

CALIFORNIA AIR RESOURCES BOARD ZEV HD CERTIFICATION

15- Day COMMENTS

**COMMENTS OF SAN DIEGO AIRPORT PARKING COMPANY (SDAP) ON CARB
PROPOSED REGULATION OF ZERO-EMISSION POWERTRAIN CERTIFICATION
REGULATION**

Lisa McGhee
San Diego Airport Parking Company
2771 Kurtz St.,
San Diego, California 92110
714-881-4856
E-mail: sdapparking@gmail.com

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I. 15-DAY COMMENTS TO MODIFICATION OF PROPOSED REGULATION

II. INTRODUCTION

SDAP comments continue to be based on real world experience since being in business for 28 years with commercial motor carrier and bus operating authority under the CHP. In 2015, SDAP adopted ZEV's, which made up 50% of our fleet. SDAP is a private and small to medium size business located at a large California hub airport, in an urban densely populated area which San Diego county is the 5th most popular county in the USA and the 2nd most popular county in California, 2nd to Los Angeles. SDAP operates 20,000 fleet miles per month with passenger movement to and from the Airport. SDAP regulatory obligations are under the standard California Regulations for Motor Carrier safety by the CHP. **See below safety standards and bus definition in yellow highlights.** SDAP wants to make it clear to this agency that Class 2b and Class 3 completed vehicles are to be registered as commercial vehicles and anything over 10 seats in California is a "Bus" and anything over 10,000 GVWR with 3 axles is a motor carrier operator required to operate under the authority of the CHP. It is important for this measure to include the Class 2b/3 vehicles in order to support continued advancements in this technology, spur accelerated adoption, reduce emissions, increase the inventory of the Class 2b/3 ZEV's which currently per your HVIP has only "2" vehicles available yet the Class 3 ZEV has the highest number of HVIP sales by one OEM and in 2015 thru 2017 there was only "1" ZEV in the inventory. By including the Class 2b/3 this will also help to drive down cost of components with more adoption and thereby would not eliminate the most popular commercial sector of registered vehicles that will unfairly lack choices in this technology and that would likely not have choices for certified ZEV's that would be more reliable, ensure fleet confidence and most importantly are safer.

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL SMALL
BUSES CHP 800A (Rev. 3-99) OPI O62

Who is a "motor carrier" for purposes of California Highway Patrol (CHP) regulation?

According to Vehicle Code (VC) Section 408, a motor carrier is the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500 VC, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis. Section 34500 VC lists the following vehicles and combinations of vehicles: (a) Motortrucks of three or more axles which are **more than 10,000 pounds gross vehicle weight rating**. (b) Truck tractors. (c) Buses, school buses, school pupil activity buses, youth buses, and general public paratransit vehicles. (d) **Trailers and semitrailers designed or used for the transportation of more than 10 persons**, and the towing motor vehicle. (e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), or (d).

This subdivision does not include camp trailers, trailer coaches, and utility trailers. (f) Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together. (g) Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials. (h) Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790. (i) A park trailer, as described in subdivision (b) of Section 18010 of the Health and Safety Code, which, when moved upon a highway, is required to be moved under a permit pursuant to Section 35780. (j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and logbooks of drivers. (k) Any commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or any commercial motor vehicle of any gross vehicle weight rating towing any vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers.

What is the legal definition of a bus?

The California definition is found in Vehicle Code Section 233: (a) Except as provided in subdivision (b), a bus is any vehicle, including a trailer bus, designed used, or maintained for carrying more than 15 persons including the driver, except a vanpool vehicle. (b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by a nonprofit organization or group, is also a bus. (c) This section does not alter the definition of a school bus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus. (d) A vanpool vehicle is not a bus.

What if I use my 12-passenger van to shuttle my motel customers to and from the airport and car rental businesses?

That vehicle is a bus, because it is used for compensation or profit. Even though you transport your customers as a courtesy and do not charge a separate fee for their rides, you are transporting passengers in the furtherance of a business. The cost of doing so is part of your business overhead, and is presumably built into the prices for lodging charged to all customers. The same would apply to a shuttle van operated by a car rental business.

Title 13. Motor Vehicles Division 2. Department of the California Highway Patrol Chapter 6.5. Motor Carrier Safety

§ 1230. Unlawful Operation.

No motor carrier shall knowingly require or permit the operation of any vehicle that is not in safe operating condition or not equipped and maintained as required by any law or this chapter; or knowingly require or permit any driver to drive in violation of any law or this chapter.

(a) Out-of-Service Vehicles. Authorized employees of the department may declare and mark any vehicle "out of service" in accordance with Section 1239, when its hazardous condition or loading appears likely to cause an accident, injury, or breakdown. A vehicle so marked shall not be operated, nor shall the out of service notice be removed, until the vehicle is safe to drive.

(b) Damaged Vehicles. A vehicle damaged by an accident or other cause shall not be driven from the location where the damage occurred until it has been inspected by a qualified person who has determined that the vehicle is safe to drive.

§ 1232. Vehicle Inspection and Maintenance.

The following provisions apply to the inspection and maintenance of vehicles subject to this chapter.

(a) **Preventive Maintenance.** Motor carriers shall ensure that all vehicles subject to their control, and all required accessories on the vehicles, are regularly and systematically inspected, maintained, and lubricated to ensure they are in safe and proper operating condition. The carriers shall have a means of indicating the types of inspection, maintenance, and lubrication operations to be performed on each vehicle and the date or mileage when these operations are due. The inspection required by this subsection is more in depth than the daily inspection performed by the driver. Motor carriers shall ensure compliance with this subsection when a vehicle is assigned away from the carrier's regular maintenance facility for periods exceeding normal inspection, maintenance, and lubrication intervals.

(1) **Emergency exits.** If equipped, push-out windows, roof exits, emergency doors, and emergency exit marking lights shall be inspected at least every 90 days, inspections shall be documented, and inspection documentation shall be retained, in accordance with requirements contained in 49 CFR 396.3 as published December 17, 2008, which are hereby incorporated by this reference.

(b) **Periodic Preventive Maintenance Inspection.** School bus, SPAB, PAB, and GPPV carriers shall ensure every bus is inspected every 3,000 miles or 45 calendar days, whichever occurs first; or more often if necessary, to ensure safe operation. Buses out of service exceeding 45 calendar days need not be inspected at 45-day intervals, provided they are inspected prior to being placed back into service.

This periodic inspection shall at a minimum cover:

- (1) Brake adjustment
 - (2) Brake system leaks
 - (3) Two-way check valve in dual air systems, alternately draining and recharging primary and secondary air reservoirs
 - (4) All tank mounting brackets
 - (5) All belts and hoses for wear
 - (6) Tires and wheels
 - (7) Steering and suspension
- (c) **Oil or Grease Accumulations.** Excessive amounts of grease or oil on the vehicle shall be removed and their cause corrected.
- (d) **Cleanliness of Buses.** Every bus shall be kept clean and free of litter.
- (e) **Inspector Qualifications.** Motor carriers shall ensure that individuals performing inspections, maintenance, repairs or service to the brakes or brake systems of vehicles subject to this chapter are qualified in accordance with 49 CFR 396.25 as published on October 1, 2014, which is hereby incorporated by reference.

Note: Authority cited: Sections 2807.2, 27375, 31401, 34501 and 34501.5, Vehicle Code. Reference: Sections 545, 2807.2, 27375, 31401, 34501 and 34501.5, Vehicle Code.

§ 1233. Safety Compliance Ratings.

(a) **Definitions of Safety Compliance Ratings.** Compliance ratings shall have the following meanings:

(1) **Satisfactory.** A satisfactory rating means compliance with applicable laws and regulations or only minor discrepancies in statutory or regulatory requirements were noted, and overall compliance was within reasonable bounds.

(2) **Unsatisfactory.** An unsatisfactory rating means a continued disregard of statutory or regulatory requirements, a finding of numerous violations, a finding of serious violations that adversely affect the safe operation of vehicles, or a lack of compliance with hazardous materials shipping or carriage requirements.

(3) **Conditional.** A conditional rating means there was a previous rating of “unsatisfactory;” and the carrier, terminal, facility or shipper has been reinspected and compliance is no longer necessarily “unsatisfactory,” but that actual compliance cannot be determined. A follow-up inspection will be conducted to determine compliance.

(b) Inspections by the Department.

(1) Motor carriers. Motor carriers are inspected by the Department at their principal places of business and assigned safety compliance ratings which reflect each motor carrier's overall compliance with the requirements of Vehicle Code Section 34520.

(2) Motor carrier terminals and maintenance facilities. Motor carrier terminals and maintenance facilities are inspected by the Department pursuant to Vehicle Code Sections 34501(a)(4), 34501(c), and 34501.12(d) and assigned safety compliance ratings which reflect each terminal's overall compliance with the laws and regulations governing drivers' hours of service, vehicle condition, preventive maintenance practices, hazardous materials carriage, and records required by statute or regulation.

(A) Overall compliance with vehicle condition requirements and adequacy of preventive maintenance practices may be determined, in whole or in part, by considering vehicle inspections conducted at the terminal or by the use of Commercial Vehicle Safety Alliance North American Standard Level I or V vehicle safety inspections, conducted by any authorized personnel, within the immediately preceding 90 days.

(3) Hazardous materials shippers. Hazardous materials shippers are inspected by the Department and are assigned safety compliance ratings which reflect each shipper's overall compliance with laws and regulations governing the packaging, description, marking, labeling, offering and other requirements of the United States Department of Transportation governing the transportation of hazardous materials, including any exceptions contained in state law or regulation.

(c) Assignment of Safety Compliance Ratings. The Department's evaluation of the motor carrier's, terminal's, or hazardous materials shipper's potential for overall safety shall be the final determining factor in the rating assigned.

(d) Rating Review. Any motor carrier, or shipper who receives an unsatisfactory rating and believes the rating is not justified, may, within five calendar days following the assignment of the rating, request a review of the rating by contacting the Department at the telephone number indicated on the inspection report. The sole purpose of the rating review is to determine whether the inspection and its findings are consistent with laws, regulations, and Department policy in effect at the time of the inspection. A rating review is not for the purpose of evaluating any corrective actions taken by the carrier or shipper since the time of the inspection.

(e) Consistent Failure. For the purposes of initiating civil, criminal, or administrative action against any motor carrier, permit, operating authority, or license, and as used in Sections 34505.1, 34505.6, 34505.7, and 34623 of the Vehicle Code, a finding of consistent failure shall be made following the assignment of three or more consecutive unsatisfactory safety compliance ratings as the result of any inspection described in Subsection (b).

(f) Imminent Danger. For the purposes of initiating civil, criminal, or administrative action against any motor carrier, permit, operating authority, or license, and as used in Sections 34505.1, 34505.6, 34505.7, and 34623 of the Vehicle Code, a finding of imminent danger shall be made as the result of any inspection described in Subsection (b), under any of the following conditions:

(1) Unsafe mechanical condition of commercial motor vehicles resulting in more than one-half of the inspection sample being placed out of service for conditions meeting the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria incorporated by Section 1239.

(2) A motor carrier requiring or permitting any driver to exceed the maximum allowable driving time, or make false reports in conjunction with any duty activities, exceeding ten percent of the total days audited.

(3) A motor carrier allowing, permitting, requiring, or authorizing a driver to operate a commercial motor vehicle when the driver's license status prohibits such operation.

(4) Lack of compliance with any hazardous materials requirement which jeopardizes public or environmental safety, or hinders prompt action by emergency response personnel.

(5) A motor carrier allowing a driver to perform a safety sensitive function in violation of Title 49, Code of Federal Regulations, as follows:

(A) A driver performing a safety sensitive function or a motor carrier permitting a driver to perform a safety sensitive function following a test result of 0.04 blood alcohol concentration or greater, when the driver has used alcohol while on duty, or when the driver has used alcohol within four hours prior to going on duty.

(B) A driver performing a safety sensitive function or a motor carrier permitting a driver to perform a safety sensitive function, after the driver has refused to submit to any controlled substances or alcohol test.

(C) A driver performing a safety sensitive function or a motor carrier permitting a driver to perform a safety sensitive function after the driver has used a controlled substance, has a verified positive test result, or has adulterated or substituted a test specimen.

(g) Carrier Responsibility for Disclosure of Safety Compliance Ratings.

(1) A motor carrier contracting to transport passengers in a bus shall give notice to the user of the carrier's most recent safety compliance rating.

(2) A motor carrier transporting school pupils to or from school activities in a school bus or school pupil activity bus (SPAB) shall give notice to the school district superintendent of the carrier's most recent safety compliance rating.

(3) Notice may be given by posting the safety compliance rating in the public area of the carrier's terminal or principal place of business, or by publishing the rating in the local news media.

(4) The carrier shall provide its latest rating upon any request from the public whether received in writing, in person, or by telephone. Safety compliance ratings are also available from the Department.

Note: Authority cited: Sections 31401, 34501, 34501.5, 34508 and 34520, Vehicle Code. Reference: Sections 31401, 34501, 34501.5, 34505.1, 34505.6, 34505.7, 34508, 34520 and 34623, Vehicle Code.

§ 1234. Required Records for Motor Carriers.

The following records are required:

(a) Driver's Record. Motor carriers shall require each driver and each codriver to keep a driver's record pursuant to Section 1213. Motor carriers shall keep the original copies of all drivers' records with any supporting documents, as defined in Section 1201(y), for 6 months. Drivers' records of duty status and all supporting documents shall be made available for inspection immediately upon request by an authorized employee of the department. Drivers' records and/or supporting documents not readily available or accessible shall be made available within 3 business days.

(b) Driver's Authorized Vehicles. Motor carriers shall maintain a record of the different types of vehicles and vehicle combinations each driver is capable of driving as specified in Section 1229.

(c) Driver's Records. School bus, SPAB, youth bus, farm labor vehicle, and GPPV carriers shall maintain a record of required documents for each driver they employ. The carrier shall notify each driver of the expiration date of the documents listed in (1) through (4), and the carrier shall ensure each document is renewed prior to expiration. The record shall contain the following data:

(1) Driver's license class, number, restrictions and expiration date.

(2) Driver's certificate restrictions, expiration date, certificate issuance date and driver's date of birth.

(3) Date medical certificate expires.

(4) Expiration date of driver's first aid certificate, license as a physician and surgeon, osteopath, or registered nurse, or certificate as a physician's assistant or emergency medical technician when such certificate or license is used to obtain a waiver of the first aid examination pursuant to Vehicle Code Section 12522.

(5) Date and number of hours of training specified in Education Code Sections 40080-40090 or Vehicle Code Section 12523 since issuance of the driver's current certificate.

(d) Mileage Records. School bus, SPAB, and youth bus carriers shall keep records of the mileage each bus travels during the fiscal year (July 1 through June 30). These records shall be retained for the current fiscal year plus the previous year.

(e) Daily Vehicle Inspection Reports. Motor carriers shall require drivers to submit a documented daily vehicle inspection report pursuant to Section 1215(c). Reports shall be carefully examined, defects likely to affect the safe operation of the motor vehicle or combination or result in a mechanical breakdown shall be corrected before the vehicle or combination is driven on the highway, and carriers shall retain such reports for at least three months.

(f) Inspection, Maintenance, Lubrication, and Repair Records. Motor carriers shall document each systematic inspection, maintenance, and lubrication, and repair performed for each vehicle under their control. These vehicle records shall be kept at the carrier's maintenance facility or terminal where the vehicle is regularly garaged. Such records shall be retained by the carrier for one year and include at least:

(1) Identification of the vehicle, including make, model, license number, or other means of positive identification

(2) Date or mileage and nature of each inspection, maintenance, lubrication, and repair performed

(3) Date or mileage and nature of each inspection, maintenance, and lubrication to be performed; i.e., the inspection, maintenance, and lubrication intervals

(4) The name of the lessor or contractor furnishing any vehicle

(5) On school bus, SPAB, and GPPV records, the signature of the person performing the inspection

(g) Temporarily Assigned Vehicle. When a vehicle is garaged at other than the carrier's regular maintenance facility for periods exceeding normal intervals for inspection, maintenance, and lubrication, carriers shall ensure the record(s) indicating the date or mileage and nature of these operations to be performed, are kept in the vehicle.

(h) School Bus Accident Reports. School bus carriers shall maintain a report of each accident that occurred on public or private property involving a school bus with pupils aboard. The report shall contain pertinent details of the accident and it shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the carrier shall forward a copy of the report to the local CHP within five work days of the date of the accident.

Note: Authority cited: Sections 31401, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 546, 31401, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

A. REPAIRABILITY: TOOLS AND SOFTWARE AFFORDABILITY

4. Section 8.3.1.6.4 of 1037.115: Staff is proposing to modify the criteria for determining a "fair and reasonable price" for repair tools. Specifically, staff is proposing to remove the criterion that prices shall account for the ability of third-party repair facilities to afford such tools. Manufacturers have contended that at the low volumes expected in the near term, the research, development, and distribution costs for repair tools could be significant on a per-vehicle basis. As such, they are concerned that tool pricing based on affordability could result in substantial financial losses for manufacturers, especially at a time when the vehicles themselves may not yet be profitable. Staff agrees.

10. Part I, Subsection C.3.1: Staff is proposing to allow alternative communications hardware and protocols other than those specified in the original proposal. Based on discussions with stakeholders, staff determined that it would be appropriate to allow flexibility for a manufacturer to use alternative methods so long as those methods are readily available to third-party repair facilities and provide similar functionality to the communication methods already set forth in the proposal. Furthermore, this change was presented to the Board at its February 21, 2019, public hearing.

12. Part I, Subsections C.3.2, C.4.1, C.4.3.2, and C.4.3.3: Staff is proposing to clarify that, if a manufacturer has a dealer, the tools and diagnostic and repair manual that the manufacturer must make available to third-party repair facilities would need to be the same as those provided to its dealer(s), rather than those provided to their internal repair personnel. Staff has determined based on discussions with industry, that the most appropriate tools and diagnostic and repair manual for third-party repair facilities would be the ones provided to a manufacturer's dealers. However, if a manufacturer does not have a dealer, the manufacturer would still be required to make available the tools and diagnostic and repair manual provided to its internal repair personnel, as originally proposed.

13. Part I, Subsection C.4.1 .4: Staff is proposing to modify the criteria for determining a "fair and reasonable price" for repair tools. Specifically, staff is proposing to remove the criterion that prices shall account for the ability of third-party repair facilities to afford such tools. Manufacturers have contended that at the low volumes expected in the near term, the research, development, and distribution costs for repair tools could be significant on a per-vehicle basis. As such, they are concerned that tool pricing based on affordability could result in substantial financial losses for manufacturers, especially at a time when the vehicles themselves may not yet be profitable. Staff agrees. While this modification could result in higher repair tool pricing when market volumes are low, staff expects that tool pricing will decrease as more electric and fuel-cell vehicles are deployed. Furthermore, staff does not believe the proposed modification would reduce the effectiveness of the proposal in achieving the primary objective of the criteria, which is to prevent manufacturers from deliberately inflating tool pricing to prevent access by third-party repair facilities. This is because staff believes the remaining pricing criteria proposed would be sufficient in achieving that objective.

- Commercial Motor Bus Carriers are required to have the bus inspected by a garage every 45 days; thereby access needs to be locally affordable.
- Repairs are critical to the outcome of keeping our vehicles on the road, regardless of the technology; the difference is that the OBD2 is the standard and it is a reliable tool that most garages have access to and most HD vehicles today can be accessed by the OBD2, the vehicles have compatible ports, there are 16 pins to establish plenty of available pins including high speed data sharing that could be accessible to the ZEV OEM's to configure and use their own pin.
- This is a solution to providing continued local support with cost effective tools as the hardware would not be required if all vehicles used the OBD2 and port. Thereby continue to use the standard 16-pin OBD2 port. New ports are not required as there is plenty of empty pins available and room for expansion. This would eliminate a need for new hardware tools and cables, which will immediately reduce the cost by keeping the OBD2 standard.
- Additionally, the software could be licensed verses required to be purchased. This continues to support a low-cost effective solution in order for all local garages to be able to fairly have the ability to service ZEV's and have access to diagnose vehicles. Failures or lack of timely response times because one garage cannot afford the tools will put the fleet at risk. OEM's should be required to be able to maintain cost effective support of their product and since they already own the software and many local garages already have the OBD2 hardware, the OEM's could charge a reasonable subscription fee to make this feasible even with low

- volumes. Reliable local support, including intra and inter corridors throughout California and across the borders of California, requires the fleet to be dependent on support throughout the local area and in route, as transportation operations run 7 days a week.
- Downtime can be reduced by the above solution which can be a substantial cost to fleets if there is disruption to their existing reliable mobile and on-road services with Proprietary and Proto-type ZEV vehicles.
- This should not create additional cost to OEM's as they already have the software and updates would be part of the advancements in their technology that should not impact the garages that would be paying a subscription fee.
- The ZEV technology is 100% proprietary, so this creates a challenge and a cost to enable fair support that should be made affordable and accessible to local garages.
- Effective and affordable tools to all garages is the only way to ensure these proprietary vehicles will have the reliable support to stay on the roads.
- Per Part I.C.4, it is necessary because it is expected to help increase the efficiency of the repair network for such vehicles. It will also ensure that, at a minimum, a manufacturer would provide the owner with information necessary to understand the requirements for maintenance as well as the scope of any warranty or service offerings. This would prevent situations in which an owner purchases a vehicle and is not well-informed about service locations or warranty limitations.
- SDAP recommends a modification to require keeping the OBD2 hardware and that the software be a subscription free. This avoids any other costly new investments in hardware tools and establishes an affordable process for obtaining codes and enabling the ability to diagnose failures.

B. DISCLOSURE STATEMENT ON PAYLOAD

5. Section 8.3.1.7 of 1037.115: Staff is proposing to modify the provisions applicable to the required sales disclosure statement to clarify that the approval of any alternative statement by the Executive Officer shall be based on whether the alternative statement is as effective as the original statement in communicating the applicable information. This clarification would provide additional guidance to manufacturers seeking to utilize this provision. Also, staff is proposing to modify the sales disclosure statement to provide two additional disclosures: one addressing the possibility that the weight of a zero-emission powertrain could reduce the allowable payload of a vehicle and another that describes the potential impact of environmental conditions on vehicle performance and durability. Staff has determined, based on more-recent discussions with stakeholders, that the additional disclosures would provide more specificity to the sales disclosure statement that would be useful to fleets purchasing battery-electric or fuel-cell vehicles for the first time. Furthermore, the impact on manufacturers would be minimal because the amendments would only require them to include a few more lines of text to a disclosure document they would already be required to provide pursuant to the original proposal.

- As a company or fleet, you're placing your employees, customers, or the public in these vehicles. It is very important to company wellbeing and employee safety to make sure the buses / trucks you purchase are designed for their intended purposes, and GVWR, GCWR and PAYLOAD are specified properly for safe, efficient operation.

- The ZEPC should require a mandate for all ZEV vehicles to have a disclosure on the PAYLOAD since ZEV's are increasing the unladen weight and in some cases substantially which means the payload is reduced. This creates a safety concern and additional wear and tear that is not the same as an identical ICE vehicle that will have higher load limits due to a higher payload.
- Testing for Vertical Center of Gravity should be required as with the additional increased weight this can compromise the center of gravity which affects safety.
- A payload analysis is vital because the distribution of chassis, body, and payload weight on a truck is critical to the proper operation and long life of the vehicle. It is possible for a vehicle to be overloaded even though it may not be loaded beyond the recommended GVWR. When a chassis/body combination is incorrectly matched or when the payload is not positioned properly, the front or rear gross axle weight rating (GAWR) may be overloaded.
- Once the chassis configuration and payload capacity have been determined, a weight distribution calculation should be performed. This will verify that the weight of the body and/or payload is distributed to both the front and rear axles in proper proportions. It also assures that the front and rear GAWRs are not exceeded.
- The weight of the driver and passenger(s) can sometimes make the difference between exceeding and not exceeding a vehicle's GAWR. Therefore, the weight of the driver and passenger(s) is included in the calculations when performing a weight distribution or payload analysis.
- SDAP agrees with the modification and additionally recommends that the ZEPC requires manufacturers to perform weight analysis and that that final OEM cannot increase the original GVWR without proper validation, testing and reporting of the same.

C. WARRANTY AND RECALL

24. Part II, Sections F, G, H, and K: Staff is proposing to remove influenced recalls from the proposal. Staff determined that while an influenced recall is a process important for internal combustion vehicles and engines, it is a process that would not likely be utilized for zero-emission powertrains. This is because zero-emission powertrain failures that trigger a recall pursuant to the proposal would affect the operability of the vehicle, and thus be expected to be consistently reported. In contrast, failures of emission control components on an internal combustion vehicle may go unreported, as vehicles with failing emission control components could still be operable. Therefore, for internal combustion engines and vehicles, there is a material need for the ability to initiate a recall based on data sources other than warranty reports. Staff believes removing the influenced recall would streamline the warranty requirements without impacting the implementation of the requirements. In addition, staff's intention to further streamline the recall provisions was presented to the Board at its February 21, 2019, public hearing.

31. Part 11, Section L: Staff is proposing to modify this section to clarify that only failures that render the vehicle inoperable would be considered for the purposes of ordered recalls. This proposed change is only intended to clarify staff's original intent and was presented to the Board at its February 21, 2019, public hearing. Staff is also proposing to add a reference to the section discussing the ordered recall plan for clarity.

38. Part II, Section Y: Staff is proposing to add a requirement that, in the unscreened warranty information report, manufacturers provide a reporting number for tracking purposes. In addition, staff is proposing to require that manufacturers report the potential causes of a failure in the unscreened warranty information report. This information was originally required as part of a field information report, which staff is proposing to remove, as described in paragraph C.31 of this document.

Part II, Section AB: Staff is proposing to clarify that the requirements in this section are intended to apply to the screened warranty information reports, not both screened and unscreened warranty information reports. This would align these requirements, as intended, with the internal combustion warranty recall requirements upon which these provisions were based. Furthermore, this proposed change would streamline the recall provisions, as presented to the Board at its February 21, 2019, public hearing.

- The final stage manufacturer is the last line of defense for motor vehicle safety and bears full responsibility for any vehicle defects. If there is a defect or non-conformity in the original equipment produced by another manufacturer who refuses to recall the vehicle, the final stage manufacturer is still responsible for recalling the vehicle and correcting the problem. This is common in all technologies and there is no justification for this technology to not have the same reasonable % of defects to trigger a recall and require enforcement with penalties when an OEM poisons the ZEV market. These are lessons learned that have been experienced and we need to move beyond after 10 years of an HVIP incentive program tied to this technology.
- The 50,000-mile warranty does not meet the needs of the fleet nor does it keep the fleets and roadways safe with prototype technology and does not compare to other choices such as conventional fueled vehicles that continue to have increased warranty support. There is an overall contention by State regulators, and other industry professionals, that the current HD manufacturer warranty requirements for on-road heavy-duty vehicles are not sufficient to guarantee that emission control performance will be maintained throughout the exceptionally long service life of modern heavy-duty vehicles, (e.g., up to 1,200,000 miles).
- The proposed requirements include warranty recall at the greater of 4% of sales or 25 warranty claims on a single component. SDAP is concerned with utilizing the greater of 4% or 25 sales based on low volumes as this could not be an effective and reasonable number to ensure manufacturers comply in a consistent and timely manner; moreover, SDAP recommends to drop the 25 claims and only use 4% in the early adoption period or lack of consequences in a timely manner could harm and burden operators as there are no laws on the federal level to

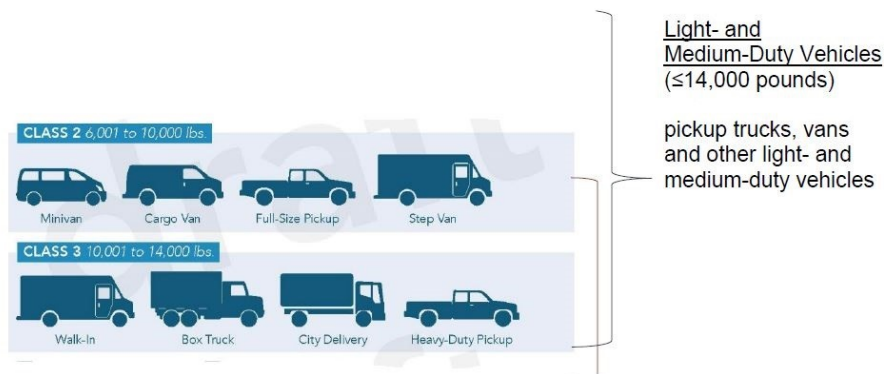
support enforcement of defects and all commercially registered vehicles have no lemon law which creates this technology to lack the appropriate supporting requirements when necessary.

- As per section 3.1.8, Many heavy-duty battery-electric or fuel-cell vehicles sold to date were built by integrating an electrified powertrain into an existing vehicle driveline. Information staff gathered during the regulatory development process suggests that this build process has resulted in vehicle reliability issues. As such, a requirement is necessary because it would help ensure, especially in these cases, that manufacturers adequately assess the suitability of existing vehicle components before integrating a zero-emission powertrain.

D. HVIP SALES

CLASS-3 ZEV'S, THE MOST POPULAR HVIP SOLD VEHICLE BY ONE OEM

Figure Z-3: Vehicle Classes



The current HVIP MHD Sales as of 3-23-19 is a total 648 sales since 2009 with 365 sales by **extinct OEM's** (in **red text** below in tables) that no longer exist and determines that the highest number of OEM sales by an existing and active OEM's is **59** by one OEM and this is for the Class 3 vehicles. This continues to address facts that the Class 3 vehicle has a strong potential for accelerated adoption and should be included in the measure. <https://www.californiahvip.org/eligible-technologies/>

<u>Vehicle OEM Sales</u>		
1	BYD Motors	58 8.95%
2	Chanje	22 3.40%
3	<i>EVI</i>	<i>112 17.28%</i>
4	<i>Ford</i>	<i>51 7.87%</i>
5	Lion Bus	6 0.93%
6	Motiv Powers	11 1.70%
7	<i>Navistar</i>	<i>34 5.25%</i>
8	New Flyer	0 0.00%
9	Orange EV	31 4.78%
10	Phoenix MotorCars	43 6.64%
11	Proterra	32 4.94%
12	<i>Smith Electric</i>	<i>168 25.93%</i>
13	Zenith Motors	59 9.10%
14	Workhorse AMP / Thor	1 0.15%
15	Lightning Systems	3 0.46%
16	Eldorado National	5 0.77%
17	Blue Bird	7 1.08%
18	Green Power	5 0.77%
Total EV ZEV Sales		648 100.00%

<u>New OEM's with Sales</u>		
1	BYD	58 8.95%
2	Chanje	22 3.40%
3	Lion Bus	6 0.93%
4	Motive Powers	11 1.70%
5	Orange EV	31 4.78%
6	Phoenix MotorCars	43 6.64%
7	Proterra	32 4.94%
8	Zenith Motors	59 9.10%
9	Workhorse AMP	1 0.15%
10	Lightning Systems	3 0.46%
11	Eldorado National	5 0.77%
12	Bluebird	7 1.08%
13	Green Power	5 0.77%
13	New OEM's	283 43.67%

- Additionally, the Off-Airport Parking Shuttles at San Diego make up a total of 49 shuttles among 7 entities and 40 of these shuttles are Class 2b or Class 3. The remaining 9 shuttles are Class 4 or 5; thereby, in San Diego the Off-Airport Parking shuttles, which could fall under the ASB regulation would only be 9 shuttles or 18% and thereby 82% of these vehicles are outside of the measure and thereby reduced emissions and accelerated adoption will fail. This is not moving the goal in the right direction or even providing fleets with confidence to procure this new technology that will still have no regulatory laws that ARB could reference.

III. RECOMMENDATIONS

SDAP recommends that the Board develop the following modifications and mandate a certification:

1. **Small Business**: Both Garage stations services and fleets will mainly be made up of small business. The feasibility is not the same for small business; thereby more feasible support is necessary at this early stage.
2. **Payload**: Must test and disclose to the buyer the changes when procuring a ZEV.
3. **Incomplete and Complete Vehicles**: All vehicles should be in compliance to ensure the technology is consistent and reliable. All manufacturers of vehicles should be required to be certified.
4. **Warranty**: Make a consistent, reliable, effective product and produce a quality product that matches the expected useful life the same as all other emission technologies. The expensive components should be treated with the same level of warranty support as emission vehicles and Hybrids. Specifically, this equipment and technology is 100% proprietary.
5. **Repairs**: Adopting a mandate for local garage services support is critical and is the only way to ensure fleets that the vehicles can stay on the road. Additionally, this impacts emissions when these vehicles cannot stay on the road.
6. **Recalls**: Require 4%.
7. **Class 2b-3**: Adoption of Class 2b and 3 is increasing and will continue thereby procedures to support completed vehicles and Class 2b and 3 should fall under the same measure.

IV. CONCLUSION

SDAP agrees with a ZEPC. Please seriously consider SDAP's 15- day comments to ensure repairs are affordable and accessible to all small and private garage station entities and to align defects and or recalls to a % that is California based. SDAP has provided recommended modifications that were addressed by SDAP in its 45 day comments and SDAP has serious concerns that the optional certification will achieve no greater success in the short term and the remaining outstanding issues raised and the lessons learned will continue to be repeated. SDAP has shared facts in the 45 day comments and has provided evidence from the EV fleet end user experience that supports the need for a mandated ZEPC. Currently the lack of policy, regulations and standards to support the EV commercial MHD technology to move beyond the prototype phase needs to be considered as fleets adopting need a cost-effective solution that improves the technology and ensures fleets that it is reliable for the same useful life as that of fossil fuel vehicles. Addressing the emerging technology changes and lessons learned can only be comprehended by actual on the ground experience. The expected achievements of this technology cannot be identified the same as a real-world experience for the specific application. Supporting accelerated adoption of this technology can best be accomplished when a certification matches the useful life and the warranty supports the expensive components. There is no justification for not including the Class 2b and 3 commercial vehicles as all commercially registered vehicles have NO lemon law and like all other motor carrier operators, they are subject to regulations that require the vehicles to operate safely and to be inspected every 45 days.

Respectfully submitted,

/s/ Lisa McGhee

Lisa McGhee, Policy Manager

San Diego Airport Parking Company

2771 Kurtz St., San Diego, CA. 92110

Dated: May 28, 2019

Tel: 714-881-4856, E-mail: sdapparking@gmail.com

