

## FINAL REGULATION ORDER

### Advanced Clean Trucks Regulation

Adopt new sections 1963, 1963.1, 1963.2, 1963.3, 1963.4, 1963.5, 2012, 2012.1, and 2012.2, title 13, California Code of Regulations, to read as follows:

(Note: The entire text of sections 1963 - 1963.5 and 2012 - 2012.2 set forth below is new language in "normal type" proposed to be added to the California Code of Regulations.)

#### **Section 1963.       Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements.**

- (a) *Purpose.* The purpose of sections 1963, 1963.1, 1963.2, 1963.3, 1963.4, and 1963.5 is to accelerate the market for on-road zero-emission vehicles and to reduce emissions of oxides of nitrogen (NOx), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG) from medium- and heavy-duty on-road vehicles.
- (b) *Scope and Applicability.* Any manufacturer that certifies on-road vehicles over 8,500 lbs. gross vehicle weight rating for sale in California is subject to sections 1963, 1963.1, 1963.2, 1963.3, 1963.4, and 1963.5 except as specified in section 1963(e).
- (c) *Definitions.* The following definitions apply for sections 1963 through 1963.5:
  - (1) "All-electric range" means the number of miles a vehicle can travel using electricity stored on-board the vehicle as tested per the requirements of 17 CCR section 95663(d) for on-road vehicles with a GVWR over 8,500 lbs.
  - (2) "Class 2b-3" means an on-road vehicle with a GVWR that is 8,501 pounds up to 14,000 pounds.
  - (3) "Class 2b-3 group" means the group of all on-road vehicles with a GVWR that is 8,501 pounds up to 14,000 pounds.
  - (4) "Class 4" means an on-road vehicle with a GVWR that is 14,001 pounds up to 16,000 pounds.
  - (5) "Class 4-8 group " means the group of all on-road vehicles with a GVWR that is 14,001 pounds and above, including "yard tractors" as defined in 1963(c)(20), except for a "tractor" as defined in section 1963(c)(18).
  - (6) "Class 5" means an on-road vehicle with a GVWR that is 16,001 pounds up to 19,500 pounds.

- (7) "Class 6" means an on-road vehicle with a GVWR that is 19,501 pounds up to 26,000 pounds.
- (8) "Class 7" means an on-road vehicle with a GVWR that is 26,001 pounds up to 33,000 pounds.
- (9) "Class 7-8 tractor group" means a group of on-road vehicles, that have a GVWR 26,001 and above, including all vehicles that meet the definition of "tractor" as defined in section 1963(c)(18), except "yard tractors" as defined in section 1963(c)(20).
- (10) "Class 8" means an on-road vehicle with a GVWR that is 33,001 pounds and above.
- (11) "Excluded bus" means a vehicle that meets the following conditions:
  - (A) A passenger-carrying vehicle with a GVWR that is 14,001 pounds or more;
  - (B) Has a load capacity of fifteen (15) or more passengers;
  - (C) Is not a cutaway vehicle as defined in 13 CCR section 2023 (b)(17); and
  - (D) Is not a school bus as defined in the California Vehicle Code section 545.
- (12) "Executive Officer" means the Executive Officer of the California Air Resources Board (CARB) or his or her authorized representative.
- (13) "Gross vehicle weight rating or "GVWR" has the same meaning as GVWR in California Vehicle Code section 350.
- (14) "Manufacturer" means any person who assembles new on-road motor vehicles, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, this term includes any person who manufactures or assembles an on-road vehicle or other incomplete on-road vehicle for sale in California or otherwise introduces a new on-road motor vehicle into commerce in California. This includes importers who import on-road vehicles for resale and persons that assemble glider vehicles. This does not include persons who supply parts to the importer or vehicle manufacturer of record.
- (15) "Model year" means a designation meeting the definition of "model year" under 17 CCR section 95662(a)(16).

- (16) "Near-zero-emission vehicle" or "NZEV" means one of the following:
- (A) An on-road plug-in hybrid electric vehicle which has the same definition as that in 40 CFR section 86.1803-01, amended on July 1, 2011, incorporated by reference herein, that achieves all-electric range as defined in section 1963(c)(1); or
  - (B) An on-road hybrid electric vehicle that has the capability to charge the battery from an off-vehicle conductive or inductive electric source and achieves all-electric range as defined in section 1963(c)(1).
- (17) "NZEV credit" means a credit generated by producing and selling a NZEV in California.
- (18) "Tractor" means an on-road vehicle meeting one of the following:
- (A) The definition of "tractor" in 17 CCR section 95662(a)(23); or
  - (B) The definition of "vocational tractor" in 17 CCR section 95662(a)(27).
- (19) "Vehicle" or "on-road vehicle" means new equipment that meets the following criteria:
- (A) Has a GVWR that is 8,501 pounds and above;
  - (B) Is equipment intended for use on highways, and meets the definition set forth in 17 CCR section 95662(a)(26);
  - (C) Is not a trailer as defined in 17 CCR section 95662(a)(24); and
  - (D) Is not an excluded bus as defined in section 1963(c)(11).
- (20) "Yard tractor" means a vehicle that was originally designed to be operated on-road and has a movable fifth wheel that can be elevated and is used in moving and spotting trailers and containers at a location or facility. Yard tractors are also commonly known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.
- (21) "Zero-emission vehicle" or "ZEV" means an on-road vehicle with a drivetrain that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.
- (22) "ZEV credit" means a credit generated by producing and selling a ZEV into California.

- (d) *General Requirements.* Except as provided in section 1963(e), a manufacturer must retire a number of ZEV or NZEV credits that equals or exceeds the total annual deficits each model year, subject to the provisions of section 1963.3.
- (e) *Low Volume Exemption.* Each model year, starting in 2024, manufacturers that do not exceed 500 average annual sales of on-road vehicles produced and delivered for sale in California for the three prior model years are exempt from the requirements of sections 1963 through 1963.5. Manufacturers that meet this exemption as of 2021 but subsequently exceed 500 average annual vehicle sales in any model year become subject to the requirements of sections 1963 through 1963.5 starting the second model year after the average annual sales exceeded the threshold.
- (f) *Voluntary Credit Generation.* Any manufacturer that is exempt may elect to generate ZEV or NZEV credits per the provisions of section 1963.2. If a manufacturer chooses to generate ZEV or NZEV credits, it must comply with the credit generation, banking, and trading provisions of section 1963.2, the reporting and recordkeeping requirements of section 1963.4, and the enforcement provisions of section 1963.5.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

### **Section 1963.1. Advanced Clean Trucks Deficits**

*Basic Requirement.* Beginning with the applicable effective dates, a manufacturer must comply with the following requirements:

- (a) *Deficit Generation.* Starting with the 2024 model year, a manufacturer shall annually incur deficits based on the manufacturer's annual sales volume of on-road vehicles produced and delivered for sale in California. Deficits are incurred when the on-road vehicle is sold to the ultimate purchaser in California.
- (b) *Deficit Calculation.* Deficits shall be calculated each model year. For each on-road vehicle, the deficit is calculated as the product of the model year percentage requirement from Table A-1, and the appropriate weight class modifier for each vehicle from Table A-2. Every model year, the deficits generated by each vehicle are summed for each vehicle group.

Table A-1. ZEV Sales Percentage Schedule

Model Year	Class 2b-3 Group	Class 4-8 Group	Class 7-8 Tractors Group
2024	5%	9%	5%
2025	7%	11%	7%
2026	10%	13%	10%
2027	15%	20%	15%
2028	20%	30%	20%
2029	25%	40%	25%
2030	30%	50%	30%
2031	35%	55%	35%
2032	40%	60%	40%
2033	45%	65%	40%
2034	50%	70%	40%
2035 and beyond	55%	75%	40%

Table A-2. Weight Class Modifiers

	Vehicles in the Class 2b-3	Class 4-5 Vehicles in the Class 4-8 Group	Class 6-7 Vehicles in the Class 4-8 Group	Class 8 Vehicles in the Class 4-8 Group	Vehicles in the Class 7 and 8 Tractor Group
Weight Class Modifier	0.8	1	1.5	2	2.5

- (c) *Deficit Rounding.* If the sum of deficits generated in a model year for a vehicle group is not equal to a whole number, the sum of deficits shall round up to the nearest tenth when the fractional part is equal to or greater than 0.05, and round down to the nearest tenth if less than 0.05.
- (d) *Deficit Accounting.* Deficits generated from vehicles in the Class 7-8 tractor group must be accounted separate from other deficits.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

## **Section 1963.2. Advanced Clean Trucks Credit Generation, Banking, and Trading**

Beginning with the 2021 model year, the following requirements apply:

- (a) *ZEV Credit Calculation.* A manufacturer may generate ZEV credits for each ZEV produced and delivered for sale in California for the manufacturer-designated model year. ZEV credits are earned when a new on-road vehicle is sold to the ultimate purchaser in California. The ZEV credit generated for each vehicle sold is equal to the value of the appropriate weight class modifier in Table A-2 of section 1963.1.
- (b) *NZEV Credit Calculation.* Until the end of the 2035 model year, a manufacturer may generate NZEV credits for each NZEV produced and delivered for sale in California for the manufacturer-designated model year. NZEV credits are earned when a new on-road vehicle is sold to the ultimate purchaser in California. The NZEV credit generated for each vehicle sold is calculated as the product of the appropriate weight class modifier in Table A-2 of section 1963.1, and the NZEV factor value as calculated in section 1963.2(b)(1).
  - (1) *NZEV Factor Value.* The NZEV factor used to calculate NZEV credits shall be calculated as 0.01 multiplied by the all-electric range, and is not to exceed 0.75.
  - (2) *Minimum All-Electric Range.* To earn credit, NZEVs must have an all-electric range that equals or exceeds the criteria specified in 17 CCR section 95663(d) until the end of the 2029 model year and an all-electric range that equals or exceeds 75 miles or greater starting with the 2030 model year.
- (c) *Credit Rounding.* If the calculated number of summed ZEV or NZEV credits generated in a model year for a vehicle group is not equal to a whole number, the summed number shall round up to the nearest tenth when the fractional part is equal to or greater than 0.05, and round down to the nearest tenth if less than 0.05.
- (d) *Credit Banking.* ZEV and NZEV credits may be banked for future use. Banked credits may be used to satisfy deficits per section 1963.3 and have limited lifetimes per section 1963.2(g).
- (e) *Credit Trading and Transfer.* ZEV and NZEV credits may be traded, sold, or otherwise transferred between manufacturers. ZEV or NZEV credits transferred in this manner may be used to satisfy deficits per section 1963.3 and have limited lifetimes per section 1963.2(g), and must be reported to the Executive Officer in accordance with the requirements of section 1963.4.
- (f) *Credit Accounting.* ZEV and NZEV credits must be separately accounted for based on model year generated. NZEV credits must be accounted for separately

from ZEV credits. Class 7-8 tractor group credits must be accounted for separately from other credits.

- (g) *Limited Credit Lifetime.* ZEV and NZEV credits have limited lifetimes as follows:
- (1) *2021 to 2023 Model Year.* ZEV or NZEV credits generated in the 2021, 2022 and 2023 model years expire at the end of the 2030 model year, and are no longer available to be used to meet compliance for 2031 and later model years. For example, ZEV or NZEV credits generated during the 2022 model year may be used to meet compliance requirements until the end of the 2030 model year, and may not be used to meet 2031 model year compliance requirements.
  - (2) *2024 Model Year and Beyond.* ZEV or NZEV credits generated in 2024 and subsequent model years may be used only for five model years after the model year in which they are generated. For example, ZEV or NZEV credits generated for the 2024 model year may be used to meet compliance requirements until the end of the 2029 model year, and may not be used to meet 2030 model year compliance requirements.
- (h) *Zero-Emission Powertrain Certification for ZEVs.* Beginning with the 2024 model year, on-road ZEVs over 14,000 pounds GVWR and incomplete medium-duty ZEVs from 8,501 through 14,000 pounds GVWR produced and delivered for sale in California must meet the requirements of 13 CCR section 1956.8 and 17 CCR section 1956.63 as amended by the Zero-Emission Powertrain Certification regulation to receive ZEV credit.
- (i) *No Double Counting ZEVs or NZEVs.* Class 2b-3 ZEVs or NZEVs produced or delivered for sale in California may earn credits under 13 CCR section 1962.2 or may earn ZEV or NZEV credits under section 1963.2, but may not earn credits in both 1962.2 and 1963.2 for the same vehicle. Manufacturers must comply with reporting requirements specified in section 1963.4(c).

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

### **Section 1963.3. Advanced Clean Trucks Compliance Determination**

- (a) *Annual Compliance Determination.* For each model year, compliance is achieved when the manufacturer's Class 7-8 tractor credits retired offset their Class 7-8 tractor deficits except as specified in 1963.3(c)(3) and when the manufacturer's total credits retired offset their total deficits.
- (b) *Requirement to Make Up a Deficit.* A manufacturer that retires fewer ZEV or NZEV credits than required to meet its credit obligation in a given model year

must make up the deficit by the end of the next model year by submitting a commensurate number of ZEV credits to satisfy the deficiency. Deficits carried over to the following model year cannot be made up with NZEV credits.

- (c) *Credit Retirement Order.* Credit accounts are debited using the following conventions, except as provided in section 1963.3(c)(3):
- (1) First, credits must be retired by order of model year expiration, starting with the earliest expiring credit.
  - (2) Second, credits must be retired in the following order by credit type and weight class group:
    - (A) First, Class 7-8 tractor group NZEV credits to meet Class 7-8 tractor group deficits up to the cap specified in 1963.3(d);
    - (B) Second, Class 2b-3 group and Class 4-8 group NZEV credits to meet Class 2b-3 group and Class 4-8 group deficits up to the cap specified in 1963.3(d);
    - (C) Third, Class 7-8 tractor group NZEV credits to meet Class 2b-3 group and Class 4-8 group deficits;
    - (D) Fourth, Class 7-8 tractor group ZEV credits to meet Class 7-8 tractor group deficits;
    - (E) Fifth, Class 2b-3 group and Class 4-8 group ZEV credits to meet Class 2b-3 and Class 4-8 group deficits; and
    - (F) Sixth, Class 7-8 tractor group ZEV credits to meet Class 2b-3 group and Class 4-8 group deficits.
  - (3) *Low Tractor Volume Flexibility.* A manufacturer who generates 25 or fewer Class 7-8 tractor deficits in a model year and has tractor deficits remaining after retiring credits per the credit retirement order in sections 1963.3(c)(1) and 1963.3(c)(2) can use a maximum of 25 Class 2b-3 or Class 4-8 group ZEV credits, starting with the earliest expiring credits, to satisfy their Class 7-8 tractor group deficits.
  - (d) *NZEV Credit Limit.* A manufacturer may use NZEV credits to satisfy, at maximum, 50 percent of the annual summed deficits for the Class 2b-3 group and the Class 4-8 group, and may use Class 7-8 tractor NZEV credits to satisfy, at maximum, 50 percent of the annual summed deficits for the Class 7-8 tractor group.
- (e) *Tractor Deficits Must Be Met With Tractor Credits.* Annual deficits accrued in the Class 7-8 tractor group can only be met with Class 7-8 tractor credits, except as described in section 1963.3(c)(3).



NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

#### **Section 1963.4. Advanced Clean Trucks Reporting and Recordkeeping**

- (a) *Sales Reporting.* Beginning with the 2021 model year, and no later than 90 days following the end of each model year, a manufacturer must report the following information to CARB for each on-road vehicle produced and delivered for sale in California for each model year, except as provided in section 1963.4(e):
  - (1) Vehicle Identification Number (VIN) for each vehicle;
  - (2) Vehicle weight class;
  - (3) Whether the vehicle type is a tractor, yard tractor, or is another vehicle type;
  - (4) Fuel and drivetrain type;
  - (5) The volume produced and delivered for sale in California for the vehicle type; and
  - (6) If the vehicle is a NZEV, the tested all-electric range of the vehicle.
- (b) *Credit Transfer Reporting.* A manufacturer that transfers to or receives ZEV or NZEV added credits from another manufacturer must submit to the Executive Officer an annual report of all credit trades, transfers, and transactions. CARB will not recognize any credit transfers until the report is received.
  - (1) *Transfer Reporting Deadline.* Reports must be submitted no later than 90 days following the end of each model year to demonstrate compliance.
  - (2) *Required Credit Transfer Information.* Manufacturers that transfer or receive ZEV or NZEV credits must submit a letter or document signed by authorized agents of both parties to the transaction summarizing the transfer, which must include the following:
    - (A) Corporate name of credit transferor;
    - (B) Corporate name of credit transferee;
    - (C) Number of ZEV credits transferred for each model year, rounded to the nearest tenth per 1963.2(c);
    - (D) Number of NZEV credits transferred for each model year, rounded to the nearest tenth per 1963.2(c); and

- (E) Indicate whether the ZEV or NZEV credits are Class 7-8 Tractor credits, or other credits.
- (c) *Class 2b-3 Credit Declaration.* A manufacturer that generates ZEV or NZEV credits from the Class 2b-3 group must submit no later than 90 days following the end of each model year a declaration to the Executive Officer which includes:
  - (1) The number of on-road vehicles produced and delivered for sale in California to generate credits per section 1963.2; and
  - (2) The number of on-road vehicles produced and delivered for sale in California to generate credits per 13 CCR section 1962.2.
- (d) *Retention of Records.* Records of reported information required in section 1963.4 and documentation showing vehicle delivery to the ultimate purchaser at a location in California must be kept by manufacturers for CARB to audit for a period of eight (8) years from the end of the model year the vehicles were produced.
- (e) *Grouped Sales Reporting.* Manufacturers may optionally submit information required in section 1963.4(a) grouped by categories for vehicles that are not ZEVs or NZEVs without providing individual VINs. If exercising this option, manufacturers must still retain records available for CARB to audit including the individual VINs per section 1963.4(d).

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

#### **Section 1963.5. Advanced Clean Trucks Enforcement**

- (a) *Enforcement of Requirements.* A manufacturer is subject to the following:
  - (1) *Audit of Records.* A manufacturer must make records of vehicle sales into California available to the Executive Officer for audit to verify the accuracy of the reported information. In the event that records are not made available within 30 days of a request, CARB may assess penalties for noncompliance. Submitting false information is a violation of this regulation and violators will be subject to penalty.
  - (2) *Authority to Suspend, Revoke, or Modify.* If the Executive Officer finds that any ZEV or NZEV credit was obtained based on false information, the credit will be deemed invalid.

- (3) *Public Disclosure.* Records in the Board's possession for the manufacturers subject to this regulation shall be subject to disclosure as public records as follows:
- (A) Each manufacturer's annual vehicle sales data based on the volume of on-road vehicles produced and delivered for sale in California and the corresponding credits per vehicle earned for the 2021 and subsequent model years;
  - (B) Each manufacturer's annual credit balances for 2021 and subsequent years for ZEVs and NZEVs; and
  - (C) Credits earned under section 1963.2, including credits acquired from, or transferred to another party, and the parties themselves.
- (4) *Penalty for Failure to Meet Credit and Deficit Requirements.* Any manufacturer that fails to retire an appropriate amount of ZEV or NZEV credits as specified in section 1963.3(c) and does not make up deficits within the specified time allowed by section 1963.3(b) shall be subject to Health and Safety Code section 43212 civil penalty applicable to a manufacturer who does not comply with emission standards or the test procedures adopted by the state board. The cause of action shall be deemed to accrue when the deficit is not balanced by the end of the specified time allowed by section 1963.3(b). For the purposes of Health and Safety Code section 43212, the number of vehicles not meeting the state board's standards or procedures shall be equal to one half of the manufacturer's outstanding deficit.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5, 43212 Health and Safety Code.

## **Section 2012.      Advanced Clean Trucks, Large Entity Reporting Requirement**

- (a) *Purpose.* The purpose of sections 2012, 2012.1, and 2012.2 is to collect information to assess suitability of zero-emission vehicles in multiple use cases and to inform future strategies on how to accelerate the zero-emission vehicle market in California. These sections support future measures to reduce emissions of oxides of nitrogen (NOx), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG) from vehicles.
- (b) *Scope and Applicability.* Except as provided in section 2012(c), this regulation applies to each of the following entities:
- (1) Any entity with gross annual revenues greater than \$50 million in the United States for the 2019 tax year, including revenues from all

subsidiaries, subdivisions, or branches, who operated a facility in California in 2019 and had one or more vehicles over 8,500 lbs. GVWR under common ownership or control that were operated in California in 2019;

- (2) Any fleet owner in the 2019 calendar year that had 50 or more vehicles with a GVWR greater than 8,500 lbs. under common ownership or control and operated a facility in California;
  - (3) Any broker or entity that dispatched 50 or more vehicles with a GVWR greater than 8,500 lbs. into or throughout California, and operated a facility in California, in the 2019 calendar year;
  - (4) Any California government agency including all state and local municipalities that had one or more vehicles over 8,500 lbs. GVWR that were operated in California in 2019; and
  - (5) Any federal government agency that had one or more vehicles over 8,500 lbs. GVWR that were operated in California in 2019 operating in California.
- (c) *Exemptions.* The following entities, facilities, or vehicles are exempt from the requirements of sections 2012 through 2012.2:
- (1) K-12 schools and school districts and other entities whose fleet is comprised primarily of school buses as defined in the California Vehicle Code section 545, which for the purposes of this regulation, means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, who operates or directs the operation of any such bus on either a for-hire or not-for-hire basis;
  - (2) Transit vehicles that are subject to the Innovative Clean Transit regulation, 13 CCR section 2023, and their vehicles that used exclusively to support transit service;
  - (3) Light-duty vehicles dispatched but not owned by transportation network companies;
  - (4) Military tactical vehicles as described in 13 CCR section 1905 and military tactical facilities owned or operated by the United States Department of Defense and/or the United States military services; or
  - (5) Vehicles awaiting sale as defined in section 2012(d)(23).
  - (6) Emergency vehicles as defined in the California Vehicle Code section 165.
- (d) *Definitions.* The following definitions shall apply for sections 2012 through 2012.2:

- (1) "Backup vehicle" means a self-propelled motor vehicle designed for on-highway use that is used intermittently to maintain service during periods of routine or unplanned maintenance, unexpected vehicle breakdowns, or accidents but is not used in everyday or seasonal operations.
- (2) "Broker" means an entity or person who has broker authority from the Federal Motor Carrier Safety Association and, for compensation, arranges or offers to arrange the transportation of property by an authorized motor carrier. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.
- (3) "Common ownership or control" means being owned or managed day to day by the same person or entity. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities. Common ownership or control of a federal government vehicle shall be the primary responsibility of the unit that is directly responsible for its day to day operational control.
- (4) "Corporate parent" means a business that possesses the majority of shares in another business, which gives them control of their operational procedures.
- (5) "Dispatched" means provided direction or instruction for routing a vehicle(s), whether owned or under contract, to specified destinations for specific purposes, including but not limited to delivering cargo, passengers, property or goods, providing a service, or assisting in an emergency.
- (6) "Executive Officer" means the Executive Officer of the California Air Resources Board (CARB) or his or her authorized representative.
- (7) "Facility" means any property with one or more unique physical addresses.
- (8) "Facility category" means a classification of different facility types based on a facility's primary purpose. Facility categories are defined as the following:
  - (A) "Administrative/office building" means a building or structure used primarily for day-to-day activities that are related to administrative tasks such as financial planning, record keeping & billing, personnel, physical distribution and logistics, within a business.
  - (B) "Distribution center/warehouse" means a location used primarily for the storage of goods which are intended for subsequent shipment.

- (C) "Hotel/motel/resort" means a commercial establishment offering lodging to travelers and sometimes to permanent residents.
  - (D) "Manufacturer/factory/plant" means a location with equipment for assembling parts, producing finished products, intermediate parts, or energy products.
  - (E) "Medical/hospital/care" means an institution engaged in providing inpatient diagnostic and therapeutic services or rehabilitation services by or under the supervision of physicians.
  - (F) "Multi-building campus/base" means a property typically operated by a single entity with several buildings, often serving multiple purposes.
  - (G) "Restaurant" means a business establishment where the primary purpose is serving meals or refreshments.
  - (H) "Service center" means a facility that supports a business operation that generates revenue by providing a specific service or product, or a group of services or products to a customer.
  - (I) "Store" means an establishment that sells goods or a variety of goods and services to the general public.
  - (J) "Truck/equipment yard" means an establishment that primarily stores or dispatches trucks and equipment such as a garage or parking lot.
  - (K) "Any other facility type" means any facility that is not included in 2012(d)(8)(A-J).
- (9) "Fleet" means one or more self-propelled on-road vehicles under common ownership or control of a person, business, or agency as defined in California Vehicle Code section 460. This includes vehicles that are rented or leased from a business that regularly engages in the trade or business of leasing or renting motor vehicles without drivers where the vehicle rental or leasing agreement for the use of a vehicle is for a period of one or more years.
- (10) "Fleet owner" means, except as modified below in paragraphs (A) and (B), either the person registered as the owner or lessee of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; as evidenced on the vehicle registration document carried in the vehicle.
- (A) For vehicles that are owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the

department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which have responsibility for maintenance of the vehicles.

- (B) For a vehicle that is rented or leased from a business that is regularly engaged in the trade or business of leasing or renting motor vehicles without drivers, the owner shall be the rental or leasing entity if the rental or lease agreement for the use of a vehicle is for a period of less than one year, otherwise the owner shall be the renter or lessee.
- (11) "Government agency" means any federal, state, or local governmental agency, including, water districts, or any other public entity with taxing authority.
- (12) "Gross annual revenue" means the total revenue, receipts, and sales reported to the Internal Revenue Service for a consecutive 12 month period.
- (13) "Gross vehicle weight rating" or GVWR has the same meaning as defined in California Vehicle Code, section 350.
- (14) "Motor carrier" is the same as defined in California Vehicle Code section 408.
- (15) "Municipality" means a city, county, city and county, special district, or a public agency of the State of California, and any department, division, public corporation, or public agency of this State.
- (16) "Responsible official" means one of the following:
  - (A) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or their delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation;
  - (B) For a partnership or sole proprietorship: A general partner or the proprietor, or the delegate or designee of the aforementioned, or any other person who performs similar policy or decision-making functions for the business; or
  - (C) For a municipality, state, federal, or other governmental agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency

(e.g., a Regional Administrator of the U.S. EPA). For the purposes of the Department of Defense Military Services, a principal executive officer includes a commanding officer of an installation, base, or tenant organization.

- (17) “Subsidiary” means a company controlled by another company.
- (18) “Subhauler” means a for-hire motor carrier who enters into an agreement to provide transportation services on the behalf of another motor carrier or broker.
- (19) “Transportation network company” means any entity or person that provides prearranged transportation services for compensation using an online-enabled application or platform (such as smart phone apps) to connect drivers using their personal vehicles with passengers.
- (20) “Vehicle” means self-propelled equipment intended for use on highways, and does not include motorcycles.
- (21) “Vehicle body type” means commonly used vehicle body descriptions to be used in responding to questions about the fleet of vehicles including the following: beverage truck, boom/bucket, box reefer, box dry van, bus-shuttle, bus-other, car/SUV, car carrier, concrete mixer, concrete pump, crane, drill rig, dump, flatbed or stake bed, garbage front loader, garbage side loader, garbage packer, garbage roll-off, other, pickup bed, service body, sweeper, tank, tractor day cab, tractor sleeper cab, tow, vacuum, water, van-cargo, van-step, van-passenger, on-road or off-road yard tractor.
- (22) “Vehicle home base” means the location where a vehicle is domiciled meaning a business location where a vehicle is typically kept when not in use. Vehicles that are kept at a personal residence or kept at a location that is not operated by the entity shall use the location where the vehicle is dispatched from or where the vehicle is repaired or maintained.
- (23) “Vehicles awaiting sale” means vehicles in the possession of dealers, financing companies, or other entities that do not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage.
- (24) “Weight class bin” means a list of vehicles categorized by GVWR. The weight class bins are one of the following:
  - (A) “Light-duty” means a self-propelled motor vehicle designed for on-highway use with a GVWR of 8,500 lbs. or less. Also referred to as



Class 1-2a. This includes passenger cars, sport utility vehicles, minivans, and light pickup trucks.

- (B) “Class 2b-3” means a self-propelled motor vehicle designed for on-highway use with a GVWR from 8,501 lb. to 14,000 lb. The types of vehicle in this category generally includes full-size pickup trucks, smaller utility trucks, cargo vans, and passenger vans.
- (C) “Class 4-6” means a self-propelled motor vehicle designed for on-highway use with a GVWR from 14,001 lb. to 26,000 lb.
- (D) “Class 7-8” means a self-propelled motor vehicle designed for on-highway use with a GVWR greater than 26,000 lbs.

(e) General Requirements.

- (1) *Reporting.* All regulated entities must submit information specified in sections 2012.1 and 2012.2 to the Executive Officer. Subsidiaries, parent companies, or joint ventures may independently report, or the corporate parent or joint venture business may report on their behalf, as long as all information for subsidiaries, corporate parents, and joint ventures with vehicles over 8,500 lbs. are reported. These entities with brokerage and/or motor carrier authority must be reported even if no vehicles are owned by that subsidiary, corporate parents, or joint venture. Vehicles that are under common ownership or control may be submitted separately by each fleet owner. Complete information must be reported by April 1, 2021. Vehicle data must be reported as the fleet was comprised on a date of the fleet owner's choosing any time after January 1, 2019. To the extent reports submitted contain confidential data, entities may choose to designate that information as confidential per title 17, sections 91000 to 91022.
- (2) *Method of Reporting.* Reports submitted to comply with sections 2012.1 and 2012.2 must be submitted online through CARB's Advanced Clean Trucks webpage.
- (3) *Record Retention.* The fleet owner or responsible official shall maintain the records of their information required by sections 2012.1 and 2012.2 until December 31, 2024, for the overall fleet. In addition, the fleet owner or responsible person must maintain all fleet, vehicle, contract, and facility records used to compile responses to sections 2012.1 and the data and analysis period used for 2012.2. Records must include the following:
  - (A) For owned on-road vehicles and off-road yard tractors, mileage records and dates from records such as maintenance logs, vehicle logs, odometer readings, or other records with the information that the reporting entity used to determine their response;

- (B) For on-road vehicles and off-road yard tractors not owned but dispatched by the entity, dispatch records and dates, contracts, or other records with the information that the reporting entity used to determine their responses;
  - (C) Vehicle registration for each owned vehicle in the California fleet; and
  - (D) Contracts with entities, or contracts with subhaulers, or other records with the information that an entity used to determine their responses.
- (4) *Request to Clarify Reported Data.* A fleet must respond to requests for clarification of reported information within 14 days of receiving the request from the Executive Officer.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 43013, 43018, 43101 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 43000, 43000.5, 43013, 43018, 43101 Health and Safety Code.

### **Section 2012.1. General Entity Information Reporting.**

All entities subject to the regulation must report the following general information about their entity and business practices:

- (a) General information.
  - (1) Entity name and fictitious business name if applicable;
  - (2) Mailing address including street name or P.O. box, city, state, and ZIP code;
  - (3) Designated contact person name;
  - (4) Designated contact person's email address;
  - (5) Designated contact person's phone number;
  - (6) Corporate parent name or governing body (if applicable);
  - (7) Federal Taxpayer Identification Number of Corporate Parent or other entities with which your entity has vehicles under common ownership or control (if applicable);
  - (8) For government entities, identify the jurisdiction (federal, state, or local);
  - (9) If the regulated entity has reported vehicles or company information in CARB's Truck Regulation Upload, Compliance, and Reporting System

(TRUCRS), report all active account identification numbers, otherwise known as "TRUCRS ID";

- (10) Federal Taxpayer Identification Number (if applicable);
- (11) Primary six digit North American Industry Classification System (NAICS) code (if applicable);
- (12) For non-governmental entities, identify the total annual revenue for the entity in the United States for 2020. Respond by using the following bins in millions of dollars (<\$10, \$10-\$49, \$50-\$99, \$100-\$499, \$500-\$999, >\$1,000);
- (13) Identify if your entity has broker authority under the Federal Motor Carrier Safety Administration;
- (14) The following operating authority numbers, if applicable: Motor carrier identification number, United States Department of Transportation number, California Carrier Identification number, California Public Utilities Commission transportation charter permit number, International Registration Plan number;
- (15) Identify the number of entities with whom you had a contract to delivery items or to perform work in California using vehicles over 8,500 lbs. GVWR in 2019 or 2020 to serve your customers while representing your entity's brand. Respond using the following bins (0, 1-10, 11-20, 20-50, or more than 50);
- (16) If your entity has motor carrier or broker authority and contracts with subhaulers to serve your customers, identify the following for the year 2019 or 2020; if you do not have motor carrier or broker authority, mark "Does not apply":
  - (A) The number of subhaulers you contracted with in California to transport goods or other property. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 20-50, or more than 50);
  - (B) Estimated number of vehicles operated by your subhaulers on your behalf in California. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 20-99, 100-500, >500); and
  - (C) Estimated number of vehicles operated by subhaulers that operated under your motor carrier authority in California. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 20-99, 100-500, >500).
- (17) Identify whether your entity has a written sustainability plan to reduce your carbon footprint. Respond with (Yes, No, Does not apply);

- (18) Identify whether your entity's written sustainability plan includes transportation emissions reduction goals. Respond with (Yes, No, Does not apply);
- (19) Identify the number of vehicles with a GVWR over 8,500 lb. your entity owned and operated in California in either 2019 or 2020 that do not have a vehicle home base in California.
- (20) Identify whether the data used to respond to the questions in section 2012.1 were from 2019, 2020, or a combination thereof.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 43013, 43018, 43101 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 43000, 43000.5, 43013, 43018, 43101 Health and Safety Code.

### **Section 2012.2. Vehicle Usage by Facility Reporting.**

Regulated entities that own or operate any vehicles under common ownership or control, or that broker to use vehicles with a GVWR greater than 8,500 lbs. must report general information about the vehicle home base where all on-road vehicles and off-road yard tractors are domiciled or assigned as specified in section 2012.2(a), and information about vehicle operating characteristics for vehicles domiciled or assigned to each vehicle home base in California as specified in section 2012.2(b). Vehicles that accrue a majority of their annual miles in California, but are not assigned to a particular location in California, must be reported as part of the headquarters or another location where the vehicles' operation is managed.

- (a) All regulated entities must report the following information for each vehicle home base:
  - (1) Facility address including street name, city, state, and ZIP code;
  - (2) Facility type category as listed in section 2012(d)(8);
  - (3) Contact person name;
  - (4) Contact person email address;
  - (5) Identify whether the facility is owned or leased by the entity;
  - (6) Identify what type of fueling infrastructure is installed at the facility, by selecting all of the fuel types dispensed at the facility as listed below in section 2012.2(a)(6)(A) to 2012.2(a)(6)(G):
    - (A) Diesel;
    - (B) Gasoline;

- (C) Natural gas;
  - (D) Electricity for on-road vehicle charging (Level 2 or higher power);
  - (E) Hydrogen;
  - (F) Other fuel; or
  - (G) Not applicable.
- (7) Identify what refueling infrastructure was initially installed on or after January 1, 2010 for the fueling options listed in section 2012.2(a)(6)(A) to 2012.2(a)(6)(G);
- (8) Identify what types of trailers you pull if you have tractors assigned or domiciled at this facility:
- (A) Van-dry;
  - (B) Van-reefer;
  - (C) Tanker;
  - (D) Flatbed;
  - (E) Shipping container;
  - (F) Low bed;
  - (G) Curtain side; or
  - (H) Other.
- (b) For each vehicle home base with a vehicle above 8,500 lbs. GVWR, report information specified in section 2012.2(b)(1) to 2012.2(b)(6) for all vehicles above 8,500 lb. GVWR including off-road yard tractors. Responses must be grouped by vehicle body type as listed in section 2012(d)(21), weight class bin specified in section 2012(d)(24), and fuel type listed in section 2012.2(a)(6)(A) to 2012.2(a)(6)(G). Alternatively, responses may be completed for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. Separately report vehicles dispatched under your brokerage authority, if applicable. Each vehicle should only be counted once for each response. Additional guidance for analysis periods used to respond to questions in section is located in 2012.2(b)(7). Additional guidance on reusing vehicle operational information between similar locations is located in 2012.2(b)(8). Vehicles dispatched under your brokerage authority but not owned by your entity are not subject to reporting information from sections 2012.2(b)(2)(A) through 2012.2(b)(2)(E) and additional guidance for brokers is located in 2012.2(b)(9).

- (1) How many vehicles in each vehicle group;
- (2) The percent of the vehicles in each vehicle group that have the operations listed in sections 2012.2(b)(2)(A) through 2012.2(b)(2)(Q), except section 2012.2(b)(2)(J), represented by 90 percent of a vehicle's operating days for the analysis period selected per 2012.2(b)(7). Respond by estimating the percent of the total vehicles that apply to the category and rounding to the nearest 10 percent. For yard tractors, sections 2012.2(b)(2)(A-E) and (K) are optional. Do not include backup or non-operational vehicles in calculating vehicle group mileage averages.
  - (A) Operate up to 100 average miles per day;
  - (B) Operate up to 150 average miles per day;
  - (C) Operate up to 200 average miles per day;
  - (D) Operate up to 300 average miles per day;
  - (E) Operate more than 300 average miles per day;
  - (F) Has a predictable usage pattern. For example, refuse trucks or package delivery trucks typically have predictable usage patterns because they tend to serve the same neighborhoods each week;
  - (G) Fuels on-site as the primary means of fueling;
  - (H) Typically returns to this vehicle home base daily. For example, if a vehicle returns to a personal residence nearly all days of the year and does not return to the vehicle home base often, the vehicle would not be counted; however, a vehicle returns to the vehicle home base nightly for 9 out of 10 work days, or always stays at home base, it would be counted;
  - (I) Has onboard GPS or mileage tracking;
  - (J) Whether most of the vehicles in the group stay within approximately 50 miles of this facility on a typical day (indicate either Yes or No);
  - (K) Tows a trailer more than 100 miles a day;
  - (L) Commonly operates at its weight limit;
  - (M) Is not registered in California;
  - (N) Is regularly parked at the facility more than 8 hours each day;
  - (O) The highest approximate percent of the vehicle group that was dispatched at the same time over the last 3 years on the behalf of a

local, state or federal government to support an emergency operation such as repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature;

- (P) Is equipped with all-wheel drive; and
- (Q) Are not being operated or are used as backup vehicles.
- (3) The average annual mileage for a typical vehicle in this vehicle group. Respond by using one of the following that is closest to the average miles (5,000 or less, 10,000, 20,000, 30,000, 40,000, 50,000, 60,000, 70,000, 80,000, 90,000, 100,000, or more than 100,000).
- (4) For vehicle types represented in this group, identify how long you typically keep vehicles after acquisition. Respond in number of years by using one of the following bins: (Less than 4, 5-10, 11-15, 16-20, or more than 20).
- (5) Identify whether your entity is the fleet owner for this group of vehicles, or if they are dispatched under your brokerage authority.
- (6) Identify the start and end date of the analysis period selected per section 2012.2(b)(7).
- (7) Entities must either use annual or quarterly data averaged for work days during the period selected to determine responses or alternatively may select a different time period. A shorter analysis period may be used if the respondent deems it more representative of periods of high vehicle utilization when answering questions about typical daily operation. For example, if an entity selects annual data to determine vehicle daily mileage, average the annual mileage accrued by the number of workdays that year. Otherwise, if an entity with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response. If an alternative analysis period is used, the respondent must be prepared to describe their reasoning at the request of the Executive Officer per section 2012(e)(4).
- (8) Responses for items in section 2012.2(b)(1) through 2012.2(b)(5) for a vehicle group at one location may be repeated for the same vehicle group at another vehicle home base if the respondent that is familiar with the vehicle operation determines the operation at that location is substantially similar to another location.
- (9) A broker is only expected to provide information about vehicle usage that is dispatched under contract with a fleet owner. For example, if a broker hires a truck to move a load, only the miles driven under that contract should be considered for the responses and the broker is not expected to

have information about the miles driven outside the contract, but may voluntarily report the information if known.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 43013, 43018, 43101 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 43000, 43000.5, 43013, 43018, 43101 Health and Safety Code.