

Submitter: Robert Newberg

On Behalf Of:

Committee: House Committee On Climate, Energy, and Environment

Measure, Appointment or Topic: HB3119

I strongly oppose HB3119, which delays the flawed Advanced Clean Trucks (ACT) regulations until 2027. I reject both this delay and the ACT mandates. As a business owner relying on diesel trucks for personal and professional use, I urge the legislature to oppose HB3119 and any regulation that imposes unnecessary burdens on Oregon businesses.

HB3119 Is an Overreach That Threatens Business Stability

The ACT regulations mandate an unrealistic shift to zero-emission trucks, which is technologically and financially unfeasible for Oregon's trucking industry. HB3119 does not resolve this issue but merely postpones the inevitable hardship.

No Viable Alternatives for Heavy-Duty Vehicles

Zero-emission trucks lack sufficient power, range, and reliability for heavy equipment hauling and long-haul freight.

Oregon lacks infrastructure for widespread electric and hydrogen-powered trucking, making compliance impossible.

Crippling Financial Burden on Small Businesses

Electric heavy-duty trucks cost \$300,000+, far beyond what small businesses can afford.

Diesel owners who have already invested in clean technology will face forced obsolescence of their vehicles.

Many small businesses operate on thin margins—forcing truck replacements will cause closures, job losses, and economic instability.

HB3119 Violates Property Rights and Economic Liberties

HB3119 violates the Takings Clause of the Fifth Amendment, which courts recognize as protecting against excessive regulatory burdens.

Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978) – A regulation is a taking if it interferes with investment-backed expectations. HB3119 fits this standard by devaluing diesel fleets and forcing costly compliance.

Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992) – If a regulation renders property economically useless, it requires just compensation. HB3119 forces diesel trucks into financial obsolescence without compensation.

Dolan v. City of Tigard, 512 U.S. 374 (1994) – Government demands must be proportional to burdens imposed. HB3119 imposes disproportionate financial

hardship on businesses for speculative environmental benefits.
Additionally, HB3119 contradicts foundational legal principles:

"Quod nullum est, nullum producit effectum." – What is invalid has no effect. A regulation that unjustly infringes property rights is unenforceable.

"Lex non cogit ad impossibilia." – The law does not compel the impossible. HB3119 forces compliance with mandates that businesses cannot afford.

"Nullus videtur dolo facere qui suo jure utitur." – No one is deceitful who exercises legal rights. Diesel truck owners should not be punished for using lawful, existing property.

A More Practical Path Forward

Instead of enforcing impractical mandates, Oregon should pursue balanced policies:

Reject HB3119 & Repeal ACT Regulations – HB3119 only delays the inevitable crisis and does not solve the underlying issue.

Invest in Cleaner Diesel Technology – Tax credits for low-emission diesel engines are more effective than forced electrification.

Expand Alternative Fuel Infrastructure – Build charging and hydrogen stations before forcing truckers into unaffordable compliance.

Conclusion

HB3119 does not protect small businesses—it delays inevitable economic harm while failing to address the flawed ACT mandates. Oregon must reject HB3119, repeal the ACT regulations, and develop a realistic transition plan that does not bankrupt businesses or violate property rights.

I urge the legislature to protect Oregon's economic and constitutional interests by rejecting HB3119.