



July 17, 2014

California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Re: Comments on Notice of Public Availability of Modified Text for the Proposed Amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles**

Dear ARB:

CleanFleets.net offers the following comments on the language released for public comment on July 2, 2014.

1. **“Work Truck” definition [(2025(d) (62) (C), p. 15):** It is clear to us that the staff’s intention is to not allow eligibility for the “for-hire” trucks or trucks moving saleable goods or commodities for a fee. However the words “with an attached bed or body” are new to this definition and would appear to exclude a tractor as a truck type. This language was not included in the Board package for the April 2014 hearing and in our opinion would unfairly exclude a common equipment type that is owned by many construction companies or fleets that may or may not have a state contractors license but otherwise comply with the commercial code section given in the definition. Our request is to add “tractor” to the eligible equipment types under (C) in this definition.
2. **Relating to reporting and compliance for “common ownership” fleets [(2025(e)(6), p. 16):** It is clear to us that the clarifying language covers the situation where “common ownership” fleets “may elect” to report and comply separately. However, the proposed language is not explicit or adequate for a common ownership fleet that elects not to report and comply separately. If the Board does not intend the owner of 30 trucks to create ten “three-truck” fleets to slow the rule down, then that owner should not be prohibited from counting all the compliant trucks regardless of which business unit holds title to the truck or bus. Therefore, we are requesting that after the inserted language “owned by the fleet owner” that staff include “of a common ownership or control fleet may be counted toward satisfying the requirements in 2025 (i) and use applicable credits under 2025 (j) and...” “must be reported” as the final sentence of this subsection already indicates. It should be made explicit that common ownership fleets may pool the clean trucks, just as it is currently explicit that they can break their fleets apart if they choose. It should be allowed both ways!

3. **Reporting requirements [(2025(r) (16) (D), p. 60):** It appears there is a typographical error in lines four and five of this paragraph, which indicate “items 2025(2).” There is no such section in the proposed language. Additionally, it appears that “(D)(1)” has a typo that reads “sections 2025 (4)(5)” and there is no such section in the regulation. In our view, this section should be redrafted to reflect that all the items that were required to be submitted for the January 31, 2015 deadline should also be required for the January 31, 2016 reporting deadline. The regulation specifies that fleets must report each January when using any credit or extension and fleets reporting under this section should not be treated differently than other fleets. Furthermore, because of an improving economy and the fact that an individual’s personal credit rating may vary from year to year, it does not seem prudent to have a less robust process in 2016 than that proposed in 2015. The process should be identical from year to year.
4. **Recordkeeping requirements [(2025(s) (14) (B), p. 67):** This section requires documentation in the vehicle about recalled VDECS. Provisions 1 and 2 require a signed statement and service dates for the DPF, respectively, from a recalled VDECS manufacturer. In the recent case of the Cleaire organization there has now been over 18 months of spotty communication to the fleet owners impacted by the recall and poor documentation from Cleaire. Because recalled VDECS manufacturers have gone out of business and are hard or impossible to reach, it is not practical to demand that the fleet owner has this information in the vehicle. Since the clock is ticking for all recalled VDECS from the date of recall, then a copy of the ARB-issued recall notice should be sufficient. So we are requesting removal of the signed statement and VDECS service date.
5. **“Heavy Crane” definition [(2025(d) (33), p. 15):** Both the California DMV and Caltrans consider concrete pumps to be cranes. Most of the same attributes of the heavy crane definition apply to concrete pump trucks with three or more axles and a GVWR greater than 54,000 lbs. We are requesting that the following language be added to the “heavy crane: definition: “and concrete pump trucks with three or more axles and a GVWR greater than 54,000 lbs.”

Thank you for your consideration of these comments and I may be reached at 916-520-6040 Ext 104 should additional information be required.

Sincerely,

Sean R. Edgar  
Director