

FINAL REGULATION ORDER FOR TRACTOR TRAILER GREENHOUSE GAS AMENDMENTS

Amend sections 95300, 95301, 95302, 95303, and 95305, title 17, California Code of Regulations, to read as follows:

Note: Set forth below are the proposed amendments to title 17, California Code of Regulations, subarticle 1, sections 95300, 95301, 95302, 95303, and 95305. Proposed amendments to existing sections are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with [No change] or “* * * *”.

Subarticle 1: Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation

§95300. Purpose.

The purpose of this subarticle is to reduce greenhouse gas emissions from heavy-duty (HD) tractors and 53-foot or longer box-type semitrailers (trailers) that transport freight on a highway within California by establishing emission standards and other requirements applicable to both new 2011 and subsequent model year HD tractors and trailers and to 2010 and earlier model year HD tractors and trailers. The use of compliant aerodynamic technologies and low-rolling resistance tires will ensure reductions of greenhouse gas emissions from affected HD tractors and trailers by reducing the aerodynamic drag and tire rolling resistance forces acting on such HD tractors and trailers.

NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95301. Applicability.

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(b) The requirements in this subarticle do not apply to the following ~~vehicle~~trailer types and the tractors that pull them:

- (1) drop-frame trailers;
- (2) chassis trailers;
- (3) curtain-side trailers;
- (4) livestock trailers;

- (5) refuse trailers;
- (6) box-type trailers less than 53 feet in length;
- (7) emergency vehicles; and
- (8) military tactical support vehicles.

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95302. Definitions.

- (a) The following definitions apply to this subarticle:

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(19.1) “Emission standard,” as it applies to the compliance with the requirements and standards set forth in this section, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle or motor vehicle engine and means:

(A) a numerical limit on the amount of a given pollutant that a motor vehicle or motor vehicle engine may emit into the atmosphere; or

(B) a requirement that a motor vehicle or motor vehicle engine be equipped with a certain type of pollution-control device or some other design feature related to the control of emissions.

(19.2) “Evaporative emission standards” are a subset of emission standards that refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which the engine is certified.

(19.3) “Exhaust emission standards” or “tailpipe emission standards” are a subset of emission standards that collectively refer to the specific standards or family certification Level (FCL) and family emission limit (FEL) emission levels to which an engine is certified.

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(43.1) “Phase 1 Certified Tractor” means a tractor that has been certified in accordance with either the Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, as

adopted by the USEPA (76 Fed. Reg. 57106 (September 15, 2011)); or the Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-Duty Vehicles, as adopted by the California Air Resources Board, sections 95660 to 95664, Subarticle 12, title 17, California Code of Regulations.

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(53) *“Sleeper-cab tractor”* means a HD tractor originally manufactured with a tractor body that has a compartment, typically containing a bed, located behind the driving compartment.

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95303. Requirements and Compliance Deadlines.

(a) Tractor Requirements.

(1) Except as provided in section 95305, *Exemptions*, beginning January 1, 2010, no 2011 through 2013~~or subsequent~~ model year sleeper-cab HD tractor pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor is either:

(A) a U.S. EPA SmartWay Certified Tractor, or

(B) a U.S. EPA SmartWay Certified Tractor that has been modified provided:

1. the modification is necessary for the tractor to perform its designed job function,
2. there is no reasonable alternative to the modification that would involve or require a lesser degree of modifications to the tractor, and
3. the Executive Officer has previously approved the modification.

a. An applicant requesting an exemption pursuant to section 95303(a)(1)(B) must submit information to the Executive Officer that describes the proposed modification(s), the need therefor, and the absence or lack of reasonable alternatives to the modification. Such information includes, without limitation, engineering drawings, blueprints, schematics, scientific or technical articles, contract specifications, etc.

b. The Executive Officer will approve or disapprove a request for an exemption pursuant to section 95303(a)(1)(B) upon information submitted by an applicant as specified in section 95303(a)(1)(B)3.a. and good engineering judgment.

- (2) Except as provided in section 95305, *Exemptions*, beginning January 1, 2010, no 2011 ~~through 2013~~ or subsequent model year HD tractor, including but not limited to sleeper-cab HD tractors, pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor's tires are U.S. EPA SmartWay Verified Technologies.
- (3) Except as provided in section 95305, *Exemptions*, beginning January 1, 2013, no 2010 or previous model year HD tractor, pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor's tires are U.S. EPA SmartWay Verified Technologies.

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95305. Exemptions.

(a) *Short-Haul Tractor Exemption Requirements.* ~~To qualify, the following must be met:~~

- (1) A short-haul tractor pulling a 53-foot or longer box-type trailer on a California highway is exempt from the requirements of sections 95303(a) (1), 95303(a)(2), and 95303(a)(3), as applicable, if the short-haul tractor
 - (A) has been registered in accordance with the requirements of section 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*, and
 - (B) is driven less than 50,000 miles annually, including all miles accrued both inside and outside of California.

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(9) A 2014 or subsequent model year tractor that meets the requirements of sections 95305(a)(1)(A) and 95305(a)(1)(B) is an exempt short-haul tractor.

(b) *Local-Haul Tractor Exemption Requirements.*

- (1) A local-haul tractor pulling a 53-foot or longer box-type trailer is exempt from the requirements of sections 95303(a)(1), but still must comply with the requirements of sections 95303(a)(2) and 95303(a)(3), as applicable, if

- (A) the local-haul tractor has been registered in accordance with the requirements of section 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*, and
- (B) the tractor-trailer combination is traveling within 100 miles of the local-haul tractor's local-haul base.

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(8) A 2014 or subsequent model year tractor that meets the requirements of sections 95305(b)(1)(A) and 95305(b)(1)(B) is an exempt local-haul tractor.

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(d) *Drayage Tractor-Trailer Exemption Requirements.*

- (1) A drayage tractor pulling a 53-foot or longer box-type trailer on a California highway within 100 miles of a port or intermodal railyard, and the trailer it pulls, are exempt from sections 95303(a) and 95303(b), as applicable, provided:
 - (A) the trailer was off-loaded from an ocean-going vessel or rail car at the port or intermodal railyard prior to being pulled by the drayage tractor, and the driver has documentation indicating the port or intermodal railyard of origin; or
 - (B) the drayage tractor is transporting the trailer to the port or intermodal railyard to be loaded onto an ocean-going vessel or rail car, and the driver has documentation indicating the port or intermodal railyard of destination.

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(f) *Relocation Pass for Trailers.*

- (1) An owner that obtains a Relocation Pass for a registered local-haul trailer or a registered storage trailer may operate that vehicle in accordance with the provisions of sections 95305(f)(1)(A) or 95305(f)(1)(B) for a specified period, as determined by the Executive Officer, not to exceed five consecutive days.
 - (A) A registered local-haul trailer traveling under a Relocation Pass may transport freight on a California highway further than 100 miles from its local-haul base while en route to a new local-haul base that is located

further than 100 miles from its current local-haul base, or en route to an out-of-state location.

- (B) A registered storage trailer traveling under a Relocation Pass may transport freight on a California highway while en route to a new storage trailer location, or en route to an out-of-state location.

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(i) *Trailer Aerodynamic Equipment Compliance Delay*

- (1) An owner of a dry-van or refrigerated-van trailer that is subject to the requirements of section 95303(b) may apply for a Trailer Aerodynamic Equipment Compliance Delay if the trailer is configured such that existing aerodynamic technologies necessary to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers, cannot be installed.
- ~~(2) A trailer identified in a Trailer Aerodynamic Equipment Compliance Delay is subject to the following compliance deadlines~~
 - ~~(A) For a trailer not participating in an optional trailer fleet compliance schedule, the applicable compliance date is one year from the trailer's current compliance date, or one year from the Trailer Aerodynamic Equipment Compliance Delay approval date, whichever is later.~~
 - ~~(B) For a trailer participating in an optional trailer fleet compliance schedule as defined in section 95307, *Optional Trailer Fleet Compliance Schedules*, the applicable compliance date is one year from the applicable Conformance Threshold Deadline for that trailer, provided all other trailers in the fleet have been brought into compliance.~~
- (23) To apply for a Trailer Aerodynamic Equipment Compliance Delay, an owner must provide the Executive Officer the following information
 - (A) Owner contact information
 - 1. Trailer owner's name, and if a corporate entity or governmental agency owns the trailer, the responsible official and title (if applicable);
 - 2. Street address of owner or owner's company including city, state or province, zip code, colonia (Mexico only), and country;

3. Mailing address including city, state or province, zip code, colonia (Mexico only), and country;
4. Owner contact person's name;
5. Telephone number of contact person;
6. Email address of contact person (if available);
7. TRUCRS identification number (if applicable)

(B) Trailer Information (for each candidate trailer for compliance delay)

1. Trailer vehicle identification number (VIN).
2. Trailer participating in Optional Compliance Schedule? (Y or N)
3. Current scheduled compliance dates of trailers.
4. Narrative description of why exemption is necessary. Description should clearly explain why all available aerodynamic technologies that meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers ~~95303(b)(1)(B)2.a. or 95303(b)(2)(B)2.a.~~ cannot be installed on the trailer, and why modification of such technologies is infeasible without compromising the aerodynamic effectiveness of the technology or technologies.
5. Additional supporting materials as requested by the Executive Officer.

(34) Applications for a Trailer Aerodynamic Equipment Compliance Delay may be submitted to the Executive Officer in written or electronic format no sooner than one year prior to the trailer's current compliance date.

(45) The Executive Officer will respond to the application for a Trailer Aerodynamic Equipment Compliance Delay within 30 days of receipt of the application, and notify the applicant in writing of the decision.

(A) The Executive Officer will review the existing list of U.S. EPA SmartWay verified aerodynamic technologies and determine if any of the existing technologies can be installed to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers.

~~(AB)~~ If the Executive Officer determines that the candidate trailer(s) identified in the application can be equipped with an aerodynamic technology that meets the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers ~~95303(b)(1)(B)2. or 95303(b)(2)(B)2.~~, the application will be denied.

~~(BC)~~ If approved, the Executive Officer will notify the applicant in writing of the new effective compliance dates for those trailers identified in the application Trailer Aerodynamic Compliance Delay will remain in effect until the Executive Officer notifies the applicant that the U.S. EPA has verified an aerodynamic technology that can be installed on the trailer(s) to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers. The Executive Officer will use the owner contact information provided in accordance with section 95305(i)(2)(A) to contact the applicant. Once notified, the applicant will be required to install the aerodynamic technology on the trailer(s) within one year from notification.

~~(6)~~ The applicant may request an extension to an approved Trailer Aerodynamic Equipment Compliance Delay no sooner than 30 days prior to the new effective compliance dates.

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(m) Tractor Exemption for Phase 1 Certified Tractors

(1) A 2013 model year Phase 1 Certified Tractor is exempt from the requirements of section 95303(a).

(n) Exemption for New Trailers

(1) A 53-foot or longer box-type trailer is exempt from the requirements of section 95303(b) for three consecutive months following the month of its manufacture. For example, if the month of manufacture is September 2013, the exemption would apply through December 2013.

NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

Note: Set forth below is the proposed adoption to title 17, California Code of Regulations (CCR), new subarticle 12, title 17, CCR, sections 95660, 95661, 95662, 95663, 95664,. Sections 95660, 95661, 95662, 95663, 95664, are new sections, shown without underline for easier reading.