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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

To The California Air Resources Board:

Devine Intermodal is a trucking company founded in 1923. We move freight to and from the Port of Oakland to shippers and consignees throughout California and Northern Nevada.

This letter is in support of the proposed changes to the Drayage Truck regulation, with the exception of the amendment to eliminate the 2014 Phase 2 requirement. The 2014 Phase 2 requirement mandates that drayage trucks use 2007 or newer standard engines by 2014. It's our belief the elimination of this requirement will weaken current rules in place designed to protect residents near ports and rail yards from exposure to toxic air contaminants. In developing the amendments for the Drayage Truck regulation, the ARB staff had four main objectives. Two of them are listed below:

- Ensure the requirements and goals that reduce exposures of diesel particulate matter emissions to communities near ports and rail yards remain in effect.
- Level the playing field between owners of compliant drayage trucks who have invested significant funds modernizing their fleets with owners of noncompliant drayage trucks circumventing regulatory requirements by engaging in dray-off activities outside of port and/or intermodal rail facilities.

We affirm the importance of ARB staff's intent to ensure that emissions goals remain in place. Devine Intermodal supports reducing exposure to diesel emissions, but by eliminating the 2014 Phase 2 requirement, staff is backing away from the achievement of this goal. While we support the elimination of dray-offs and the inclusion of Class 7 trucks, it is our opinion that these two changes alone will not provide sufficient reduction in exposure to toxic air contaminants, as would the retention of the current 2014 Phase 2 requirement. A dray-off can occur anywhere in California. Dray-off activities occurring **outside** of port and intermodal facilities may have little impact on air quality for those communities **surrounding** port or intermodal facilities. From a financial perspective, it is cost prohibitive for trucking companies to engage in widespread dray-offs. The more times a container is handled the more expensive the dray. We don't see the inclusion of Class 7 trucks under the regulations as significant. Typically, class 7 trucks are used to pull loads with a combined gross vehicle rating of 65,000 lbs. Many export and import companies ship freight that requires trucks to handle the maximum legal weight of 80,000 lbs.

We agree with ARB staff's intent to level the playing field among the affected carriers. In 2010, like many other trucking companies, Devine Intermodal invested in new trucks with clean air technology. As responsible corporate citizens, we took on over \$5,300,000 of debt to support clean air and fully comply with ARB regulations, putting us at a significant financial disadvantage to those carriers who chose to postpone compliance. Again, we support the idea of eliminating dray-offs and including Class 7 trucks, but that will do little to mend the inequity between those of us who have fully embraced clean air regulations and those who have waited to see if the rules would be changed. To restore fairness to this process, and to retain the necessary protection from exposure to toxic air contaminants, we respectfully request that the Board keep the 2014 phase 2 requirement in place, as the regulation was originally written.

Sincerely,

Carl A. Dolk  
Controller