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December 9, 2008

Ms. Mary D. Nichols, Chairman
California Air Resources Board
1001 I Street
Sacramento, California 95812

Dear Ms. Nichols,

I am a California corporation in the trucking industry, employing over 600 people and operating 1,500 trucks, tractors and trailers. I would appreciate if you would take a few minutes of your time to read my comments and understand why your continuous new rules and regulations are pushing me and other companies to leave California.

For years we have been forced by CARB to waste hundreds of thousand dollars to perform opacity tests. Smoking trucks are a rarity today, but CARB maintains this unneeded program rather than give up the fines extracted for poor record keeping.

To date I have spent over $300,000.00 on Auxiliary Power Units, (APU's) on my sleeper tractor trucks. These APU units are not financeable as retrofits. To date, the law/rule has not been enforced, yet it was mandated by your Board. I should spend an additional $1,000,000.00 to equip my remaining fleet, but can't be so moved as I have no ability to recoup my costs in a horrible market with enforced rules.

Then you impose a new reefer rule where to date I have spent $ 100,000.00 to retrofit some of my reefer fleet. Do I continue to spend more 100's of thousands of dollars on my remaining reefer units, with enforcement that has been currently suspended and I'm being told may not ever be enforceable?

In addition I have now wasted thousands of dollars on permits to go to the Los Angeles and Long Beach Harbors for a plan currently suspended and clearly in violation of the Interstate Commerce clause of the U.S. Constitution.

I do not have, nor will I spend $15,000,000.00 to put exhaust treatments on a 1000 older trucks. I will go out of business along with the rest of California. With the state of the current national economy and California's budget crisis, now is not the time for more go it alone financially crushing initiatives.

I have now formed and am operating an out of state carrier to avoid California's onerous labor and environmental laws as much as possible. I have no desire to leave this state, but the California only rules are taking their toll. In the latest list of the top 250 national motor carriers, only six are based here in California.

I am all for cleaning up the environment. I operate the latest model year trucks available, manufactured with the latest emission control devices available, as well as burning the cleanest fuel in the nation. Yet, for the California government and environmentalists, it still isn't good enough.

My ability to turn a profit is also burdened by premature engine failure by U.S. mandated pollution standards far exceeding the technological solutions available in the market place. Just next year, 2010 engines with new and unproven technology will challenge our technicians, our industry and our ability to make a profit.

The trucking industry in California is a basket case. The State of California is in worse shape. It is time for our government to abandon its go it alone approach. Support a U.S. effort and join the world effort to curb pollution. Stop California's go it alone solutions and promote jobs and a sustainable economy.

As a California business owner, my motto is....ABC – (Anywhere but California).

Respectively,

Gerry Flynn
President