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7 California Dump Truck Owners Association

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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11

12 CALIFORNIA DUMP TRUCK OWNERS
13 ASSOCIATION

Case No. 2:11-CV-00384-MCE-GGH

DECLARATION OF JED KERN

14 Plaintiff,

15 vs.

16 MARY D. NICHOLS, Chairperson of the
California Air Resources Board; JAMES
17 GOLDSTENE, Executive Officer of the
California Air Resources Board; and DOES 1-
18 50

19 Defendants.
20

21
22 I, Jed Kern, hereby declare as follows:

23 1. I currently own and operate Kern Brothers Trucking in Bakersfield, California. I
24 have been engaged in the business of construction trucking for 31 years and my company has
25 been in business for 45 years. I am a motor carrier as that term is defined in 49 U.S.C. §13102.

26 2. Currently, my firm has approximately 30 trucks that are subject to the Truck and
27 Bus Regulation promulgated by the California Air Resources Board. All are over 26,000
28 GVWR. All have engines that date to anywhere from 1980 to 2005. I have to take steps to bring
our fleet into compliance by January 1, 2012.

12-08-11;11:11AM;

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1 3. I cannot presently afford to install diesel particulate filters on my fleet. For many
 2 of the older trucks, there is no technology available that is acceptable to the Air Resources
 3 Board. Moreover, it would not be cost-effective to install filters, as they would only extend the
 4 useful life of the trucks for a number of years before replacement would be required.

5 4. Purchasing brand new trucks fully equipped for construction use would cost
 6 millions of dollars, and I presently cannot invest that amount of capital in the business.

7 5. Even if I could obtain financing for filters or new trucks, taking on new debt
 8 would mean I would have to raise my prices, and would also have to layoff many of my
 9 employees, who currently enjoy steady jobs with health benefits.

10 6. If the Truck and Bus Regulation goes into effect, I will most likely retire a
 11 number of my older trucks to bring my fleet into partial compliance. This will dramatically
 12 reduce the level of services that I am able to provide to my customers.

13
 14 I declare under penalty of perjury under the laws of the State of California that the
 15 foregoing is true and correct and based on my personal knowledge, and if called to testify to
 16 these facts, I would do so competently and truthfully.

17
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 19 Executed this 8 day of DEC, 2011, in BAKERSFIELD, California.

20 
 21 _____
 22 Jed Kern