

May 21, 2008

**§ 2800. Heavy-Duty Vehicle Greenhouse Gas Reduction Measure**

(a) *Purpose.* The purpose of this regulation is to reduce greenhouse gas emissions from heavy-duty (HD) tractors and 53-foot box-type trailers that transport freight on California highways.

(b) *Applicability.*

(1) This regulation applies to:

- (A) HD tractors that pull 53-foot box-type trailers on California highways, their owners, and the persons who drive them; and
- (B) 53-foot box-type trailers that are pulled by HD tractors on California highways and their owners; and
- (C) motor carriers that dispatch such HD tractors, and brokers, receivers, and shippers associated with the transport of goods in s 53 foot box-type trailers.

(2) This regulation does not apply to an owner, a driver, a motor carrier, a broker, a receiver, or a shipper associated with the transportation of freight when using:

- (A) authorized emergency vehicles;
- (B) military tactical support vehicles; and
- (C) HD tractors or box-type trailers granted an exemption under the provisions of subsection (f), *Exemptions*.

(c) *Definitions.*

The following definitions apply to this section:

- (1) “*Aerodynamic bumper*” is a rounded bumper that improves airflow within the engine compartment, around the tires, as well as under the chassis.
- (2) “*Aerodynamic mirrors*” are mirrors with rounded casings on the front that eliminate flat surfaces.
- (3) “*Box-Type Trailer*” means a dry-van trailer, refrigerated van trailer, or curtain-side trailer that is not a drop-frame trailer.

May 21, 2008

- (4) *“Broker”* is a person who functions as an intermediary between two or more shippers or receivers, but is not a motor carrier or owner.
- (5) *“Cab side extenders”* are vertical additions to the rear sides of the tractor that fan out slightly and reduce the space between the tractor and trailer.
- (6) *“Chassis Trailer”* is a trailer composed of a simple chassis for the mounting of a containerized load.
- (7) *“Container”* is a simple, enclosed box of standardized sizes, used for intermodal transport.
- (8) *“Curtain-Side Trailer”* means a dry-van with tarp sides that can be loaded from the sides, top, or rear.
- (9) *“Drayage Truck”* means any in-use on-road tractor with a GVWR of 33,000 pounds or greater operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading or transporting cargo, such as containerized, bulk or break-bulk goods.
- (10) *“Driver”* is a person who physically operates a HD tractor.
- (11) *“Drop-Frame Trailer”* is an enclosed rectangular trailer with a lowered deck starting just behind the bed plate to create more cargo space.
- (12) *“Dry-Van Trailer”* is an enclosed non-climate controlled trailer that can only be loaded/unloaded through the rear doors.
- (13) *“Existing Trailer”* is a 2010 or previous model year trailer.
- (14) *“Front Trailer Fairings”* are rounded additions to the sides and top of the front of the trailer that also reduce the gap between the tractor and trailer
- (15) *“Fuel Tank Fairings or Chassis Skirts”* extend from the base of the cab between the wheels of the tractor, covering the open space and streamlining the fuel tank.
- (16) *“Good Operating Condition”* means maintained in a condition that does not compromise effectiveness and safety.

May 21, 2008

- (17) *“Gross Vehicle Weight Rating (GVWR)”* is as defined in Vehicle Code Section 350.
- (18) *“Heavy-Duty Tractor (HD Tractor)”* is a class 7 or class 8 motor vehicle designed to pull a semi-trailer on a highway by means of a fifth wheel mounted over the rear axle(s).
- (19) *“Highway”* is as defined in Vehicle Code Section 360.
- (20) *“In All Material Respects”* means all U.S. Environmental Protection Agency (U.S. EPA) SmartWay-related components that are installed and in good operating condition.
- (21) *“Integrated Sleeper Cab Roof Fairing”* extends from the front of the windshield of the truck cab to the rear edge of the sleeper cab with enclosed sides that line up with the sides of the sleeper cab and a height that matches the height of the box-type trailer.
- (22) *“Lessee”* is as defined in Vehicle Code section 371.
- (23) *“Low-Rolling Resistance Tires”* are tires that provide at least 3 percent vehicle fuel economy benefit, achieved by both the tractor and trailer relative to mid-range rolling resistance tires as determined by U.S. EPA.
- (24) *“Motor Carrier”* is a business intermediary that contracts with beneficial freight owners for pick-up and delivery of freight and either contracts with tractor owners or employs drivers, who it dispatches to pick up and deliver freight.
- (25) *“New Trailer”* is a 2011 or subsequent model year trailer.
- (26) *“Non-Refrigerated Box-Type Trailer”* means a dry-van or curtain-side trailer.
- (27) *“Owner”* means any person that legally holds the title (or its equivalent) of a HD tractor or a 53 foot box-type trailer showing ownership of such a tractor or trailer (excluding a bank or other financial lending institution) or the lessee of such a tractor or trailer that has legal responsibility for registration and maintenance of the tractor or trailer.
- (28) *“Rear Trailer Fairings or Boat Tail”* is an addition to the rear sides and top of the trailer that fan in slightly towards the back door(s). A boat tail fairing is a large rounded addition to the rear of the trailer that covers the entire back side.

May 21, 2008

- (29) *“Refrigerated Van Trailer”* is trailer van equipped with a transportable refrigeration unit (TRU) or TRU gen set.
- (30) *“Receiver”* is a person to whom freight will be or has been delivered. This includes, but is not limited to, owners of freight, distribution centers, and temporary freight storage facilities.
- (31) *“Rolling Resistance of Tires”* is the energy lost as heat within the rubber itself, as well as aerodynamic drag and friction between the tire and the road and between the tire and the rim when the tire is rolling under load. It is the energy consumed per unit distance as the tire rolls under load.
- (32) *“Shipper”* is a person who has possession of freight prior to its transportation. This includes, but is not limited to, owners of freight, distribution centers, and temporary freight storage facilities
- (33) *“Sleeper cab”* is a compartment or bunk built-in the tractor where the operator may rest during mandated rest hours.
- (34) *“Short-Haul Tractor”* is a HD tractor having a primary operating radius of less than 100 miles from the location where the tractor is garaged and maintained, and accruing less than 50,000 miles per year.
- (35) *“Tractor”* is the driver compartment and engine of the truck. It has two or three axles.
- (36) *“Trailer”* is the part of the truck that carries the goods.
- (37) *“Trailer Side Skirts”* are fairings that extend down from the bottom of the trailer to cover part of the open space between the tractor and the rear wheels
- (38) *“Transport Refrigeration Unit (TRU)”* means a refrigeration system powered by integral internal combustion engine designed to control the environment of temperature sensitive products that are transported in tractors and refrigerated trailers. TRUs may be capable of both cooling and heating.
- (39) *“TRU Generator Set (TRU gen set)”* means a generator set that is designed and used to provide electric power to electrically driven refrigeration units of any kind. This includes, but is not limited to generator sets that provide electricity to electrically powered refrigeration systems for semi-trailer vans and shipping containers.

May 21, 2008

(40) "U.S. EPA Certified SmartWay Tractor" means (TBD)

(41) "U.S. EPA Certified SmartWay Trailer" means (TBD)

(d) *Requirements and Compliance Deadlines.*

(1) *Tractor Requirements*

- (A) Beginning January 1, 2010, no 2011 or subsequent model year sleeper-cab HD tractor may pull a 53-foot box-type trailer on a highway within California unless such tractor is a U.S. EPA Certified SmartWay Tractor.
- (B) Beginning January 1, 2010, no 2011 or subsequent model year HD tractor, including but not limited to sleeper-cab HD tractors, may pull a 53-foot box-type trailer on a highway within California unless such tractor's tires meet U.S. EPA SmartWay specifications for low-rolling resistance tires.
- (C) Beginning January 1, 2012, no HD tractor regardless of model year may pull a 53-foot box-type trailer on a highway within California unless such tractor's tires meet U.S. EPA SmartWay specifications for low-rolling resistance tires.

(2) *New Dry-Van Trailer Requirements*

Beginning January 1, 2010, no 2011 or subsequent model year 53-foot dry-van trailer may be pulled by a HD tractor on a highway within California unless such trailer is either:

- (A) a U.S. EPA Certified SmartWay dry-van trailer; or
- (B) a new dry-van trailer that has been retrofitted with equipment to meet U.S. EPA SmartWay technical requirements and specifications for dry-van trailers.

(3) *New Refrigerated-Van Trailer Requirements*

Beginning January 1, 2010, no 2011 or subsequent model year 53-foot refrigerated-van trailer may be pulled by a HD tractor on a highway within California unless such trailer is either:

- (A) a new U.S. EPA Certified SmartWay refrigerated-van trailer; or
- (B) a new refrigerated-van trailer that has been retrofitted with equipment to meet U.S. EPA SmartWay technical

May 21, 2008

requirements and specifications for refrigerated-van trailers, or, if options (A) and (B) are not available

- (C) a new refrigerated-van trailer that has been retrofitted with
  - 1. aerodynamic equipment that collectively will meet or exceed a 4 percent improvement in fuel efficiency in accordance with the U.S. EPA Interim SAE J1321 Test Protocol, and
  - 2. low-rolling resistance tires.

(4) *New Curtain-Side Trailer Requirements*

Beginning January 1, 2010, no 2011 or subsequent model year 53-foot curtain-side trailer may be pulled by a HD tractor on a highway within California unless such trailer is either:

- (A) a new U.S. EPA Certified SmartWay curtain-side trailer; or
- (B) a new curtain-side trailer that has been retrofitted with equipment to meet U.S. EPA SmartWay technical requirements and specifications for curtain-side trailers, or, if options (A) and (B) are not available
- (C) a new curtain-side trailer that has been retrofitted with
  - 1. aerodynamic equipment that collectively will meet or exceed a 5 percent improvement in fuel efficiency in accordance with the U.S. EPA Interim SAE J1321 Test Protocol, and
  - 2. low-rolling resistance tires.

(5) *Existing Box-Type Trailer Requirements*

- (A) In accordance with the compliance schedule criteria defined in Table 1, below, no existing 53-foot box-type trailer may be pulled by a HD tractor on a highway within California unless such trailer meets the requirements specified in subsection (d)(2) for dry-van trailers; subsection (d)(3) for refrigerated-van trailers; and subsections (d)(4) for curtain-side trailers.

May 21, 2008

Table 1: Compliance Schedule Criteria

Size of existing box-type trailer fleet subject to the regulation <sup>1</sup>	Date the Percent of Existing Fleet Indicated is Required to be in Compliance. <sup>1</sup>			
	January 1, 2011	January 1, 2012	January 1, 2013	January 1, 2014
1 to 19 (Small Fleet)				100%
20 + (Large Fleet)	20%	40%	65%	100%

1. The owner of a large existing fleet has discretion as to what specific existing trailers are brought into compliance by a specific date. The owner of a large fleet also may participate in an accelerated turnover program, defined in subsection (g)(3)(O) which would allow such trailer owner to accrue credits to be used in later compliance years.

(6) *Requirements for Drivers*

- (A) A driver cannot operate a HD tractor to pull a 53-foot box-type trailer on a highway in California unless both the tractor and the trailer comply:
1. with the requirements and compliance deadlines defined in subsection (d)(1) through (d)(5), and
  2. meet the good operating condition criteria as defined in (e)(1)(A), Good Operating Condition Criteria for a U.S. EPA SmartWay Certified Tractor, and (e)(1)(B), Good Operating Condition Criteria for a U.S. EPA SmartWay Trailer or Installed SmartWay Approved Trailer Component.
- (B) A driver must, upon demand, provide the following information to authorized enforcement personnel as set forth in subsection (h):
1. the information required by subsection (d)(9)(A)4 and (d)(10)(A)4, as applicable;
  2. The bill of lading for the freight being transported.

(7) *Requirements for Owners of HD Tractors*

- (A) An owner of a HD tractor cannot use or authorize the use of a HD tractor to pull a 53-foot box-type trailer on a highway in California unless both the HD tractor and the box-type trailer comply:

May 21, 2008

1. with the requirements and compliance deadlines set forth in subsection (d)(1) through (d)(5); and
  2. meet the good operating condition criteria as set forth in (e)(1)(A), Good Operating Condition Criteria for a U.S. EPA SmartWay Certified Tractor, and (e)(1)(B), Good Operating Condition Criteria for a U.S. EPA SmartWay Trailer or Installed SmartWay Approved Trailer Component.
- (B) An owner of a HD tractor that is used to pull a 53-foot box-type trailer on a highway in California must:
1. maintain the tractor in accordance with the good operating condition requirements defined in e(2)(A), Good Operating Condition Criteria for a U.S. EPA SmartWay Certified Tractor, as applicable;
  2. ensure copies of the information required under subsection (d)(9)(A)4. for dispatching motor carrier and (d)(10)(A)4. for dispatching broker, as applicable, are available and accessible in the tractor and that the driver of the tractor is instructed to provide the information upon demand to any enforcement personnel listed in subsection (h)
- (8) *Requirements for Owners of Box-Type Trailers*
- (A) An owner of a 53-foot box-type trailer must ensure that the 53-foot box-type trailer will not be pulled by a HD tractor on a highway in California unless the 53-foot box-type trailer:
1. complies with the requirements and compliance deadlines set forth in subsection (d)(2) through (d)(5);
  2. meets the good operating condition criteria as defined in (e)(1)(B), Good Operating Condition Criteria for U.S. EPA SmartWay Certified Trailer or SmartWay Approved Trailer Component, as applicable.
- (B) An owner of a 53-foot box-type trailer must:
1. maintain the box-type trailer in accordance with the good operating condition requirements set forth in e(1)(B), Good Operating Condition Criteria for U.S. EPA

May 21, 2008

SmartWay Certified Trailer or SmartWay Approved Trailer Component, as applicable;

2. ensure copies of the information required under subsection (d)(9)(A)4. for dispatching motor carrier and (d)(10)(A)4. for dispatching broker, as applicable, are available and accessible in the box-type trailer and that the driver of the HD tractor is instructed to provide the information upon demand to any enforcement personnel listed in subsection (h);
- (C) An owner one or more existing 53-foot box-type trailers that are subject to the requirements of subsection (d)(5) must report those trailers in accordance with the requirements of subsection (g)(2), *Trailer Fleet Reporting Requirements*.
- (D) A person owning 20 or more existing 53-foot box-type trailers that are subject to the requirements of subsection (d)(5) must report those trailers and submit a Compliance Plan in accordance with the requirements of subsection (g)(3), *Large Fleet Trailer Fleet Compliance Plan*.
- (9) *Requirements for Motor Carriers*
- (A) A motor carrier must:
1. provide a copy of this regulation or an ARB approved summarized version to the owner of a HD tractor or box-type trailer that it contracts with for freight pick-up or delivery in California;
  2. ensure that any HD tractor or 53-foot box-type trailer that it dispatches comply with the operating requirements and compliance deadlines set forth in subsection (d)(1) through (d)(5);
  3. ensure that prior to dispatching a 53-foot box-type trailer that the owner of the trailer has reported the trailer in accordance with subsection (g)(2) or subsection (g)(3), as applicable;
  4. ensure that the motor carrier information listed below is available and accessible on a dispatched HD tractor and that the driver of the HD tractor is instructed to provide a

May 21, 2008

copy of the information, upon demand, to enforcement personnel, as listed in subsection (h).

- a. the motor carrier's business name
  - b. contact person's name
  - c. motor carrier's street address, state, zip code
  - d. contact person's business phone number
5. keep a record containing the following information set forth in a. through c. below of a dispatched HD tractor coupled with a 53-foot box-type trailer for a minimum of five years from the dispatch date. Dispatch records are to be made available to enforcement personnel as listed in subsection (h) within 72 hours of an official written or oral request.
- a. HD tractor dispatch date and time;
  - b. bill of lading or tracking number;
  - c. HD tractor license plate number and issuing state;

(10) *Requirements for Brokers*

(A) A broker must:

1. provide a copy of this regulation or an ARB approved summarized version to the owner of a HD tractor or box-type trailer that it contracts with for freight pick-up or delivery in California;
2. ensure that any HD tractor or 53-foot box-type trailer that it dispatches comply with the operating requirements and compliance deadlines set forth in subsection (d)(1) through (d)(5);
3. ensure that prior to making arrangements with a motor carrier, that the motor carrier has taken all the necessary steps to ensure that the owner of the HD tractor or 53-foot box-type trailers has reported the respective vehicles in accordance with subsection (g)(2) or (g)(3), as applicable;
4. ensure that the broker information listed below is available and accessible on a dispatched HD tractor and that the driver of the HD tractor is instructed to provide a

May 21, 2008

copy of the information, upon demand, to enforcement personnel, as listed in subsection(h).

- i) the broker's business name
- ii) contact person's name
- iii) broker's street address, state, zipcode
- iv) contact person's business phone number

5. keep a record containing the following information set forth in i. through iii. below of a dispatched HD tractor coupled with a 53-foot box-type trailer for a minimum of five years from the dispatch date. Dispatch records are to be made available to enforcement personnel, as listed in subsection (h), within 72 hours of an official written or oral request.

- i. HD tractor dispatch date and time;
- ii. bill of lading or tracking number;
- iii. HD tractor license plate number and issuing state;

(11) *Requirements for California-based Shippers and Receivers*

(A) A California-based Shipper or Receiver must:

1. ensure that all freight transported of freight by a HD tractor and a 53-foot box-type trailer from the California-based shipper or receiver facility is shipped using HD tractors and trailers that comply with the operating requirements and compliance deadlines set forth in subsections (d)(1) through (d)(5);
2. ensure that, prior to contracting for any shipment or receipt of goods using a 53-foot box-type trailer, that the broker and motor carrier have taken all necessary steps to ensure that the owner of the 53-foot box-type trailer has reported the trailer in accordance with subsection (g)(2) or (g)(3), as applicable.

(e) *Maintenance Requirements.*

- (1) *HD Tractors or Box-Type Trailers:* HD tractors or box-type trailers subject to the requirements of subsections (d)(1) through (d)(5) must be maintained in good operating condition in accordance with the following criteria.

May 21, 2008

- (A) Good Operating condition criteria for a U.S. EPA SmartWay Tractor. The following must be present and securely installed on the HD tractor (i.e. must not be hanging or loose to touch):
1. Aerodynamic Bumper (Specific Criteria TBD)
  2. Aerodynamic Mirrors (Specific Criteria TBD)
  3. Cab Side Extenders (Specific Criteria TBD)
  4. Fuel Tank Fairings (Specific Criteria)
  5. Integrated Sleeper Cab Roof Fairing (Specific Criteria TBD)
- (B) Good Operating Condition Criteria for a U.S. EPA SmartWayTrailer or Installed SmartWay Approved Trailer Component
1. Side Skirt Fairing must
    - a. Fit flush along each bottom side edge of trailer, with less than 0.5-inch gap between the top edge of the fairing and the bottom side edges of the trailer; and
    - b. Cover 70 percent or more of the distance of the trailer length between the center point of the trailer front axle and the landing gear, measured when the tandem is in the forward most position; and
    - c. Cover 68 percent or more of the distance of the gap between the bottom edge of the trailer and the ground, measured at the midpoint between the center of the front trailer axle and the landing gear, when the coupler/5<sup>th</sup> wheel is set at 43 inches.
  2. Front Trailer Fairing and Rear Trailer Fairing (boat tail)
    - a. Trailer may have a front fairing or a rear trailer fairing, or both.
    - b. Front Trailer Fairing
      1. Consists of a three panel design that fits flush along the top and along each side edge of the front side of a trailer, such that corners are flush with the face of the trailer and can be sealed to a maximum of 0.5 inches to either the inside or the outside of the corner edge of the top and along each side edge of the face of the trailer.

May 21, 2008

2. Top panel must cover 90 percent or greater of the distance of the trailer front body width when measured along the top trailer edge, between the two side posts of the trailer's front side.
  3. Each side panel (2 ea.) covers 75 percent or more of the distance of the trailer body front height when measured along each side edge, between the top and bottom of the front side of the trailer.
- c. Rear Trailer Fairing (boat tail)
4. a three panel or "bubble" design, with pressure-tight corners that can be sealed to a maximum of 0.5" to either the inside or outside corner edge of the top and along each side edge of the rear side of the trailer.
  5. Can be door or post mounted.
  6. The top panel (or top edge of bubble design) covers more than 90% or more of the distance of the trailer rear body height when measured along each edge, between the top and bottom of the rear side of the trailer; and extends outward by at least 24 inches when measured from the back side of the trailer to either the leading edge of the top panel in a three panel design; or the center in a bubble design.
  7. If a three panel design, panels must angle inward slightly.
  8. Must be permanently installed, but folds back against the trailer sides or otherwise is readily compacted to allow normal functioning of doors.

(2) *Failure to Meet Criteria:* All persons covered by this regulation (owners, drivers, motor carriers, brokers, shippers, and receivers) shall be jointly liable for any failure of a HD tractor or 53-foot box-type trailer operating on California highways to meet one or more of the above criteria.

(f) *Exemptions.*

- (1) Short-haul tractors registered in accordance with the requirements of subsection (g)(1), *Short-Haul HD Tractor Exemption Requirements.*

May 21, 2008

- (2) 53-foot box-type trailers pulled by short-haul tractors registered in accordance with the requirements of subsection (g)(1), *Short-Haul HD Tractor Exemption Requirements*, are exempt from the requirements of (d)(2) through (d)(5).
- (3) A drayage tractor operating within 100 miles of a port or intermodal rail yard property is exempt from (d)(1) through (d)(5).

(g) *Reporting Requirements*

(1) Short-Haul HD Tractor Exemption Requirements

- (A) Application Requirements: An owner of a Short Haul HD tractor must submit the information identified in subsection (g)(1)(B) through (g)(1)(D). The owner must use forms approved by the Executive officer. Applications will be reviewed by the Executive Officer as received. The Executive Officer reserves the right to request additional information, or clarification of submitted information, after review of application. Applicants will be notified of the status of their application by letter from the Executive Officer no later than 30 days after receipt. If approved, exemption status will be effective upon approval date of letter. If denied, the reasons for denial will be identified, and applicant can resubmit amended application.
- (B) *Owner Contact Information:*
  1. Owner's name
  2. Name of responsible person
  3. Corporate parent (if applicable)
  4. Name of company or agency
  5. Motor carrier identification number
  6. IRP registration Number (if applicable)
  7. Street address of local haul base.
  8. Telephone number
  9. Email address (if available)
  10. Company taxpayer identification number
- (C) *Tractor Information.* For each Tractor to be exempted, provide the following information
  1. Tractor Type
  2. Tractor Identification number
  3. Tractor Manufacturer
  4. Tractor Model
  5. Tractor Model Year
  6. State where tractor is registered and type of registration plate
  7. License plate number

May 21, 2008

8. Odometer reading
- (D) Map of geographic area where tractors will be operating and location (address) of local haul base(s)
  - (E) Once approved, exemption status will be in effect for a period of one year from approval date. To extend exemption, applicant should reapply for exemption one month prior to expiration date.
  - (F) Approved Short Haul Owner Requirements
    1. An owner of an exempted Short Haul HD tractor must make copies of the information required under subsection (g)(1)(B) available and accessible in the class 8 HD tractor and instruct the driver of the HD tractor to provide the information upon demand to any enforcement personnel listed in subsection (h)
    2. A driver of an exempted Short Haul HD tractor must, upon demand, provide the bill of lading to authorized enforcement personnel as set forth in subsection (h):
- (2) *Trailer Fleet Reporting Requirements.* A trailer owner subject to this regulation must report in accordance with this subsection all 2010 and older model year 53-foot box-type trailers that are subject to, but do not meet, the operational and equipment requirements of subsection (d)(5).
- (A) By January 1, 2010, or before trailers may operate in California, a trailer owner subject to this subsection must provide a list of all 2010 and older model year trailers that are subject to, but do not meet, the operational and equipment requirements set forth in subsection (d)(5), with each identified by trailer type, license plate number, and state of registration in a document entitled "Baseline Trailer Fleet List".
  - (B) For a 2010 or older model year trailer not included on the Baseline Trailer Fleet List, the owner must ensure that such trailer does not operate on a highway in California unless such trailer meets the operational and equipment requirements set forth in subsection (d)(5).
  - (C) Except as permitted in the Large Trailer Fleet Compliance Plan, a trailer owner may not modify the Baseline Trailer Fleet List.

May 21, 2008

(3) *Large Trailer Fleet Compliance Plan:* A trailer owner, who's Baseline Trailer Fleet List includes 20 or more trailers, must comply with the requirements set forth in this subsection. For a trailer owner who's Baseline Trailer Fleet List includes less than 20 trailers, participation in the Large Trailer Fleet Compliance Plan is optional.

(A) **Compliance Year 1:** By January 1, 2010, a trailer owner subject to this subsection must provide the following information, in a document entitled "Initial Report."

1. The owner's Baseline Trailer Fleet List
2. A list identifying a number of trailers from the Baseline Trailer Fleet List equal to or greater than 20 percent of the total trailers on the Baseline Trailer Fleet List. By identifying these trailers, the owner commits to retrofit or replace such trailers in the 2010 calendar year to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation. Such owner must ensure that at least 20 percent of the trailers on the Baseline Trailer Fleet List meets the applicable equipment requirements by January 1, 2011.

(B) **Compliance Year 2:** By February 1, 2011, an owner subject to this subsection must provide the following information, in a document entitled "Compliance Year 1 Progress Report."

1. An updated Baseline Trailer Fleet List, including information on any trailer replacements or retirements that took place in the 2010 calendar year.
2. A list of trailers that have been retrofitted or replaced to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation in the 2010 calendar year. An owner who fails to retrofit or replace at least 20 percent of the total trailers listed on the Baseline Trailer Fleet List by January 1, 2011 to meet the applicable equipment requirements is in violation of this regulation.
3. A list identifying a number of trailers from the Baseline Trailer Fleet List equal to or greater than 40 percent of the total trailers on the Baseline Trailer Fleet List. By identifying these trailers, the owner commits to retrofit or replace such trailers in the 2011 calendar year to

May 21, 2008

meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation. Such owner must ensure that at least 40 percent of the trailers on the Baseline Trailer Fleet List meets the applicable equipment requirements by January 1, 2012

- (C) **Compliance Year 3:** By February 1, 2012, an owner subject to this subsection must provide the following information, in a document entitled "Compliance Year 2 Progress Report."
1. An updated Baseline Trailer Fleet List, including information on any trailer replacements or retirements that took place in the 2011 calendar year.
  2. A list of trailers that have been retrofitted or replaced to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation in the 2011 calendar year. An owner who fails to retrofit or replace at least 40 percent of the total trailers listed on the Baseline Fleet list by January 1, 2012 to meet the applicable equipment requirements is in violation of this regulation.
  3. A list identifying a number of trailers from the Baseline Trailer Fleet List equal to or greater than 65 percent of the total trailers on the Baseline Trailer Fleet List. By identifying these trailers, the owner commits to retrofit or replace such trailers in the 2012 calendar year to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation. Such owner must ensure that at least 65 percent of the trailers on the Baseline Trailer Fleet List meets the applicable equipment requirements by January 1, 2013
- (D) **Compliance Year 4:** By February 1, 2013, an owner subject to this subsection must provide the following information, in a document entitled "Compliance Year 3 Progress Report."
1. An updated Baseline Trailer Fleet List, including information on any trailer replacements or retirements that took place in the 2012 calendar year.
  2. A list of trailers that have been retrofitted or replaced to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation in the 2012 calendar year. An owner who fails to retrofit or replace at least 65 percent of the total trailers listed on the Baseline

May 21, 2008

Fleet list by January 1, 2013 to meet the applicable equipment requirements is in violation of this regulation.

3. A list identifying the remaining trailers on the Baseline Trailer Fleet List that do not meet the equipment requirements set forth in subsections (d)(2) through (d)(5) of this regulation. By identifying these trailers, the owner commits to retrofit or replace such trailers in the 2013 calendar year to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation. Such owner must ensure that all trailers listed on the Baseline Trailer Fleet meets the applicable equipment requirements by January 1, 2014
- (E) **Final Report:** By February 1, 2014, an owner subject to this section must provide the following information, in a document entitled "Final Report."
1. An updated Baseline Trailer Fleet List, including information on any trailer replacements or retirements that took place in the 2013 calendar year.
  2. A list of trailers that have been retrofitted or replaced to meet the equipment requirements set forth in (d)(2) through (d)(5) of this regulation in the 2013 calendar year. An owner who fails to retrofit or replace every trailer listed on the Baseline Trailer Fleet List by January 1, 2014 to meet the applicable equipment requirements is in violation of this regulation
- (F) A trailer owner who fails to provide any of the information required by this subsection by the applicable due dates is in violation of this regulation.
- (G) A trailer owner who fails to meet a retrofit or replacement commitment made pursuant to the *Large Trailer Fleet Compliance Plan* by the applicable compliance date is in violation of this regulation.
- (H) A trailer owner may not modify the Baseline Trailer Fleet List unless the percentage of trailers meeting the operation and equipment requirements set forth in subsection (d)(5) does not decrease.

May 21, 2008

- (I) A trailer owner must report a trailer addition or replacement and make the appropriate adjustments to the Baseline Trailer Fleet List prior to the operation of the added or replacement trailer on a highway in California.
- (J) A trailer owner may report any trailer retirements occurring within a calendar year by February 1 of the following year. Such trailer owner may make the appropriate adjustments to the Baseline Trailer Fleet List and such owner's retrofit and replacement commitments for the following compliance year.
- (K) If a trailer owner is subject to this section on January 1, 2010, such trailer owner must remain in the Large Trailer Fleet Compliance Plan until January 1, 2014, even if the number of trailers on the Baseline Trailer Fleet List is reduced to less than 20 trailers before such date.
- (L) A trailer owner, whose applicable trailers first enter California after January 1, 2010, must submit the necessary reporting required under the Large Trailer Fleet Compliance Plan for the applicable calendar year within 60 days of entry, and must meet compliance plan targets for the current compliance year by January 1 of the following year.
- (M) Notwithstanding any requirements of this section, a trailer owner subject to this section must ensure that any 53-foot box-type trailer pulled by a tractor on a highway in California after January 1, 2014 meets the equipment requirements set forth in subsections (d)(2) through (d)(5) of this regulation.
- (N) After February 1, 2014, all reporting requirements specified by this subsection expire.
- (O) Credit Program: A trailer owner subject to this section may as an option participate in an accelerated turnover program which would allow such trailer owner to accrue credits to be used in later compliance years.
  - 1. Credit Multipliers: Turnover credits must be calculated as follows:
    - i. Trailers upgraded prior to January 1, 2010: If an owner of a large fleet retrofits or replaces trailers prior to January 1, 2010, the excess trailers can be converted into a credit for later compliance years. For use in Compliance Year 1, the credit would be

May 21, 2008

calculated by multiplying the number of trailers in excess by 5/4. For use in Compliance Year 2, the credit would be calculated by multiplying the number of trailers in excess by 5/3. For use in Compliance Year 3, the credit would be calculated by multiplying the number of trailers in excess by 5/2.

Excess Trailers = (%Achieved - %Requirement) X Number CA Trailers

Credit for CY1 = Excess Trailers X 5/4

Credit for CY2 = Excess Trailers X 5/3

Credit for CY3 = Excess Trailers X 5/2

- ii. Excess Trailers in Compliance Year 1: If an owner of a large fleet retrofits or replaces more trailers than required during Compliance Year 1 of this program, the excess trailers can be converted into a credit for later compliance years. For use in Compliance Year 2, the credit would be calculated by multiplying the number of trailers in excess by 4/3. For use in Compliance Year 3, the credit would be calculated by multiplying the number of excess trailers by 2.

Excess Trailers = (%Achieved CY1 - %Requirement) X Number CA Trailers CY1

Credit for CY2 = Excess Trailers X 4/3

Credit for CY3 = Excess Trailers X 2

- iii. Excess Trailers in Compliance Year 2: If a trailer owner of a large fleet retrofits or replaces more trailers than required during Compliance Year 2 of this program, the excess trailers can be converted into a credit for Compliance Year 3. For use in Compliance Year 3, the credit would be calculated by multiplying the number of excess trailers by 3/2.

Excess Trailers = (%Achieved CY1 - %Requirement) X Number CA Trailers CY2

Credit for CY3 = Excess Trailers X 3/2

- iv. Any unused credit will expire by the end of on January 1, 2013, and all remaining CA trailers will have to be upgraded by January 1, 2014.
- (P) Deficit Make-up Program: The same method used to calculate credit must be used also to calculate deficits. In addition to being subject to penalties, a trailer owner subject to this section must make up any deficit accrued during the phase-in period by January 1, 2013.

May 21, 2008

- (h) *Enforcement.* Enforcement of this section may be carried out by authorized representatives of the ARB, peace officers as defined in California Penal Code, title 3, chapter 4.5, sections 830 et seq. and their respective law enforcement agencies; and authorized representatives of air pollution control or air quality management districts.
- (i) *Right of Entry.* For purposes of inspecting on-road vehicles covered in this regulation, and their records to determine compliance with these regulations, an agent or employee of ARB, upon presentation of proper credentials, has the right to enter any facility (with any necessary safety clearances) where on-road vehicles are located or on-road vehicle records are kept.
- (j) *Penalties.* Any person who fails to comply with the requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to civil or criminal penalties set forth in article 3 (commencing with Section 42400) of chapter 4 of part 4, division 26 of the Health and Safety Code. In assessing penalties, the Executive officer will consider the factors set forth in Health and Safety Code section 42400.8 including but not limited to willfulness of the violation, the length of time of noncompliance, whether compliance was attempted, and the magnitude of non-compliance.
- (k) *Severability.* If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.