

Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation

Applicability FAQ Revised May 2011

Q – I am a non-profit training center that owns and operates off-road diesel vehicles. Am I required to comply with the in-use off-road diesel vehicle regulation?

A – Non-profit training centers must comply with the regulation; however, they are considered small fleets, even if their total horsepower exceeds 2,500 horsepower. This means that non-profit training centers do not need to begin meeting the fleet average targets or fulfilling the Best Available Control Technology (BACT) requirements until 2019. Further information on the regulation's requirements for small fleets can be found in the off-road Knowledge Center at:

www.arb.ca.gov/msprog/ordiesel/knowcenter.htm

Non-profit training centers are defined in title 13, section 2449(c)(34), as follows:

“an entity that operates a program for training in the use of off-road vehicles and that (A) is a community college program that trains students in the use of off-road vehicles or (B) qualifies as a non profit or not for profit organization under title 26 Internal Revenue Code section 501(a), (c)(3), (c)(5), or (c)(6). Any vehicles that are not used for an off-road training program are not considered part of a non-profit training center and must be considered a separate fleet.”

The definition of small fleet in section 2449(c)(24)(C) includes special language stating that all non-profit training centers qualify as small fleets.

Q – I own off-road diesel vehicles for Job Corps, a non-profit apprenticeship training program. Am I required to report my vehicles and comply?

A – Job Corps fleets are exempt from the regulation's performance requirements, which mean they need not replace vehicles or engines and need not install retrofits. However, as stated in section 2449(e)(13) of the off-road regulation, Job Corp fleets still must report and label their vehicles. Further information on the reporting requirements of the regulation can be found on the off-road regulation Knowledge Center, at:

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Q – I am an individual homeowner, and I own a piece of diesel equipment for personal use. Am I required to report my vehicle and comply?

A – No. As stated in section 2449(b) of the off-road regulation:
“off-road diesel vehicles owned and operated by an individual for personal, non-commercial, and non-governmental purposes are exempt from the provisions of this regulation.”

Therefore, individual homeowners who own a piece of diesel equipment for personal use are completely exempt from the regulation. They do not need to comply with the reporting, labeling, or performance requirements of the regulation. Examples of such equipment could include a backhoe or lawn tractor used for caring for a personal property.

Q – Are off-road vehicles used on Native American reservations covered by the off-road regulation?

A – If a fleet operates vehicles ONLY on the reservation, it is exempt from the off-road regulation, just like a fleet operating in another state or in a foreign country. However, if a fleet is based on a reservation, but uses its vehicles off reservation property within California, those vehicles are treated as though they are being brought into California from out-of-state (they are treated as an out-of-state fleet, and must meet those requirements).

Q – Does the off-road regulation cover off-road vehicles that are operated off-shore, like a diesel forklift on an oil drilling platform or a loader on a barge?

A – Yes, it applies to vehicles that are used on land as well as within California territorial waters. California territorial waters are generally defined as within 24-miles of shore.

Q – Does the off-road regulation cover snow removal vehicles like snow blowers or loaders?

A – Partially. Such off-road snow removal vehicles must be reported like any other off-road vehicle and labeled (per section 2449(e)(4)). However, as described further below, some off-road snow removal vehicles are exempt from the regulation’s performance requirements (retrofitting and replacement).

Snow removal vehicles meeting one of the following two criteria are exempt from the regulation’s performance requirements and need not be

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included when calculating fleet average indices or target rates, when determining fleet size, or when calculating the required horsepower for the regulation's BACT requirements:

1. Vehicles that meet the definition of "dedicated snow removal vehicle", per section 2449(c)(11), as follows:
"a vehicle that is operated exclusively to remove snow from public roads, private roads, or other paths from which snow must be cleared to allow on-road vehicle access. Dedicated snow removal vehicles must have permanently affixed snow removal equipment such as a snow blower or auger and may include, but are not limited to, motor graders, loaders, and snow blowers."
2. Publicly owned vehicles used exclusively to support removing snow from public roads, private roads, or driveways but which do not have permanently affixed snow removal equipment.

Q – What are some examples of snow removal vehicles with permanently affixed snow removal equipment?

A – Vehicles with permanently affixed snow removal equipment can include snow blowers, loaders, graders, and other equipment types. Such vehicles are exempt from the performance requirements of the regulation but must still be reported and labeled. Photographs of some examples are shown below:



Snow blower

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Wheel loader with snow removal attachment



Snow removal vehicle with permanent snow removal attachment



Snow blower

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Q – What if I have a vehicle used only for snow removal but it does not have any kind of special attachment?

A – If such a vehicle is publicly owned, it is exempt from the regulation's performance requirements and need not be included when calculating fleet average indices or target rates, when determining fleet size, or when calculating the required horsepower for the regulation's BACT requirements. However, if it is privately owned, it is not exempt.

Thus, a loader without a permanently attached snow blower or auger that is owned by a city or county and that is used exclusively for snow removal would be exempt from the regulation's performance requirements. However, the same loader owned by a private company and used exclusively for snow removal would not be exempt.

Q – What if I use my vehicle in the winter for snow removal but in the summer I use it for other purposes?

A – To be exempted from the performance requirements, the vehicle must be used exclusively for snow removal. Thus, a vehicle used part of the year for non-snow removal purposes would not be exempt.

Q – Is a snow cat that is used to groom ski trails considered a dedicated snow removal vehicle and therefore exempt from the regulation?

A – No. To be a dedicated snow removal vehicle, a vehicle must be operated exclusively to remove snow from public roads, private roads, or other paths from which snow must be cleared to allow on-road vehicle access. A snow cat used to groom ski trails does not meet this definition.

Q - I am a fleet that owns off-road diesel vehicles that will be operated inside and outside California. Am I required to report my vehicles that are operated outside California?

A - You are only required to report vehicles that are operating in California. However, if you own some vehicles not currently in California, but that have operated in California in the past, then you may wish to report them with your initial reporting. You are not allowed to report vehicles that have never been operated in California. If you choose to wait and report such vehicles later if and when they come to California, once they enter into the State, they must be reported within 30 days. For more information on the reporting requirements of the off-road regulation, please see the Reporting Vehicles FAQ which is available in the off-road Knowledge Center at: www.arb.ca.gov/msprog/ordiesel/knowcenter.htm

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When deciding whether to report vehicles that are currently outside California, you should consider the following factors:

- Keep in mind that unless a fleet meets the fleet average targets, then its total horsepower will determine its annual retrofitting and turnover requirements (BACT requirements). Thus reporting vehicles that are outside the State could increase a fleet's annual compliance requirements.
- If you own a vehicle that is a Tier 0 or Tier 1, and you anticipate it will be operated in California, it will most likely be in your best interest to report it along with your initial reporting even if it is not currently in California. This is because in the near future, there will be restrictions on adding older, dirtier vehicles (such as Tier 0s and Tier 1s) into a fleet, and it could therefore become impossible to bring older vehicles into the state if they were not previously reported.

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