

December 8, 2021

Via Electronic Mail

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Proposed Heavy-Duty Inspection and Maintenance Requirements

Dear Clerk of the Board:

The Association of American Railroads respectfully submits the following comments on the California Air Resources Board's draft Heavy-Duty Inspection and Maintenance regulation ("Draft Regulation"). AAR members own and operate intermodal railyards in California that would be considered "Applicable Freight Facilities" under the Draft Regulation. As such, AAR and its members have an interest in this rulemaking.

AAR is a non-profit industry association whose membership includes freight railroads that operate 83 percent of the line-haul mileage, employ 95 percent of the workers, and account for 97 percent of the freight revenues of all railroads in the United States. AAR also represents passenger railroads that operate intercity passenger trains and provide commuter rail service.

AAR submits these comments as part of the rail industry's continuing efforts to work with CARB to find sensible and effective ways, consistent with federal law, to reduce emissions

from rail operations. To that end, AAR encourages CARB staff to continue the ongoing dialogue with BNSF and UP to resolve the issues outlined below during CARB's 15-day change process.

I. CARB Should Link the Heavy-Duty Inspection and Maintenance database with the State Drayage Truck Registry.

AAR supports the comments submitted by the Port of Los Angeles, the Port of Long Beach, the California Trucking Association, and the Pacific Merchant Shipping Association ("Port Comment") in which they request that CARB link the Heavy-Duty Inspection and Maintenance database with the State Drayage Truck Registry. Thousands of drayage trucks enter intermodal railyards in California each day. Under CARB's current Drayage Truck Regulation, these yards already determine compliance with this regulation using a remote scan that verifies each truck's status in the CARB Drayage Truck Registry. Allowing the Drayage Truck Registry to determine whether trucks also comply with the Heavy Duty I&M Regulation would be efficient and practical for both CARB and regulated entities and would negate the need for the creation and maintenance of a second database. Requiring the use of a second database would be burdensome and would introduce unnecessary duplication and risk of error at intermodal railyards.

To establish this regulatory link between the Heavy-Duty Inspection and Maintenance database with the State Drayage Truck Registry, AAR respectfully suggests that CARB make the following additions/changes to the draft Heavy Duty I&M Regulation:

- Add the same definition of Drayage Truck Registry from the Drayage Truck Regulation (addition underlined and italicized).
 - *"Drayage Truck Registry (DTR)" is an ARB database that contains information on all trucks that conduct business at California ports and intermodal rail yards.*

- Modify Section 2197(c) as follows (addition underlined and italicized):

2197.3(c) Any Applicable Freight Facility shall either:

- (1) Ensure that only compliant vehicles, *as verified through the Drayage Truck Registry*, will enter and operate on their property. Compliance can be verified by requesting a valid CARB compliance certificate for each vehicle or by checking identifiable information through CARB’s electronic reporting system; or
- (2) Maintain records of all vehicles that enter the Applicable Freight Facility property that are not compliant with this chapter, *as verified through the Drayage Truck Registry*, in accordance with the recordkeeping requirements outlined in 2197.3(d).

Allowing the link between these two data repositories would provide a practical method to screen the thousands of drayage trucks that visit the Ports daily subsequently allowing intermodal railyards to meet the requirements of 2197(c).

II. CARB should revise the reporting requirements in Section 2197.3(d) to clarify that the reporting requirements do not apply to trucks delivering goods to the end user or consumer.

During a recent conversation with CARB staff, it became apparent that the reporting requirements of Section 2197.3(d) were intended to apply only to drayage vehicles involved in the transfer of containers/cargo between truck and train, rather than delivery-type vehicles that deliver goods to the final end user or consumer – such as trucks delivering supplies, packages, and goods meant to be consumed at the railyard.

The language used in Section 2197.3(d) describing reporting requirements is very broad, and could be interpreted to require records to be kept for “each vehicle for which compliance has not been verified[,]” including both drayage trucks and delivery-type trucks.

AAR therefore recommends that CARB consider amending the draft Heavy Duty I&M Regulation to reflect the limitation to the applicability of the rule only to drayage trucks (proposed changes underlined and italicized).

Section 2197.3

(d) Owners of Applicable Freight Facilities must retain the following records for each vehicle, other than vehicles that deliver goods to the final end user or consumer, for which compliance has not been verified, ...”

In the alternative, CARB could append a sentence to the end of the definition of Intermodal Railyard reflecting this limitation (proposed changes underlined and italicized).

“Intermodal Railyard” means any transportation facility owned or operated by a Class I Railroad that is primarily dedicated to the business of intermodal rail operations where cargo is transferred to or from a train and any other form of conveyance, such as train to ship, ship to train, train to truck, or truck to train. Trucks delivering goods to the final end user at the railyard are not subject to the reporting requirements of section 2197.3(d).

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AAR appreciates this opportunity to comment on CARB’s Draft Heavy-Duty Inspection and Maintenance regulation and hopes that our history of meaningful cooperation and communication with CARB Staff continues during the 15-day change process. Please contact me with any questions or concerns.

Sincerely,



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