

December 8, 2021

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

Subject: PMSA Comments on the Proposed Heavy-Duty Inspection and Maintenance Requirements

Submitted electronically to [richard.corey@arb.ca.gov](mailto:richard.corey@arb.ca.gov) and [cotb@arb.ca.gov](mailto:cotb@arb.ca.gov)

Dear Mr. Corey,

The Pacific Merchant Shipping Association (PMSA) appreciates the opportunity to comment on the Proposed Heavy-Duty Inspection and Maintenance Regulation (HD I/M) and coordination with Mobile Source Regulatory Development Branch staff during the rulemaking process. While PMSA recognizes California Air Resources Board's (CARB) commitment to develop the HD I/M program to further reduce harmful particulate matter (PM) and oxides of nitrogen (NOx) emissions, we offer the following three concerns related to the Freight Facility obligations. It is imperative that CARB staff continue to work with industry on these important matters, prior to adoption, as the current proposed approaches are unfeasible.

#### **CARB's Electronic Databases Must be Linked**

Under § 2197(c)(1), Freight Facilities would be obligated to allow only compliant vehicles to enter and operate on their property. As Port terminals receive over 35,000 truck trips each day, this would result in the unfeasible task to manually check each truck. Under the current Drayage Truck Regulation, CARB and the Ports already collaborated to successfully deploy technology to automatically check compliance in the State Drayage Truck Registry (DTR) through a remote scan at a terminal's entry gate for each individual truck. The current HD I/M approach would hinder this great success and create an impractical, if even possible, regulatory requirement to comply with. Staff cannot be safely placed within the automated gates of marine terminals to fulfill the requirements of the proposed regulation. As such, we respectfully request that CARB link the HD I/M database and the DTR, which is also further outlined in a joint letter dated December 6th from the Ports of Long Beach and Los Angeles, the California Trucking Association, the Harbor Trucking Association, as well as PMSA. Connecting the two would ensure an efficient and safe process to check compliance for the tens of thousands of drayage trucks that visit the port terminals each day, thereby ensuring Freight Facilities would meet the requirements of § 2197(c)(1).

#### **Non-Container Terminals Processes Must be Considered**

In further respect to Freight Facility Requirements under § 2197(c), it must be noted that non-container terminals operate differently than traditional terminals one may expect on port property, and do not

have the same technology resources. Vehicles serving non-container terminals receive an access sticker from the ports that is valid only in the calendar year received, and are verified in the DTR once per year, as opposed to daily as for container terminals. PMSA understands the HDV I/M database is updated on a rolling calendar, which will cause cross-checking to be very difficult. As previously discussed with CARB staff, PMSA recommends to *require once a year validation of the database*.

### **Recordkeeping Requirements Applicability Should be Clarified**

It is assumed the intent of the recordkeeping requirements of § 2197.3(d) are applied to drayage vehicles entering port terminals for a cargo transaction. However, as currently written, the requirements can be reasonably interpreted as for every vehicle entering the property, which would include vendor vehicles, such as trucks delivering supplies, packages, and goods not associated with the cargo operations at a terminal or industrial facility. *The language in § 2197.3(d) should be amended to exclude these vehicles not involved in cargo transactions*. PMSA supports the language suggestion included in the Association of American Railroads letter of December 6<sup>th</sup>:

(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, ...”

To finish, PMSA appreciates the opportunity to work with CARB staff throughout the rulemaking process to ensure a feasible HD I/M regulation. PMSA asks that the Board direct staff to engage with industry on these three concerns during the 15-day change process. Should CARB have any questions, PMSA staff are always available to discuss these, or other concerns.

Respectfully,



Thomas Jelenić  
Vice President

cc: Krista Fregoso, CARB  
James Goldstene, CARB  
Kim Heroy-Rogalski, CARB