to the same truck program requirements as Class 8 vehicles by July 1, 2011, including the existing progressive ban schedule. This latter element is how we believe the proposal before you could be strengthened.

While the proposed amendments would move regulation of Class 7 trucks into the State Drayage Truck Rule starting in December 2010, they would not make them subject to any emissions control requirements until January 1, 2014. This would allow the oldest of these Class 7 vehicles with higher polluting engines to continue operating uncontrolled for three more years. We believe this is too long, especially since the Class 8 vehicles operating right beside them at ports and rail yards around the State will still be subject to your January 1, 2010 progressive ban. We believe the Class 7 vehicles should be brought into sync with the progressive bans already imposed on Class 8 vehicles, allowing for a short transition period, in order to allow current Class 7 truck owners to purchase retrofits or order new vehicles.

We urge you to consider a transition for Class 7 trucks to become subject to State Drayage Truck Rule requirements by January 1, 2012 at the latest. Any longer and we believe the potential exists for a legalized Class 7 dray-off situation for the next three years, where new Class 7 or Class 8 vehicles pull light loads, empty containers and bare chassis just off of port property and then switch them to trucks with no emission control equipment that are nevertheless fully State Truck Rule Compliant. We think this would be unfortunate, and could slow some of the momentum the port programs and the State Drayage Truck Rule have gained by operating in parallel for the last year.

Our recommended changes would be consistent with proposed tariff changes to be presented to our Board of Harbor Commissioners on December 16, 2010, and we urge you to consider them as a small modification to your proposed amendments to the Drayage Truck Rule as well. We believe it would be beneficial if the port programs and the State Drayage Truck Rule remain consistent in approach and mutually supportive.

Thank you for the opportunity to present our comments.

Sincerely,



CHRISTOPHER CANNON
Director of Environmental Management