December 9, 2010

Clerk of the Board

California Air Resources Board

1001 I Street

Sacramento, CA 95814

Re: Proposed Amendments to the Drayage Truck Regulation

Dear California Air Resources Board:

Our trucking company, Devine Intermodal, does not support all aspects of your proposed amendments to the drayage truck regulations. Specifically, we urge you to deny the amendment eliminating the Phase 2 requirement which mandates that drayage trucks use 2007 or newer engines by 2014. Please leave that portion of the current regulation intact.

After going “twelve rounds” with CARB over recent years debating the formation of the current regulations, we finally swallowed a bitter pill, relented, then proceeded to make a strategic INVESTMENT into expensive new and clean trucks. In doing so we scrapped dirtier trucks that still had significant mechanical life remaining. This strategy of ours has been a heavy financial burden for ourselves, yet we made the decision knowing that our industry would finally shed itself of the dirtiest and cheapest sector of our industry. In the end we anticipated that the thinned industry and tighter capacity would finally drive our inadequate rate structures to levels necessary to support this investment. Changing this regulation now is more than simply unfair! Changing this regulation will enable the dirty and under-capitalized and illegitimate truckers to hang on longer, polluting longer, and quite likely could wipe us out.

Please….. Close the loopholes for dray-offs and class 7 vehicles, but leave the rest of the current regulation intact.

Regards,

Richard R. Coyle

President, Devine Intermodal