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**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-or-longer box-type semitrailers (trailers) that transport freight on California highways.
- (b) *Applicability.*
- (1) This regulation applies to:
- (A) HD tractors that pull 53-foot-or-longer box-type trailers on California highways, their owners, and the persons who drive them; and
  - (B) 53-foot-or-longer box-type trailers that are pulled by HD tractors on California highways and their owners; and
  - (C) motor carriers and freight brokers that dispatch such HD tractors pulling 53-foot-or-longer box-type trailers; and
  - (D) facilities located in California that ship or receive freight (shippers and receivers) in 53-foot-or-longer box-type trailers.
- (2) This regulation does not apply to:
- (A) owners, drivers, motor carriers, brokers, shippers and receivers associated with transporting freight in:
    - 1. authorized emergency vehicles;
    - 2. drop-frame trailers;
    - 3. chassis trailers;
    - 4. military tactical support vehicles
    - 5. box-type trailers less than 53 feet in length; and
    - 6. HD tractors or box-type trailers that have been granted an exemption under the provisions of subsection (f), *Exemptions*.
  - (B) receivers of transported freight that is intended for private use or non commercial sale.

(c) *Definitions.*

The following definitions apply to this section:

- (1) *“Aerodynamic Technologies”* means components (such as fairings, mirrors and bumpers) designed to reduce wind resistance on the tractor or trailer that improves overall tractor fuel economy and reduce carbon dioxide emissions.
- (2) *“Authorized Emergency Vehicle”* means a vehicle as defined in Vehicle Code section 165.
- (3) *“Boat-Tail Fairing”* means a fairing mounted on a box-type trailer that is a large rounded addition to the rear of the trailer that covers the entire back side.
- (4) *“Box-Type Trailer”* means a dry-van trailer, refrigerated van trailer, or curtain-side trailer that is not a drop-frame trailer.
- (5) *“Broker”* means a person who functions as an intermediary between two or more shippers or receivers, but is not a motor carrier or owner.
- (6) *“Cab side extender”* means a vertical addition to the rear side of the tractor that fans out slightly and reduces the space between the tractor and trailer.
- (7) *“Chassis Trailer”* means a trailer composed of a simple chassis for the mounting of a containerized load.
- (8) *“Container”* means a simple, enclosed box of standardized sizes, used for intermodal transport.
- (9) *“Curtain-Side Trailer”* means a dry-van with tarp sides that can be loaded from the sides, top, or rear.
- (10) *“Dispatch”* means to control the departure of vehicles; coordinate delivery, pickup, and drop-off schedules of such vehicles; and monitor the delivery of freight from such vehicles.
- (11) *“Dispatch Driver”* means the driver of a HD tractor that has been dispatched by a motor carrier or broker.
- (12) *“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.

- (13) *“Driver”* means a person who physically operates a HD tractor.
- (14) *“Drop-Frame Trailer”* means an enclosed rectangular trailer with a lowered deck starting just behind the bed plate to create more cargo space.
- (15) *“Dry-Van Trailer”* means an enclosed non-climate controlled trailer that can only be loaded/unloaded through the rear doors.
- (16) *“Front Trailer Fairing”* means a rounded addition to the sides and top of the front of the trailer that also reduces the gap between the tractor and trailer.
- (17) *“Fuel Tank Fairing or Chassis Skirt”* means the fairing located at the base of the cab between the front wheel of the tractor and the forward-most rear wheel, covering the open space and streamlining the fuel tank.
- (18) *“Good Operating Condition”* means maintain a HD tractor or box-type trailer in a condition that does not compromise aerodynamic efficiency, as defined in subsection (e)(1) and (e)(2), and does not compromise the low-rolling resistance characteristics of its tires, as defined in subsection (e)(3).
- (19) *“Gross Vehicle Weight Rating (GVWR)”* means the GVWR as defined in Vehicle Code Section 350.
- (20) *“Heavy-Duty Tractor (HD Tractor)”* means a class 7 or class 8 motor vehicle designed to pull a semitrailer on a highway by means of a fifth wheel mounted over the rear axle(s).
- (21) *“Highway”* means a “highway” as defined in Vehicle Code section 360.
- (22) *“In All Material Respects”* means all components are installed and in good operating condition, according to the manufacturers specification.
- (23) *“Integrated Sleeper Cab Roof Fairing”* means a fairing located on the roof of a sleeper-cab-equipped tractor that extends from the front windshield of the tractor 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 it is designed to pull.
- (24) *“Lessee”* means a “lessee” as defined in section 371 of the Vehicle Code
- (25) *“Local Haul Base”* means the location where a short-haul tractor is garaged and maintained..
- (26) *“Low-rolling-resistance tire”* means a tire that is designed to improve fuel efficiency of a tractor pulling a trailer by minimizing its rolling resistance (see definition 34, Rolling Resistance of Tires).

- (27) *“Military Tactical Support Vehicle”* means a “Military Tactical Support Vehicle” as defined in title 13, CCR, section 1905.
- (28) *“Motor Carrier”* means a business intermediary that contracts with a person for pick-up and delivery of commercial freight and either contracts with tractor owners or employs drivers, who it dispatches to pick up and deliver commercial freight.
- (29) *“Non-Refrigerated Box-Type Trailer”* means a dry-van or curtain-side trailer.
- (30) *“Owner”* means any person that legally holds the title (or its equivalent) of a HD tractor or 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.
- (31) *“Rear Trailer Fairing”* means a set of fairings mounted on the rear of a box-type trailer that extend up to 5 feet beyond the end of the trailer.
- (32) *“Refrigerated Van Trailer”* means a trailer van designed to control cargo temperature in the trailer and is typically equipped with an internal combustion engine connected at the front end of the trailer.
- (33) *“Receiver”* means a commercial operation to which freight will be or has been delivered that is intended for commercial, not private use. This includes, but is not limited to, owners of freight, distribution centers, and temporary freight storage facilities.
- (34) *“Rolling Resistance of Tires”* means 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.
- (35) *“Semitrailer”* has the same meaning as “Semitrailer” as defined in section 550 of the Vehicle Code.
- (36) *“Several Liability”* means that each party that fails to meet the requirements of this regulation is individually subject to penalty under this regulation.
- (37) *“Shipper”* means a commercial operation that 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
- (38) *“Sleeper cab”* means a compartment or bunk built-in the tractor where the operator may rest during mandated rest hours.

- (39) *“Short-Haul Tractor”* means a HD tractor that either travels less than 50,000 miles in a calendar year, or travels within a 100 mile radius of its local haul base.
- (40) *“Tractor”* has the same meaning as “Truck Tractor” as defined in section 655 of the Vehicle Code.
- (41) *“Trailer Side Skirt”* means the fairing that extends down from the bottom of the trailer to cover part of the open space between the tractor and the rear wheels.
- (42) *“U.S. EPA Approved SmartWay Technology”* means an aerodynamic technology or low-rolling resistance tire that has been identified by the U.S. EPA as meeting the technical specifications and requirements defined by the U.S. EPA SmartWay Transport Partnership Program.
- (43) *“U.S. EPA Certified SmartWay Tractor”* means a tractor that has been certified by the U.S. EPA to meet the technical specifications and requirements defined by the U.S. EPA SmartWay Transport Partnership Program.
- (44) *“U.S. EPA Certified SmartWay Trailer”* means a 53-foot-or-longer box-type trailer that has been certified by the U.S. EPA to meet the technical specifications and requirements defined by the U.S. EPA SmartWay Transport Partnership Program.
- (45) *“U.S. EPA SmartWay Partnership Program”* means the U.S. EPA’s voluntary program that is a collaboration between the U.S. EPA and the transportation industry to improve energy efficiency, reduce greenhouse gas and air pollutant emissions, and improve energy security. This program establishes requirements for improving freight movement efficiency and for improving the fuel efficiency of freight moving equipment.
- (d) *Requirements and Compliance Deadlines.*
- (1) *Tractor Requirements*
- (A) Beginning January 1, 2010, no 2011 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 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, 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 Approved SmartWay Technologies.

- (C) Beginning January 1, 2012, no HD tractor, regardless of model year, 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 Approved SmartWay Technologies.

(2) *Trailer Requirements*

- (A) Beginning January 1, 2010, no 2011-or-subsequent-model-year 53-foot-or-longer dry-van trailer shall travel on a highway within California unless such trailer is either:
1. a U.S. EPA Certified SmartWay Trailer, or,
  2. a 2011 or subsequent model year dry-van trailer that has been retrofitted with
    - a. tires that are U.S. EPA Approved SmartWay Technologies., and
    - b. either, side skirts that are U.S. EPA Approved SmartWay Technologies for dry-van trailers, or
    - c. any combination of dry-van trailer aerodynamic technologies that have been demonstrated to the U.S. EPA to meet or exceed a 5% fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program
- (B) Beginning January 1, 2010, no 2011 or subsequent model year 53-foot-or-longer refrigerated-van trailer shall travel on a highway within California unless such trailer is either:
1. a U.S. EPA Certified SmartWay Trailer, or,  
if the technical specifications and requirements for a refrigerated-van trailer are not defined in the U.S. EPA SmartWay Partnership Program , then:
  2. a 2011 or subsequent model year refrigerated-van trailer that has been retrofitted with
    - a. tires that are U.S. EPA Approved SmartWay Technologies, and

- b. either, side skirts, and either a front trailer fairing or a rear tail fairing or boat-tail fairing, that are U.S. EPA Approved SmartWay Technologies for dry-van trailers, or
  - c. any combination of dry-van trailer aerodynamic technologies that have been demonstrated to the U.S. EPA to meet or exceed a 4% fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program
- (C) Beginning January 1, 2010, no 2011 or subsequent model year 53-foot-or-longer curtain-side trailer shall travel on a highway within California unless such trailer is either:
- 1. a U.S. EPA Certified SmartWay Trailer, or,  
if the technical specifications and requirements for a curtain-side trailer are not defined in the U.S. EPA SmartWay Partnership Program, then:
  - 2. a 2011 or subsequent model year curtain-side trailer that has been retrofitted with
    - a. tires that are U.S. EPA Approved SmartWay Technologies, and
    - b. either, side skirts and either a front trailer fairing or a rear tail fairing or boat-tail fairing, that are U.S. EPA Approved SmartWay Technologies for dry-van trailers, or
    - c. any combination of dry-van trailer aerodynamic technologies that have been demonstrated to the U.S. EPA to meet or exceed a 5% fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program
- (D) In accordance with the compliance schedule criteria defined in Table 1, no 2010 or previous model year 53-foot-or-longer box-type trailer shall travel on a highway within California unless such trailer meets the requirements specified in subsection (d)(2)(A) for dry-van trailers; subsection (d)(2)(B) for refrigerated-van trailers; and subsections (d)(2)(C) for curtain-side trailers.

Table 1: Compliance Schedule Criteria

Size of box-type trailer fleet subject to the regulation <sup>1</sup>	Date the Percent of 2010 or previous model year 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 2010 or previous model year fleet has discretion as to what specific 2010 or previous model year 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)(N) which would allow such trailer owner to accrue credits to be used in later compliance years.

(3) *Requirements for Drivers*

- (A) A driver cannot operate a HD tractor to pull a 53-foot-or-longer box-type trailer on a highway in California unless both the tractor and the trailer
1. comply with the requirements and compliance deadlines defined in subsection (d)(1) and (d)(2), and
  2. meet the good operating condition criteria as defined in subsection (e), *Good Operating Condition Requirements*.
- (B) A driver must, upon demand, provide the following information to authorized enforcement personnel as set forth in subsection (h):
1. driver license;
  2. tractor registration;
  3. origin of freight being transported;
  4. destination of freight being transported;
  5. if dispatched by motor carrier, motor carrier information defined in (d)(6)(A)2;
  6. if dispatched by broker, broker information as defined in (d)(7)(A)2.
- (C) A driver shall not operate a HD tractor to pull a 53-foot-or-longer box-type trailer on a highway in California if the trailer has aerodynamic technologies that are not in their operational configuration.

(4) *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-or-longer box-type trailer on a highway in California unless both the HD tractor and the box-type trailer:
1. comply with the requirements and compliance deadlines set forth in subsections (d)(1) and (d)(2); and
  2. meet the good operating condition criteria as set forth in (e), Good Operating Condition Requirements.
- (B) An owner of a HD tractor that is used to pull a 53-foot-or-longer box-type trailer on a highway in California must maintain the tractor in accordance with the good operating condition requirements defined in (e), Good Operating Condition, as applicable.

(5) *Requirements for Owners of Box-Type Trailers*

- (A) An owner of a 53-foot-or-longer box-type trailer must ensure that the 53-foot-or-longer box-type trailer will not be pulled by a HD tractor on a highway in California unless the 53-foot-or-longer box-type trailer:
1. complies with the requirements and compliance deadlines set forth in subsection (d)(2));
  2. meets the good operating condition criteria as defined in (e), Good Operating Condition Requirements, as applicable.
- (B) An owner of a 53-foot-or-longer box-type trailer must maintain the box-type trailer in accordance with the good operating condition requirements set forth in (e), Good Operating Condition Requirements, as applicable.
- (C) An owner of one or more 2010 or previous model year 53-foot-or-longer box-type trailers that are subject to the requirements of subsection (d)(2)(D) must report those trailers in accordance with the requirements of subsection (g)(2), *Trailer Fleet Reporting Requirements*.
- (D) A person owning 20 or more 2010 or previous model year 53-foot-or-longer box-type trailers that are subject to the requirements of subsection (d)(2)(D) must report those trailers and submit a Compliance Plan in accordance with the requirements of subsection (g)(3), *Large Fleet Trailer Fleet Compliance Plan*.

(6) *Requirements for Motor Carriers*

(A) A motor carrier must:

1. only dispatch HD tractors and 53-foot-or-longer box-type trailers that comply with the operating requirements and compliance deadlines set forth in subsections (d)(1) and (d)(2);
2. provide the following information to the dispatch driver :
  - 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
3. keep a record containing the following information set forth in a. through c. below of a dispatched HD tractor coupled with a 53-foot-or-longer 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.

(7) *Requirements for Brokers*

(A) A broker must:

1. only dispatch HD tractors and 53-foot-or-longer box-type trailers that comply with the operating requirements and compliance deadlines set forth in subsections (d)(1) and (d)(2);
2. provide the following information to the dispatch driver :
  - a. the broker's business name
  - b. contact person's name
  - c. broker's street address, state, zip code
  - d. contact person's business phone number
3. keep a record containing the following information listed in subsections (d)(7)(A)(3)a. through (d)(7)(A)(3)c. of a dispatched HD tractor coupled with a 53-foot-or-longer 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;

(8) *Requirements for California-Based Shippers and Receivers*

- (A) A California-based Shipper must not ship freight in a 53-foot-or-longer box-type trailer pulled by a HD tractor unless the HD tractor and the 53-foot-or-longer box-type trailer comply with the operating requirements and compliance deadlines set forth in subsections (d)(1) and (d)(2).
- (B) A California-based Receiver must not receive freight from a 53-foot-or-longer box-type trailer pulled by a HD tractor unless the HD tractor and the 53-foot-or-longer box-type trailer comply with the operating requirements and compliance deadlines set forth in subsections (d)(1) and (d)(2).

(e) *Good Operating Condition Requirements.*

- (1) Good Operating Condition Criteria for U.S. EPA Certified SmartWay Tractor Aerodynamic Technologies.
  - (A) An aerodynamic bumper, aerodynamic mirror, cab side extender, fuel tank fairing, and integrated sleeper cab roof (collectively referred to as "aerodynamic technologies") must meet the following criteria:
    1. An aerodynamic technology must be installed in accordance with manufacturer's specifications.
    2. An aerodynamic technology must be securely fastened to the tractor.
    3. An aerodynamic technology must not be damaged to such an extent as to compromise its aerodynamic effectiveness.
- (2) Good Operating Condition Criteria for U.S. EPA Certified SmartWay Trailer Aerodynamic Technologies

- (A) A side skirt fairing, front trailer fairing, rear trailer fairing, or boat-tail fairing (collectively referred to as “fairings”) installed on a box-type trailer must meet the following criteria:
1. The fairings must be installed in accordance with the manufacturer’s specifications.
  2. The fairings must be securely fastened to the trailer.
  3. The fairings must not be missing sections.
  4. The fairings must not be damaged to such an extent as to compromise the aerodynamic effectiveness of the fairing.
  5. The rear trailer fairing must be permanently installed, and fold back against the trailer sides or otherwise be readily compacted to allow normal functioning of doors.
  6. The side skirt fairing must not be missing panels.
- (3) Good Operating Condition Criteria for U.S. EPA Certified SmartWay Tractor and Trailer Low Rolling Resistance Tires
- (To Be Determined)
- (4) *Failure to Meet Criteria:* All persons covered by this regulation (owners, drivers, motor carriers, brokers, shippers, and receivers) shall be severally liable for any failure of a HD tractor or 53-foot-or-longer box-type trailer operating on California highways to meet one or more of the criteria defined in subsections (e)(1), (e)(2), and (e)(3)
- (f) *Exemptions.*
- (1) A short-haul tractor registered in accordance with the requirements of subsection (g) (1), *Short-Haul Tractor Exemption Requirements*, is exempt from the requirements of (d)(1), provided it either:
    - (A) Travels no more than 50,000 miles per year; or
    - (B) Limits its total area of operation to within a 100 mile radius of its local haul base.
  - (2) A 53-foot-or-longer box-type trailer pulled by short-haul tractors registered in accordance with the requirements of subsection (g)(1), *Short-Haul HD Tractor Exemption Requirements*, is exempt from the requirements of (d)(2).
  - (3) A drayage tractor operating within 100 miles of the port or intermodal rail yard property of origin or destination is exempt from (d)(1) and (d)(2).

(g) *Reporting Requirements*

(1) Short-Haul Tractor Exemption Requirements

(A) *Application Requirements:* An owner of a Short Haul tractor must submit to the Executive Officer the information identified in subsection (g)(1)(B) through (g)(1)(F). 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 the letter. If denied, the reasons for denial will be identified, and applicant can resubmit amended application.

(B) *Owner Contact Information:*

1. Short Haul Tractor Owner's name
2. Name of Owner's company (if applicable)
3. Corporate parent (if applicable)
4. Motor carrier identification number
5. IRP registration Number (if applicable)
6. Street Address of Owner or Owner's company
7. Telephone number of Owner or Owner's Company
8. Email address of Owner or Owner's Company (if available)
9. Company taxpayer identification number(if applicable)

(C) *Local Haul Base Information:*

1. Local haul base Contact's Name
2. Contact's Title
3. Street address of local haul base
4. Telephone Number of local haul base

(D) *Tractor Information.* For each Tractor to be exempted, provide the following information:

1. Type of exemption applied for:
  - a. Limit annual miles traveled to 50,000; or
  - b. Limit total area of operation to within a 100 mile radius from its local base.
2. Tractor Type
3. Tractor Identification number
4. Tractor Manufacturer
5. Tractor Model

6. Tractor Model Year
  7. State where tractor is registered and type of registration plate
  8. License plate number
  9. Odometer reading (if annual-miles-traveled is to be limited)
- (E) For tractors limited in operation to a 100-mile radius from its local haul base, provide a street map of geographic area where tractors will be operating and location (address) of local haul base(s)
- (F) Once approved, exemption status will be in effect for a period of one year from approval date. To extend exemption, applicant must reapply for the extension at least one month prior to the expiration date of the exemption.
- (G) A driver of an exempted Short Haul HD tractor must, upon demand, provide the following information to authorized enforcement personnel as set forth in subsection (h):
1. driver license;
  2. tractor registration;
  3. origin of freight being transported;
  4. destination of freight being transported;
- (2) *Trailer Fleet Reporting Requirements.* A trailer owner subject to this regulation must report in accordance with this subsection all 2010 and prior model year 53-foot-or-longer box-type trailers that are subject to, but do not meet, the operational and equipment requirements of subsection (d)(2)(D).
- (A) On or after January 1, 2010, no trailer owner shall allow a trailer subject to this regulation to operate in California, unless the owner has completed and submitted a "Baseline Trailer Fleet List" setting forth all 2010 and prior model year trailers that are subject to the operational and equipment requirements set forth in subsection (d)(2)(D). The list shall include the following information:
- (1) Owner's name
  - (2) Name of contact person
  - (3) Corporate parent (if applicable)
  - (4) Name of company or agency
  - (5) Physical address
  - (6) Mailing address
  - (7) Telephone number
  - (8) Email address (if available)
  - (9) Company taxpayer identification number
  - (10) List of trailers that will operate in California

(11) For each trailer listed, provide:

- a. Trailer type
- b. Trailer make
- c. Trailer model
- d. Trailer model year
- e. License plate number
- f. State of registration
- g. Statement indicating whether the trailer is compliant with the requirements of subsection (d)(2)(D).

(B) After January 1, 2010, no trailer owner shall allow a 2010 or prior model year 52-foot-or-longer box-type trailer that does not meet the equipment requirements set forth in subsection (d)(2)(D) to operate on a highway in California unless such trailer is listed on the Baseline Trailer Fleet List, as initially submitted.

(3) *Large Trailer Fleet Compliance Plan:* A trailer owner, whose Baseline Trailer Fleet List includes 20 or more trailers, must comply with the requirements set forth in this subsection. For a trailer owner whose 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 20 percent or more of the total trailers in the fleet that are or will be brought into compliance as required under section (d)(2) of this regulation, through replacement or retrofitting, during the 2010 calendar year.
3. Evidentiary documentation, such as purchase receipts, for trailers that already meet the operational and equipment requirements set forth in subsection (d)(2)(D) on January 1, 2010.

(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) of this regulation in the 2010 calendar year.
  3. A list identifying 40 percent or more of the total trailers in the fleet that are or will be brought into compliance as required under section (d)(2) of this regulation, through replacement or retrofitting, during the 2011 calendar year.
- (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) of this regulation in the 2011 calendar year.
  3. A list identifying 65 percent or more of the total trailers in the fleet that are or will be brought into compliance as required under section (d)(2) of this regulation, through replacement or retrofitting, during the 2012 calendar year.
- (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) of this regulation in the 2012 calendar year. .
  3. A list identifying the remaining trailers in the fleet that do not meet the equipment requirements set forth in subsection (d)(2) of this regulation and that will be brought into compliance through retrofit or replacement by January 1, 2014

- (E) **Final Compliance:** 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) of this regulation in the 2013 calendar year.
- (F) When performing calculations applicable to this program, the trailer owner may not round any number except the resultant trailer commitment required for a particular compliance year. The trailer owner must use the symmetric arithmetic rounding method.
- (G) 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.
- (H) If a trailer owner modifies the Baseline Trailer Fleet List in a manner that increases the percentage of trailers not meeting the operation and equipment requirements set forth in subsection (d)(2)(D), such owner must ensure that the fleet meets the same compliance plan percentage requirements by the end of the compliance year.
- (I) 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 reporting requirements for the following compliance year.
- (J) 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.
- (K) 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.
- (L) Notwithstanding any requirements of this section, a trailer owner subject to this subsection must ensure that any 53-foot-or-longer box-

type trailer that travels on a highway in California after January 1, 2014 meets the equipment requirements set forth in subsection (d)(2) of this regulation.

- (M) After February 1, 2014, all reporting requirements specified by this subsection expire.
- (N) Early Compliance Credit Program: To provide flexibility, up until December 31, 2011, a trailer owner subject to this section may, as an option, retrofit or replace trailers to meet the equipment requirements set forth in subsection (d)(2) in advance of the deadlines of the compliance plan and receive Early Compliance Credits to use in later compliance years. These credits must be calculated and used in accordance with the provisions of this subsection.
1. Earning Early Compliance Credits: Under this program, the amount of Early Compliance Credits earned per early compliance trailer depends on the year in which the credits are earned. To calculate early compliance credits, use Equation 1 below and the appropriate Credit Factor listed in Table 1.

$$C_{\text{EARNED}} = (N_{\text{TOTAL}} - N_{\text{REQUIRED}}) \times F_C \quad (\text{Equation 1})$$

$C_{\text{EARNED}}$  = Early Compliance Credit Earned

$N_{\text{TOTAL}}$  = Total number of trailers retrofitted or replaced to meet equipment requirements set forth in subsection (d)(2) in a particular year

$N_{\text{REQUIRED}}$  = Number of trailers required to be retrofitted or replaced in that same year

$F_C$  = Credit Factor (refer to Table 1)

2. Redeeming Early Compliance Credits: Under this program, the redemption value of Early Compliance Credits depends on the compliance year in which they are redeemed. To determine how many Early Compliance Credits are required to offset trailer retrofit and replacement requirements for a particular compliance year, use Equation 2 below and the appropriate Redemption Factor found in Table 2.

$$C_{\text{NECESSARY}} = N_{\text{OFFSET}} \times F_R \quad (\text{Equation 2})$$

$C_{\text{NECESSARY}}$  = Early Compliance Trailer Credit needed

$N_{\text{OFFSET}}$  = Number of trailer retrofits and/or replacements that a trailer owner intends to offset with credits in a particular compliance year

$F_R$  = Redemption Factor for that same compliance year

If total Early Compliance Credits do not sufficiently cover the credits needed for offsets, Equation 3 may be used to calculate how many trailers can be offset with the credits available. The appropriate Redemption Factor can be found in Table 2.

$$N_{\text{VALUE}} = C_{\text{TOTAL}} / F_R \quad (\text{Equation 3})$$

$N_{\text{VALUE}}$  = Number of trailer retrofits and/or replacements that can be offset by available credits

$C_{\text{TOTAL}}$  = Early Compliance Credits available

$F_R$  = Redemption Factor (refer to Table 2)

3. Credit Accounting: To calculate credit totals at the end of each year, use the equations below.

$$C_{\text{TOTAL, CY0}} = C_{\text{EARNED, CY0}}$$

$$C_{\text{TOTAL, CY1}} = C_{\text{TOTAL, CY0}} + C_{\text{EARNED, CY1}} - C_{\text{REDEEMED, CY1}}$$

$$C_{\text{TOTAL, CY2}} = C_{\text{TOTAL, CY1}} + C_{\text{EARNED, CY2}} - C_{\text{REDEEMED, CY2}}$$

$$C_{\text{TOTAL, CY3}} = C_{\text{TOTAL, CY2}} + C_{\text{EARNED, CY3}} - C_{\text{REDEEMED, CY3}}$$

4. Credit Factor: To calculate the Redemption Value of Early Compliance Trailer Credit, use the appropriate Credit Factor (CF) listed in Table 1. This factor depends on when credits are earned.

Table 1

<b>When Trailers Are Retrofitted/Replaced</b>	<b>Credit Factor (CF)</b>
Before January 1, 2010	4
January 1, 2010 – December 31, 2010	3
January 1, 2011 – December 31, 2011	2

5. Redemption Factor: To calculate the Redemption Value of Early Compliance Credit, use the appropriate Redemption Factor (RF)

listed in Table 2. This factor depends on when credits are redeemed.

Table 2

<b>Credit Redemption Year</b>	<b>Redemption Factor (RF)</b>
Compliance Year 1 (2010)	3
Compliance Year 2 (2011)	2
Compliance Year 3 (2012)	1

6. When performing calculations applicable to this program, the trailer owner may not round any number except the resultant trailer commitment required for a particular compliance year after applicable redemption credit has been applied. The trailer owner must only use the symmetric arithmetic rounding method.
  7. Early compliance trailers count towards the total number of fleet trailers, but not towards meeting the compliance plan percentage requirements except when redeemed in accordance with this program.
  8. Early compliance credit cannot be earned after December 31, 2011.
  9. All unredeemed Early Compliance Trailer Credit expires on December 31, 2012.
  10. To participate in this program, a trailer owner must provide a Statement of Intent with his/her Initial Report. In addition, the trailer owner must accurately and completely calculate his/her annual credit for each compliance year and report this credit to ARB in his/her Compliance Year Progress Reports. ARB reserves the right to cancel any credit should a trailer owner fail to provide credit information before the applicable due date or provide inaccurate or falsified credit information.
- (O) Deficit Make-up Program: Should a trailer owner accrue any deficit during the Compliance Program, such owner must completely make-up the deficit in the immediately following compliance year. Financial penalties also apply and are based upon the environmental impact resulting from such deficit.
- (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, the magnitude of non-compliance, and cooperation with enforcement personnel in providing requested information.
- (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.