



"the voice of the Port of Oakland trucker"

AN URGENT REQUEST FOR CARB TO REVISIT THE DECISION NOT TO PASS "PROPOSED AMENDMENTS TO THE DRAYAGE TRUCK REGULATION, OCTOBER, 2010"

According to an October 11, 2010 CARB bulletin, the proposed amendments would "provide relief to drayage truck owners, ensure that PM reduction goals for local communities are met . . . and formally sunset the Drayage Truck Regulation". This modification would have put scheduled upgrades for drayage trucks in exact alignment with other diesel trucks covered under the state Truck and Bus Regulation.

We condemn the CARB decision not to adopt the "Proposed Amendments" and delay implementation of the drayage rule for the following reasons:

- The underlying rationale for modifying the CARB Truck and Bus and Drayage rules was stated as: "to provide relief to fleets adversely affected by the economy and take into account the fact that emissions are lower than previously predicted." A 2010 Air District study found an unanticipated 40% reduction in NOx emissions at the Port due to replacement of many older polluting trucks having occurred during Phase I implementation. Thus, Port of Oakland trucks are well on their way to significant reductions in NOx emissions without need of preserving the 2014 deadline for technically stringent and financially punishing Phase II compliance requirements.
- The decision is not a sound goods movement strategy reflective of the best interests of the Port. CARB grossly underreports the actual 5,400 trucks servicing the Port of which 3,000-plus make frequent visits; moreover, CARB invites grave consequences when it estimates the number of trucks necessary for sufficient cargo movement capacity at 1,700 (an erroneous number lifted from a 2009 Port commissioned study) and ignores the massive impact of the loss of 4,400 trucks from the fleet due to NOx reduction requirements.

- In its planning CARB failed to gauge the true cost of NOx compliance for 1994–2006 engine model trucks due to there being no commercially available CARB certified filters or retrofit devices that meet the emissions reduction requirement of Phase II rules; truck replacement is now a certain outcome of this rule and minimally will cost Port of Oakland companies the collective sum of \$250,000,000 for 2007 engine model tractors or newer or, due to very limited availability of used trucks, \$500,000,000 for new models.
- Phase I of the drayage truck rule already placed a heavy financial burden on Port truckers: Many went out of business, many incurred high-interest loans and large amounts of debt, and state grants were grossly insufficient in number and size to help the majority of truck owners; thus, Port truckers have done their share and more to meet state clean air regulations at great personal cost.
- Untimely implementation of this rule subjects the workers of an underperforming industry to further undue hardship by adding unnecessarily, and thus punitive, costs to the already high cost of doing business in a depressed economy--a fact recognized by CARB in its own Proposed Amendments of October, 2010.
- The City of Oakland can ill afford the certain loss of jobs on the local economy and the devastating social and health impacts that will result from the mandated obsolescence of 4,400 trucks--75% of the Port's fleet and driver workforce!
- Unlike with the Truck and Bus Regulation, CARB neglected to put in place a credit system compensating drayage truck owners who complied early with purchase of new trucks. In choosing not to reward early compliance CARB created an inequity within drayage trucking. The decision not to delay implementation of Phase II was a flawed attempt to address this inequity with punitive consequences for owners of 1994–2006 engine model trucks.
- CARB offered concessions and delayed rules for trucks governed by the Truck and Bus regulation to compensate for the unanticipated effects of California's depressed economy, yet denied any such relief to drayage trucks. Politics--not parity--have been the order of the day!

We, the undersigned Port of Oakland motor carriers and members of West State Alliance, demand fair treatment in our being subject to the rules of the California Air Resources Board and urge reconsideration of the Proposed Amendments to the Drayage Truck Regulation of October, 2010.

Submitted May 16, 2011

AB Trucking
Bay Area Container
Fargo Trucking
GSC Logistics
Horizon Freight System
Impact Transportation
Kamal Trucking
Lengner & Sons Express
Mason Dixon Intermodal
Mutual Express
PCC Logistics
Quintero Trucking
Rodgers Trucking
Stockmyer Trucking
VA Transportation
Viper Transportation
Yardell Truckaway

WEST STATE ALLIANCE

P. O. Box 24372 - Oakland, CA 94623 • 510-903-1868 • wsa@weststate.org