

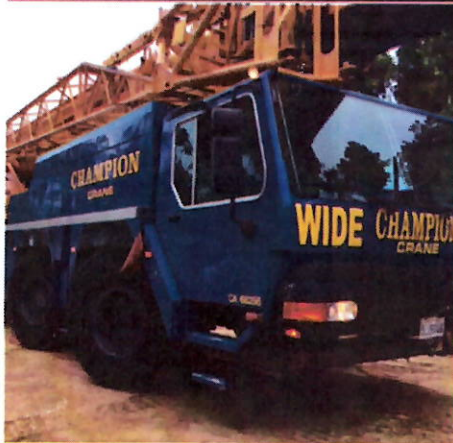
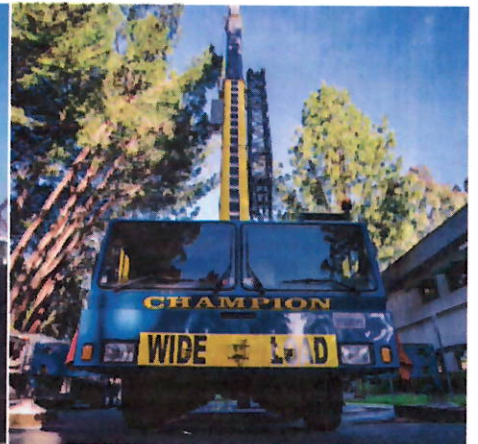
Mike Konle
 Opposition 19-1-2

EQUIP	EQUIP #	YEA R	MANF.	MODEL #	CRANE SIZE	REPLACEMENT COST
OFFROAD						
CRANE	65	2001	DEMAG	AC 25	28 TON	\$637,650.00
CRANE	22	2002	DEMAG	AC 25	28 TON	\$637,650.00
CRANE	23	2002	DEMAG	AC 30	33 TON	\$637,650.00
CRANE	25	2002	DEMAG	AC 30	33 TON	\$637,650.00
CRANE	26	2002	DEMAG	AC 30	33 TON	\$637,650.00
CRANE	27	2002	DEMAG	AC 30	33 TON	\$637,650.00
CRANE	99	2004	LIEBHERR	LTM 1080	100 TON	\$1,215,350.00
CRANE	53	1975	P & H	T750	75 TON	\$882,900.00
CRANE	80	1997	DEMAG	AC 435	180 TON	\$1,962,000.00
CRANE	77	2008	LINK-BELT	ATC 3250	250 TON	\$2,163,650.00
CRANE	110	2019	TADANO	ATG100G-4	110 TON	\$1,319,374.00
						\$11,369,174.00
ONROAD						
CRANE	37	2000	LINK-BELT	HTC 8640 HL	40 TON	\$659,450.00
CRANE	48	2000	LINK-BELT	HTC 8640 HL	40 TON	\$659,450.00
CRANE	49	2000	LINK-BELT	HTC 8640 HL	40 TON	\$659,450.00
CRANE	52	2000	LINK-BELT	HTC 8640 HL	40 TON	\$659,450.00
CRANE	24	2003	LINK-BELT	HTC 8640 HL	40 TON	\$659,450.00
CRANE	70	1996	LINK-BELT	HTC 8670	70 TON	\$882,900.00
CRANE	81	1998	LINK-BELT	HTC 8670	70 TON	\$882,900.00
CRANE	36	1999	LINK-BELT	HTC 8670	70 TON	\$882,900.00
TRUCK	66	1990	PETERBILT	377	N/A	\$174,400.00
TRUCK	67	1990	PETERBILT	377	N/A	\$174,400.00
TRUCK	38	2001	PETERBILT	330	N/A	\$174,400.00
TRUCK	89	2006	PETERBILT	579	N/A	\$174,400.00
TRUCK	73	2009	PETERBILT	386	N/A	\$174,400.00
TRUCK	6	2016	PETERBILT	579	N/A	\$190,000.00

EQUIP	EQUIP #	YEA R	MANF.	MODEL #	CRANE SIZE	REPLACEMENT COST
TRUCK	71	2016	PETERBILT	579	N/A	\$190,000.00
TRUCK	72	2016	PETERBILT	579	N/A	\$190,000.00
TRUCK	74	2014	PETERBILT	579	N/A	\$190,000.00
TRUCK	75	2014	PETERBILT	579	N/A	\$190,000.00
TRUCK	76	2017	PETERBILT	579	N/A	\$190,000.00
TRUCK	78	2017	PETERBILT	348	N/A	\$190,000.00
TRUCK	79	2017	PETERBILT	348	N/A	\$190,000.00
TRUCK	98	2018	PETERBILT	579	N/A	\$190,000.00
						\$7,007,950.00
N/A: INDICATES SPECIALIZED EQUIPMENT NO LONGER MANUFACTURED OR AVAILAB						\$18,377,124.00

CHAMPION[®]

CRANE RENTAL, INC.
12521 BRANFORD ST • PACOIMA, CA 91331
24 HRS (818) 781-3497 / (323) 875-1248 • FAX (818) 896-6202



Current California Air Resources Board emission requirements for cranes are nearly unattainable for many of the companies in the crane rental industry. Creating not only financial hardship but safety concerns as well.

There are several contributing factors which will be detailed throughout this notebook. A summary of the major issues listed below.

The opportunity to present this information is greatly appreciated.

Safety:

OSHA regulations prohibit modification without Manufacturer's approval.

Manufacturers design and test cranes to meet criteria mandated by the United States Environmental Protection Agency.

Manufacturers contend modification will jeopardize DIN, ANSI and OSHA certifications.

Manufacturers do not install Diesel Particulate Filters kits for cranes because the modification can dangerously overload other systems and/or weaken critical parts and may cause catastrophic failure.

Prior filters have malfunctioned due to previously unknown conditions. The filter manufacturer was required to suspend sales. No refund or warranty provided to consumer by filter manufacturer.

Studies have proven that due to low operating temperatures of cranes the filters do not function properly.

Should regeneration occur in the middle of a lift it could result in a catastrophic event, violate safety regulations and injury crew and the public in surrounding work area.

Existing Exemptions:

California Air Resources Board refuses to award compliance flexibility exemptions that currently exist for this circumstance, even after multiple exemption applications.

California Air Resources Board refuses to acknowledge OSHA regulation 47968 states that repairs or adjustments must be done in accordance with manufacturer's recommendations.

California Air Resources Board refuses to acknowledge California Department of Motor Vehicle Code 27157. Vehicle pollution emission regulations: "Emissions standards cannot be stricter than those of model year when first manufactured."

Availability of Equipment and Replacement Cost:

Champion Crane cannot replace several existing cranes in the fleet with a new model of same crane. The cranes are no longer manufactured.

Availability of cranes to purchase for use in the State of California is severely limited due to California Air Resources Board emission standards and Cal Trans axle weight requirements.

Replacing and entire fleet of cranes before the end of their useful life span is financially impossible.

Resale value of equipment has been negatively impacted because of the market being flooded with equipment that cannot be used in the State of California.

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OSHA

1. **OSHA Requirement for Vehicle Manufacturer Approval:** Both CalOSHA and US OSHA have established regulations that require manufacturer approval prior to making modifications to cranes. OSHA regs likely apply to retrofit PM filters (VDECS) and engine repowers. Currently there is no established process whereby California crane owners can petition a manufacturer for approval. The limited inquiries made by owners to date indicate virtually no manufacturer support for VDECS or repowers, and there is no incentive for them to approve crane-by-crane requests from California. VDECS and engine vendors are willing to attempt installations, but are not qualified to handle the technical and safety aspects. So there is a real regulatory obstacle to performing the actions anticipated under the On-Road and Off-Road Rules, which if bypassed increases the risk of an accident. There is an existing process in both the On-Road and Off-Road Rule to deem a VDECS unsafe to install, but it requires case-by-case documentation provided by the VDECS manufacturer (who is not qualified to assess the safety of a crane). Other data also may be provided, but proving the "lack of manufacturer approval" requires proving of a negative that will have to be repeated for each of California's mobile cranes (about 1,000 in total).
2. **Feasibility of VDECS Highly Unlikely for Cranes:** CARB's verification procedure for VDECS was amended in 2010 to require (among other things), a "pre-installation compatibility assessment." This was added because the duty cycles of many applications were not severe enough to generate enough heat for passive VDECS systems to regenerate. So now, exhaust temperature data logging must be performed prior to installation. CARB verifications now include a standard condition that VDECS cannot be used on Rubber Tired Gantry Cranes (RTGs) unless the manufacturer verifies their device separately for RTGs. This is because it is known established that RTGs simply operate at loads too low to support passive regeneration. No VDECS have been attempted for mobile cranes (that we know of). However, the issues associated with RTGs will present themselves to even a greater degree on mobile cranes (who may make one or two lifts over the course of a day as opposed to 100s made by a RTG). Yet, these systems are still deemed verified for cranes. Likewise, active systems require operator-initiate regeneration. If the operator fails to heed the regeneration signal, an automatic engine shutdown is initiated to prevent excessive backpressure. Unlike other equipment types, a crane cannot be taken out of service during a lift (which could last for hours) just to generate. Likewise, a crane engine cannot be subject to possibility of auto-shutoff while performing a lift. So again, safety is at stake.
3. **Cost and Economics:** Cranes are by far the highest-value vehicles subject to the On-Road or Off-Road Regulations, costing as much as \$3M. In turn, they are some of the lowest mileage vehicles in either program, yet cannot qualify for the 1,000 mi/year full exemption. CARB's rules envision that if a VDECS or new engine is not feasible, the crane is ultimately replaceable with a newer model, and the differential cost of that transaction is manageable. Due to their high value, cranes have a long payback period, and the older (paid-for) units in a fleet provide the revenue for payments on the newer units. The emissions and VMT of cranes is such that incentive funding is minimal and usually deemed not to be cost effective. There are a myriad of other costs associated with a new (or used) crane purchase that other vehicle types simply do not share. These are:
 - Transport – the newer replacement crane may be located thousands of miles away, and require a small convoy to relocate, causing excess emissions.
 - CalOSHA crane certification – Extra cost and regulatory hurdle
 - Operator Training – This can be extensive
 - Painting/Rebranding – Excess costs and emissions
 - Special Transportation Permits – Extra cost and regulatory hurdle
 - Taxes

in response to these comments, OSHA is retaining the qualification requirements for inspectors as specified in the proposed rule but is not mandating that the inspector be assessed by a qualified evaluator, certified, or licensed because there is not sufficient evidence in the record to warrant these additional requirements. A number of current OSHA construction standards, as did former § 1926.550, require inspections to be conducted by competent persons or qualified persons. For example, § 1926.551(k) requires that a competent person conduct a daily inspection of excavations for possible cave-in hazards. OSHA is not aware of evidence in the record indicating that accidents would be prevented if OSHA required inspectors to have additional qualifications or credentials. OSHA disagrees, and concludes that accidents do not occur due to the inability of competent or qualified persons to conduct adequate inspections of cranes under the former standard. Accordingly, OSHA is retaining the requirement in § 1926.1412 that the various required inspections be conducted either by competent persons or qualified persons.

The local government's request that OSHA not preempt local laws and allow local governments to continue to play a role in crane inspections is within the scope of the local government's broader preemption concerns addressed in the discussion of federalism in section V.D of this preamble. However, OSHA notes that § 1926.1412 would not preclude local government inspectors or others who are not employees of the employer responsible for the inspections, from serving as inspectors in compliance with the requirements of this standard. The inspector need only meet the definition of a competent or qualified person in § 1926.1401 (note that a "competent person" must have the authority to take corrective action.)

Paragraph (a) Modified Equipment

Paragraph (a) of this section requires an inspection (that includes functional testing of the equipment) to be performed by a qualified person for equipment that has been modified or has additions that affect the safe operation of the equipment prior to initial use after that modification/addition.²¹ As proposed, this paragraph

²¹ The phrase "modifications or additions" and the term "modifications/additions," as used in this section, have the same meaning (an addition is a type of modification). C-DAC wanted to emphasize that additions are subject to the same approval procedures as other types of modifications. Wherever a form of the word "modifications" is used in this preamble, it is a reference to all modifications, including additions.

did not contain a documentation requirement. An industrial contractor stated that the standard should require documentation of this inspection (as well as the inspections required under paragraphs (b) and (c) of this section, discussed below) but offered no reasons to support its suggestion. (ID-0120.) Absent a basis in the record to add such a requirement, OSHA declines to require documentation of the inspections under paragraphs (a), (b), and (c).

Proposed § 1926.1412(a)(1)(ii) stated that "[t]he inspection shall include functional testing." OSHA requested public comment on whether it should modify the provision to limit the functional testing requirement to components that the modification affects or may affect (73 FR 59766-59767, Oct. 9, 2008). Several commenters asserted that functional testing is only necessary to test modifications of the equipment and other affected components. (ID-0205; -0213.) In contrast, a local government asserted that the functional testing should be of the entire crane. (ID-0156.1.)

OSHA is concerned that there may be instances where a modification has an unanticipated effect on the equipment that would not become apparent if the test were limited. Therefore, the Agency has decided to require a functional test of the equipment as a whole. To make this clear, the words "of the equipment" have been added at the end of the sentence of the provision in the final rule.

During the SHREFA process, a Small Entity Representative (SER) suggested adding an exception to § 1926.1412(a) for "transportation systems," by which the SER meant any system dispersing the weight of the cranes for movement on a highway. As recommended by the Panel, OSHA solicited public comment on whether to include such an exception and possible language for it (73 FR 59767, Oct. 9, 2008). No comments were submitted on this point. OSHA notes that § 1926.1412 specifies the items that must be inspected, and these items do not include any items dealing with the movement of equipment on a highway.

Paragraph (b) Repaired/Adjusted Equipment

Paragraph (b) of this section provides that equipment that has had a repair or adjustment that affects the safe operation of the equipment must be inspected by a qualified person prior to initial use after the repair/adjustment. In summary, the qualified person is required to determine if such repairs

and adjustments were performed in accordance with manufacturer equipment criteria.

Proposed § 1926.1412(b)(1)(iii) stated that "[t]he inspection shall include functional testing." As in the case of proposed § 1926.1412(a)(1)(ii) discussed above regarding modified equipment, OSHA requested public comment on whether the functional testing required for repaired/adjusted equipment should be limited to testing only those components that are or may be affected by the repair or adjustment (73 FR 59767, Oct. 9, 2008).

Several commenters asserted that functional testing is only necessary to test the repairs or adjustments and other affected components and systems of the equipment. (ID-0205; -0213.) In contrast, one commenter indicated that the functional testing should be of the entire crane. (ID-0156.)

The standard requires that repairs or adjustments of equipment must be done in accordance with the manufacturer's or qualified person's recommendations. Repairs or adjustments are meant to restore equipment to original design specifications and safety factors. Otherwise, OSHA considers the maintenance activity performed a modification of the equipment. In essence, repair or adjustment of a system or component must be consistent with the engineering in the original equipment design. OSHA believes that a functional test that is limited to only those components that are or may be affected by the repair or adjustment, in conjunction with the inspection required under § 1926.1412(d), will sufficiently identify a deficient repair or adjustment. OSHA has therefore modified the language of § 1926.1412(b)(1)(iii) in the final rule accordingly.

A commenter stated that § 1926.1412(b) should be structured similarly to § 1926.1434, *Modifications*, in that the employer should be required to consult with the manufacturer before employers perform repairs or adjustments of equipment that relate to safe operation. (ID-0202.) In that case, the commenter stated, no third party would be able to overrule a manufacturer statement that a repair cannot be made. The commenter believed that an employer should only be able to go to paragraph (b)(1)(ii) if the manufacturer is unavailable.

OSHA does not agree with the suggested change. Implicit in the comment is the suggestion that there are instances where a repair cannot be made without compromising the integrity of the equipment. That concern is already addressed by the standard. If the repair

• Standard Number: 1926.550(a)(1); 1926.550(a)(16)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha-slc.gov>.

December 8, 2003

Mr. Gregory R. Tesla
Director
Crane Safety & Inspections, Inc.
P.O. Box 670934
Coral Springs, Florida 33067

Re: Whether it is permissible to make modifications or additions to a crane without manufacturer approval (where the manufacturer is still in existence)?

Dear Mr. Tesla:

This is in response to your letter dated June 12, 2003, to the Atlanta Regional Office of the Occupational Safety and Health Administration (OSHA) and your subsequent request to that office for clarification of their response. Your original letter questioned requirements in 29 CFR Part 1926 Subpart N pertaining to modification of cranes. Your request for clarification narrowed your inquiry to crane modifications where the manufacturer is still in existence. Your initial letter, the Regional Office's response, and your request for clarification were forwarded to this office for handling on July 25, 2003. This response supersedes the prior Regional Office response dated June 12, 2003.

We have paraphrased your question as follows:

Question: I am aware of several OSHA standards pertaining to the operation and modification of their cranes (29 CFR 1926.550(a)(1) and (a)(16)). Is an employer engaged in construction permitted to modify a crane or make modifications to the operational specifications of a crane without manufacturer approval (or to override a manufacturer's decision to deny the request)?

Answer

In 29 CFR Part 1926 Subpart N (Cranes, Derricks, Hoists, Elevators, and Conveyors), §1926.550(a)(1) sets forth requirements regarding modification of operational specifications for cranes and derricks:

The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer competent in this field and such determinations will be appropriately documented and recorded. * * *

Section 1926.550(a)(16) addresses modifications or additions to cranes and derricks:

No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's written approval. * * *

By its terms, Subpart N addresses changes to operational specifications for cranes separately from modifications or changes to the crane itself.

Operational specifications

Under §1926.550(a)(1), an employer must comply with a manufacturer's operational specifications for cranes. However, the standard sets forth an exception when a manufacturer's specifications are not available. In that instance only, an employer may rely upon limitations assigned to a crane by "a qualified engineer competent in this field." Those specifications must be documented.

Crane modifications

Section 1926.550(a)(16) governs employer modifications or additions to cranes. The provision prohibits an employer from making any modifications or additions to a crane that affect the safe operation or capacity of the equipment unless prior permission to do so is received from the manufacturer.

You indicated in your telephone conversation with Audrey Rollof of this office that your primary concern was the ability of an employer to modify or change a crane where a manufacturer was still in existence.¹ In the case of both modifications and operational specifications, where the manufacturer is in existence, reviews the technical merits of the application for approval and denies the application, the employer must abide by that decision - the standard does not permit the employer to override the denial by obtaining approval from a qualified engineer.

As we are currently engaged in a negotiated rulemaking on revising the cranes and derricks portion of Subpart N. The question you have asked us is one of the issues currently being discussed in the rulemaking. If you would like to submit comments to the negotiated rulemaking committee, you may submit them as follows:

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

- **By mail, submit three (3) copies to:** OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.
- **By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1698.**
- **Electronically, comments may be submitted through OSHA's Webpage at [http://www.osha-slc.gov](#). Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.**

If you need additional information, please contact us by fax at: U.S. Department of Labor, OSHA, Directorate of Construction, Office of Construction Standards and Guidance, fax # 202-693-1699. You can also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Secretly,

Russell E. Swanson, Director
Directorate of Construction

¹ If you have other specific questions that you would like us to address, please let us know. [[back to top](#)]

← [Standard Interpretations - Table of Contents](#)

CalOSHA – Title 8


Subchapter 4. Construction Safety Orders

Article 15. Cranes and Derricks in Construction

§1613.1. Inspections - Modified Equipment.

(a) Equipment that has had modifications or additions which affect the safe operation of the equipment (such as modifications or additions involving a safety device or operational aid, critical part of a control system, power plant, braking system, load sustaining structural components, load hook, or in-use operating mechanism) or capacity shall be inspected by a certifying agency after such modifications/additions have been completed, prior to initial use. The inspection shall meet all of the following requirements:

- (1) The inspection shall assure that the modifications or additions have been done in accordance with the approval obtained pursuant to Section 1610.6 (Equipment Modifications).
- (2) The inspection shall include functional testing of the equipment.

 Exception: These inspections may be performed by a qualified person for cranes not exceeding 3 tons rated capacity.

(b) Equipment shall not be used until an inspection under this section demonstrates that the requirements of subsection (a)(1) have been met.

(c) In the case of major modifications or repairs to important structural components, cranes shall be proof load tested in accordance with GISO Section 5022 before being returned to service.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

HISTORY

1. New section filed 7-7-2011; operative 7-7-2011. Exempt from OAL review pursuant to Labor Code section 142.3(a)(3) (Register 2011, No. 27).

October 10, 2012

Cal/OSHA – Title 8

Subchapter 4. Construction Safety Orders

Article 15. Cranes and Derricks in Construction

§ 1610.6. Equipment Modifications.

(a) Modifications or additions which affect the capacity or safe operation of the equipment are prohibited except where the requirements of subsections (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section are met.

(1) Manufacturer review and approval.

(A) The manufacturer approves the modifications/additions in writing.

(B) The load charts, procedures, instruction manuals and instruction plates/tags/decals are modified as necessary to accord with the modification/addition.

(C) The original safety factor of the equipment is not reduced.

(2) Manufacturer refusal to review request. The manufacturer is provided a detailed description of the proposed modification/addition, is asked to approve the modification/addition, but it declines to review the technical merits of the proposal or fails, within 30 days, to acknowledge the request or initiate the review, and all of the following are met:

(A) A registered professional engineer who is a qualified person with respect to the equipment involved:

1. Approves the modification/addition and specifies the equipment configurations to which that approval applies, and

2. Modifies load charts, procedures, instruction manuals and instruction plates/tags/decals as necessary to accord with the modification/addition.

(B) The original safety factor of the equipment is not reduced.

(3) Unavailable manufacturer. The manufacturer is unavailable and the requirements of subsections (a)(2)(A) and (B) of this section are met.

(4) Manufacturer does not complete the review within 120 days of the request. The manufacturer is provided a detailed description of the proposed modification/addition, is asked to approve the modification/addition, agrees to review the technical merits of the proposal, but fails to complete the review of the proposal within 120 days of the date it was provided the detailed description of the proposed modification/addition, and the requirements of subsections (a)(2)(A) and (B) of this section are met.

(5) Multiple manufacturers of equipment designed for use on marine work sites. The equipment is designed for marine work sites, contains major structural components from more than one manufacturer, and the requirements of subsections (a)(2)(A) and (B) of this section are met.

(b) Modifications or additions which affect the capacity or safe operation of the equipment are prohibited where the manufacturer, after a review of the technical safety merits of the proposed modification/addition, rejects the proposal and explains the reasons for the rejection in a written response. If the manufacturer rejects the proposal but does not explain the reasons for the rejection in writing, the employer may treat this as a manufacturer refusal to review the request under subsection (a)(2) of this section.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

October 10, 2012

DMV / EX POST FACTO LAW

(f) No person shall operate a vehicle after notice by a traffic officer that the vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

(g) The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued, or against whom the complaint is filed, produce proof of correction pursuant to Section 40150 or proof of exemption pursuant to Section 4000.1 or 4000.2.

(h) This section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board to do either of the following:

(1) Not to reduce the effectiveness of a required motor vehicle pollution control device.

(2) To result in emissions from the modified or altered vehicle that are at levels that comply with existing state or federal standards for that model-year of the vehicle being modified or converted.

(i) Aftermarket and performance parts with valid State Air Resources Board Executive Orders may be sold and installed concurrent with a motorcycle's transfer to an ultimate purchaser.

(j) This section applies to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

Added Stats 1st Ex Sess 1960 ch 23 § 3.5. Amended Stats 1963 ch 2028 § 3; Stats 1985 ch 2081 § 13, effective July 23, 1985; Stats 1968 ch 49 § 10, ch 1207 § 1; Stats 1969 ch 9 § 6, effective March 6, 1969, ch 622 § 3, effective July 28, 1969, ch 1253 § 4, effective August 31, 1969; Stats 1970 ch 331 § 1; Stats 1971 ch 739 § 7; Stats 1972 ch 503 § 3; Stats 1975 ch 957 § 31; Stats 1976 ch 231 § 7; Stats 1994 ch 27 § 62 (AB 2018), effective March 30, 1994; Stats 2007 ch 325 § 1 (AB 829), effective January 1, 2008.

§ 27156.1. Auxiliary gasoline fuel tanks

The installation, prior to January 1, 1974, of an auxiliary gasoline fuel tank for use on a 1973 or earlier model year motor vehicle, which vehicle is required, pursuant to Part 5 commencing with Section 43000 of Division 26 of the Health and Safety Code or the National Emission Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive), to be equipped with a fuel system evaporative loss control device, shall not be deemed a violation of Section 27156 of this code. As used in this section, the term "auxiliary gasoline fuel tank," has the same meaning as defined in subdivision (b) of Section 43834 of the Health and Safety Code.

Added Stats 1973 ch 836 § 3, effective September 25, 1973. Amended Stats 1975 ch 957 § 32.

27156.2. Exemption for emergency vehicles

Notwithstanding any other provision of law, any publicly owned authorized emergency vehicle operated by a peace officer, as defined in Section 830 of the Penal Code, any authorized emergency vehicle, as defined in Section 165 and used for fighting fires or responding to emergency fire calls pursuant to paragraph (2) of subdivision (b) or pursuant to subdivision (c) or (d) of that section, and any publicly owned authorized emergency vehicle used by an emergency medical technician-paramedic, as defined in Section 1797.84 of the Health and Safety Code, is exempt from requirements imposed pursuant to California law and the regulations adopted pursuant thereto for motor vehicle pollution control devices.

Added Stats 1981 ch 595 § 1.

27156.3. Vehicles exempt from pollution control device requirements

Notwithstanding any other provision of law, any motor vehicle of mosquito abatement, vector control, or pest abate-

ment districts or agencies, any authorized emergency vehicle as defined in Section 165, except subdivision (f) thereof, and any ambulance used by a private entity under contract with a public agency, is exempt from requirements imposed pursuant to California law and the regulations adopted pursuant thereto for motor vehicle pollution control devices.

Added Stats 1981 ch 669 § 1, effective September 23, 1981, as Veh C § 27156.2. Renumbered by Stats 1982 ch 466 § 116.

§ 27156.5. [Section repealed 1965.]

Added Stats 1965 ch 3 § 1, effective February 4, 1965. Repealed Stats 1965 ch 2031 § 13.5, effective July 23, 1965. The repealed section related to failure to have pollution control device.

§ 27157. Vehicle pollution emission regulations

The State Air Resources Board, after consultation with, and pursuant to the recommendations of, the commissioner, shall adopt such reasonable regulations as it determines are necessary for the public health and safety regarding the maximum allowable emissions of pollutants from vehicles upon a highway. Such regulations shall apply only to vehicles required by Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code or any federal law or regulation to be equipped with devices or systems to control emission of pollutants from the exhaust and shall not be stricter than the emission standards required of that model year motor vehicle when first manufactured.

Added Stats 1970 ch 1295 § 13. Amended Stats 1979 ch 873 § 327.

§ 27157.5. Vehicle pollution emission standards; 1955 through 1965 model year motor vehicles

The State Air Resources Board, after consultation with, and pursuant to the recommendations of, the commissioner, shall adopt such reasonable standards as it determines are necessary for the public health and safety for the emission of air pollutants from the exhaust of motor vehicles of 1955 through 1965 model years. These standards shall be based on the normal emissions of such cars when the timing and carburetor are in proper adjustment and the spark plugs are in proper operating condition.

Added Stats 1971 ch 1095 § 2.

§ 27158. Certificates of compliance; Vehicle inspection

After notice by a traffic officer that a vehicle does not comply with any regulation adopted pursuant to Section 27157, no person shall operate, and no owner shall permit the operation of, such vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 9889.18 of the Business and Professions Code or unless the department has checked the vehicle and determined that the vehicle has been made to comply with such regulation adopted pursuant to Section 27157. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with any regulations adopted pursuant to Section 27157 provided that no required pollution control device has been disconnected, modified, or altered or has been adjusted by other than a licensed installer in a licensed motor vehicle pollution control device installation and inspection station subsequent to the issuance of the certificate of compliance. The provisions of this section shall apply to the United States and its agencies to the extent authorized by federal law.

Added Stats 1970 ch 1295 § 14. Amended Stats 1971 ch 739 § 8, ch 1578 § 8; Stats 1974 ch 769 § 1.

§ 27158.5. Certificate of compliance or inspection; 1955 through 1965 model year motor vehicles

After notice by a traffic officer that a motor vehicle does not comply with any standard adopted pursuant to Section 27157.5, no person shall operate, and no owner shall permit

Shelley: Cost of regulations will take your breath away

<image001.jpg>

In this Sept. 30, 2015 photo, a 2013 Volkswagen Passat with a diesel engine is evaluated at the California Air Resources Board emissions test lab in El Monte.
AP Photo/Nick Ut

By Susan Shelley, LA Daily News

Posted: 10/20/15, 11:08 AM PDT | Updated: 8 hrs ago

In 2008, the California Air Resources Board banned diesel truck engines manufactured before 2010. Over a million trucks operating in California, including 625,000 that were registered out-of-state, were suddenly illegal.

Existing diesel engines could only be operated in California if they were retrofitted with a filter that could cost as much as \$15,000.

The regulation, known as the Statewide Truck and Bus Rule, carried an estimated price tag of \$10 billion. If you were wondering why everything moved by truck in California is more expensive, it's because you're paying that bill. A little of the cost is passed along in the price of everything from furniture to strawberries.

It's a basic principle of freedom that the government cannot pass a law that applies retroactively, criminalizing something that was legal at the time it

✕ originally happened. The U.S. Constitution says no "ex post facto Law shall be passed" by the federal government or by the states. "Ex post facto" is Latin meaning "from a thing done afterward." ✕

It's another basic principle of freedom that the government exists by consent of the governed, meaning government officials are accountable to the people, not the other way around.

Alas, in California, these principles have been kicked to the curb. Or maybe it's more accurate to say they've been kicked to the CARB.

The California Air Resources Board is accountable to no one, something that troubled lawmakers in both political parties during the recent debate over climate legislation. When the governor would not agree to amendments giving the Legislature more oversight over the agency, lawmakers dropped a proposal for a 50 percent cut in petroleum use for transportation that CARB was set to enforce. CARB claims an urgent need for the Truck and Bus Rule. But there are serious questions about whether this is true.

In the fall of 2008, a CARB staff report concluded that reducing "fine particulate" air pollution from diesel engines would prevent 9,400 premature deaths in California between 2011 and 2025. The report was presented to the CARB board members, who quickly voted to approve the new regulation requiring filters or new diesel engines.

But the lead staffer responsible for that report, Hien Tran, was later revealed to have lied about his academic credentials — he purchased his Ph.D. from a diploma mill for \$1,000 — and although CARB chair Mary Nichols knew about the deception, she withheld that information from board members until months after they voted to pass the new rule.

The problems with the report were not limited to credentials. Extensive studies of the health effects of fine particulate air pollution, including one by CARB-funded scientist Michael Jerrett of the University of California at Berkeley, showed that it is not causing any premature deaths in California.

That's all ignored by officials who are now throwing the book at companies that have failed to comply with the rule.

On Oct. 8, CARB and the U.S. Environmental Protection Agency announced that trucking firm Estes Express Lines will pay a \$100,000 fine and another \$290,000 for pollution-reduction education programs for operating 73 trucks in California between 2012 and 2014 without the required filters. In addition, Virginia-based Estes "voluntarily" replaced its trucks with new models to comply with California's regulations.

In announcing the penalties, Jared Blumenfeld of the EPA stated that the Truck and Bus Rule will prevent 3,500 premature deaths in California between 2010 and 2025. The precise origin of this number, which used to be 9,400, is a little murky. The real number appears to be zero.

Meanwhile, billions of dollars are being spent to replace or retrofit diesel engines that already meet the clean-diesel engine standards established in 2001. It's one more reason for businesses to take their jobs and leave the state.

California regulators can create any kind of rule, apply it retroactively, and declare illegal the equipment that five minutes earlier was in full compliance with the law. And the EPA is helping CARB enforce its rules on out-of-state companies that are beyond the jurisdiction of California authorities.

Why is this even legal?

It may not be. The California Construction Trucking Association, now renamed the Western States Trucking Association, has asked the U.S. Supreme Court to consider whether federal courts have jurisdiction to review the matter.

Truckers will never get their billions back. But it's not too late to save everybody else's jobs from being retroactively criminalized by reckless regulators.

CARB

Subject: **Fwd: ARB Off-Road Regulation**
Date: 3/30/2018 4:02:48 PM Pacific Standard Time
From: mwkonle@aol.com
To: sqreynolds@aol.com

MIKE KONLE
CHAMPION CRANE

Begin forwarded message:

From: "Levine, Johanna@ARB" <jlevine@arb.ca.gov>
Date: January 30, 2018 at 9:21:57 AM PST
To: "mwkonle@aol.com" <mwkonle@aol.com>, "Champion Crane Rental, Inc." <championcr@aol.com>
Subject: ARB Off-Road Regulation

Hi Mike-

As we discussed yesterday, here are the links I promised.

The regulatory text for the off-road regulation can be found at:
<https://www.arb.ca.gov/msprog/ordiesel/documents/finalregorder-dec2011.pdf>

The three provisions we discussed yesterday are:

1. 2449(e)(9)- Compliance flexibility for delays in availability of Tier 3 or Tier 4 vehicles. This provision provides flexibility in delaying the emission performance provisions in section 2449.1, a fleet would need to renew this on an annual basis providing updated information that Tier 3 or Tier 4 vehicle are still not available.
2. 2249.1(b)(2)(B)- specialty vehicles. For this provision, you would need to demonstrate to ARB that no other vehicle could perform the same function and do equivalent work. Again, this needs to be renewed each year. Here is a link to the form we have for requesting designation as a specialty vehicle. https://www.arb.ca.gov/msprog/ordiesel/documents/doors/form_specialtyveh.pdf
3. 2449(d)(6) Adding vehicles. As a medium fleet, as of January 1, 2018 you may only add vehicles with Tier 3 or cleaner engines to you fleet. Here is a link to our FAQ <https://www.arb.ca.gov/msprog/ordiesel/faq/addingvehicles.pdf>

Johanna

Subj: **Re: CARB Exemption**
Date: 6/10/2017 12:28:04 P.M. Pacific Daylight Time
From: MWKonle@aol.com
To: MWKonle@aol.com, elizabeth.white@arb.ca.gov, abrasil@arb.ca.gov, mnichols@arb.ca.gov

CARB

On May 17 2017 I requested an exemption for my cranes and have not received a response.

Champion Crane replaced 8 trucks before there useful life was gone. In an effort to comply with the regulations. Acquiring almost TWO MILLION dollars in debt. We are trapped by regulations on the cranes and can not modify them.

The crane companies need Exemptions for our cranes

Thank you

Mike Konle

Champion Crane

In a message dated 5/17/2017 3:21:20 P.M. Pacific Daylight Time, MWKonle@aol.com writes:

Please show me where in Federal ARB regulations and SB-1 where they require the crane owners to break the LAW and modify there Cranes

In your regulations you allow for Exemptions

CARB requesting Exemption for cranes

1 DPFs do not work on cranes with low hours and low operating temperatures. CARB has done studies on our equipment and the results showed temperatures were to low to work properly.Plus the added risk of FIRE to a multi Million dollar piece of equipment. Engine compartments were never designed for the high regeneration temperatures required to clean DPF filters. Sky high costs to purchase, maintain and excessive damage to engines caused by DPFs is taking resources away that would be spent to buy new cranes

2 OSHA will not allow modifications to cranes without manufactures approval. We have letters

from them stating they will not approve any modifications as it will affect the DIN and ANSI certifications (Cranes are certified for lifting and any modification will affect the cranes load charts)

3 A lot of the Cranes we use in our fleets are not available any more.

4 Cal Trans axle restrictions are blocking the sale of many cranes manufactured in the world to be sold in California. This limits our ability to replace our Cranes

5 The cost to replace all the cranes in our fleets before there useful life is gone is not possible or realistic

Thank You
Mike Konle
Champion Crane
818-414-1644 Cell

In a message dated 5/17/2017 12:33:19 P.M. Pacific Daylight Time,
elizabeth.white@arb.ca.gov writes:

I checked with Tony and he doesn't have anything coming up in the LA area anytime soon. As we've discussed, amending the regulation, especially now that SB 1 is in effect, is not something I see happening. In addition, we're currently appealing the Lawson lawsuit decision that overturns the 2014 amendments to the Truck and Bus regulation, which includes the Heavy Crane Phase-In Option. We strongly disagree with the court's decision and are hopeful that the regulatory requirements will continue to provide the relief to the heavy crane industry that we agreed to prior to the 2014 amendments. If you would still like to set up something soon, please give me some available dates/times in the next month and I will set something up.

Although I make every attempt to respond as quickly as possible, response time may often be 1 - 2 weeks. If you need an immediate answer, please feel free to call 1-866-6DIESEL (1-866-634-3735) or email 8666diesel@arb.ca.gov. Thank you for your patience.

Sincerely,

Beth White

Manager, On-Road Compliance Assistance Section

(Truck and Bus Regulation)

Air Resources Board

1001 I Street

Sacramento, CA 95814

Phone: 916-324-1704

Fax: 916-323-5526

From: White, Elizabeth@ARB
Sent: Thursday, May 11, 2017 5:32 PM
To: 'MIKE KONLE'
Subject: RE: (no subject)

I don't know of anything coming up for either of us, but I'll check with Tony tomorrow.

Although I make every attempt to respond as quickly as possible, response time may often be 1 – 2 weeks. If you need an immediate answer, please feel free to call 1-866-6DIESEL (1-866-634-3735) or email 8666diesel@arb.ca.gov. Thank you for your patience.

Sincerely,

Beth White

Manager, On-Road Compliance Assistance Section

(Truck and Bus Regulation)

Air Resources Board

1001 I Street

Sacramento, CA 95814

Phone: 916-324-1704

Fax: 916-323-5526

From: MIKE KONLE [mailto:mwkonle@aol.com]
Sent: Thursday, May 11, 2017 5:19 PM
To: White, Elizabeth@ARB
Subject: Re: (no subject)

Do you have any dates that you and Tony will be in Los Angeles?

MIKE KONLE

CHAMPION CRANE

On May 11, 2017, at 8:25 AM, White, Elizabeth@ARB <elizabeth.white@arb.ca.gov> wrote:

Please give me some date and time options in May and June and i will schedule it.

Sent from my ARB Android.

-----Original Message-----

From: MWKonle@aol.com [MWKonle@aol.com]
Received: Wednesday, 10 May 2017, 8:57PM
To: White, Elizabeth@ARB [elizabeth.white@arb.ca.gov]; Brasil, Tony@ARB [Tony.brasil@arb.ca.gov]
Subject: (no subject)

CARB

The median Texas household income is 13.5% less than CA. But adjusted for COL, TX 2015 median household income is 29.3% more than CA.

<https://www.census.gov/content/dam/Census/iibrary/publications/2016/demo/acsbr15-02.pdf>

and

https://www.missourieconomy.org/indicators/cost_of_living/index.st

Consider California's net domestic migration (migration between states). **From 1992 through 2016, California lost a NET 4.0 million people to other states.** Net departures slowed in 2008 only because people couldn't sell their homes. But more people still leave each year -- in 2016 we lost 109,000. Again, note that these are NET losses. Sadly, our policies have split up many California families.

<https://twitter.com/SenTedCruz/status/464827967747526656/photo/1>

My kids and Grand kids do not live in California

The Loss of 4 Million people should compensate for grand fathering our low usage low mileage cranes

I am only requesting to allow my existing cranes that were legal in California when purchased to live out there normal life

It is against osha rules to modify cranes and I can not replace all of my equipment every 7 years (motors have to be 2010 or newer)

Per our conversation Tuesday May 9 2017 my only options were sell 50% of my Equipment or move out of state

I hope there is some other solutions to all the crane companies dielmma in this same situation

Cranes are certified by DIN and ANSI for lifting and can not be modified

The low numbers , low usage and extreme expense to replace older cranes should be taken into consideration to allow them to continue to the end of there usefull life

The DPF filters if we were allowed to install them do not work with the low operating temperatures that the cranes run

Cranes can not shut down in the middle of a lift to regenerate the filters

This equipment is used for Emergency situations such as earthquake,plane crashes and fires stopping to regenerate is not an option

Down time to clean filters is 3 to 5 days per vehicle some times as often as once a month

The Crane owners association would like to meet to discuss the on and off road rules for existing cranes in California

and

<http://riderrants.blogspot.com/2015/04/were-california-real-estate-prices.html>

It's likely that it's not the welfare kings and queens departing. They are primarily the young, the educated, the productive, the entrepreneurial, the ambitious, the wealthy (such as Tiger Woods) – and retirees seeking to make their nest-eggs provide more bang for the buck.

NOTE: To see more such fact-based disclosures, go to my blog at www.RiderRants.blogspot.com, or my more active Facebook "page" www.Facebook.com/Richard.Rider ("friend" me). The very latest two-page fact sheet

Senate Bill 1

Senate Bill 1 (SB 1), also known as the Road Repair and Accountability Act of 2017, was passed on April 6, 2017.^[11] Gov. Jerry Brown (D) signed SB 1 on April 28, 2017. The governor said, "Safe and smooth roads make California a better place to live and strengthen our economy."^[12]

Revenue

SB 1 was designed to increase the following transportation-related taxes and fees on November 1, 2017:^[11]

- Increases the gas tax \$0.12 per gallon.
- Increases the diesel fuel tax \$0.20 per gallon.
- Increases the sales tax on diesel fuels by an additional 4 percentage points.

SB 1 was designed to create a new annual Transportation Improvement Fee (TIF) based on the market value of a vehicle. The fee went into effect on January 1, 2018. The fee schedule was as follows:^[11]

- \$25 per year for vehicles with a market value of \$0-\$4,999;
- \$50 per year for vehicles with a market value of \$5,000-\$24,999;
- \$100 per year for vehicles with a market value of \$25,000-\$34,999;
- \$150 per year for vehicles with a market value of \$35,000-\$59,999; and
- \$200 per year for vehicles with a market value of \$60,000 or higher.

SB 1 was designed to charge owners of model year 2020 zero-emission vehicles (ZEV) \$100 per vehicle starting in 2020.^[11]

Other than the diesel sales tax, SB 1 was designed to adjust the tax and fee rates based on annual changes in the California Consumer Price Index (CPI).^[11]

Funding

According to the California Senate Appropriations Committee, Senate Bill 1 was expected to generate an estimated \$52.4 billion between 2017 and 2027.^[11]

SB 1 was designed to:^[11]

- Provide for the repayment of \$706 million in loans related to transportation.
- Deposit revenue from the gasoline tax, \$0.10 of the diesel tax, TIF fees, and ZEV fees into a Road Maintenance and Rehabilitation Account (RMRA) to fund road maintenance and other projects.
- Deposit revenue from \$0.10 of the diesel tax into the Trade Corridor Enhancement Account (TCEA) to fund freight projects.
- Allocate revenue from 3.5 percentage points of the diesel sales tax and \$350 million in TIF fees for public transportation projects and expenses.
- Allocate revenue from \$250 million in TIF fees for traffic congestion relief projects.
- Allocate revenue related to agriculture equipment that resulted from the gas tax increase to agriculture programs.
- Allocate revenue related to off-highway vehicles and boats that resulted from the gas tax increase to state parks and boating programs.

Legislature prepared pursuant to Section 14535 of the Government Code. A copy of the report shall be provided to the Joint Legislative Budget Committee and the transportation policy committees of both houses of the Legislature. The report, at a minimum, shall include information on each project that received funding under the program, including, but not limited to, all of the following:

- (a) A summary describing the overall progress of the project since the initial award.
- (b) Expenditures to date for all project phase costs.
- (c) A summary of milestones achieved during the prior year and milestones expected to be reached in the coming year.
- (d) An assessment of how the project is meeting the quantitative and qualitative measurements identified in the project nomination, as outlined in Section 2393.

SEC. 45. Section 4000.15 is added to the Vehicle Code, to read:

4000.15. (a) Effective January 1, 2020, the department shall confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code and regulations of the State Air Resources Board adopted pursuant to that division.

(b) Except as otherwise provided in subdivision (c), for diesel-fueled vehicles subject to Section 43018 of the Health and Safety Code, as applied to the reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles, and Section 2025 of Title 13 of the California Code of Regulations as it read January 1, 2017, or as subsequently amended:

(1) The department shall refuse registration, or renewal or transfer of registration, for a diesel-fueled vehicle with a gross vehicle weight rating of 14,001 pounds to 26,000 pounds for the following vehicle model years:

(A) Effective January 1, 2020, vehicle model years 2004 and older.

(B) Effective January 1, 2021, vehicle model years 2007 and older.

(C) Effective January 1, 2023, vehicle model years 2010 and older.

(2) The department shall refuse registration, or renewal or transfer of registration, for a diesel-fueled vehicle with a gross vehicle weight rating of more than 26,000 pounds for the following vehicle model years:

(A) Effective January 1, 2020, vehicle model years 2000 and older.

(B) Effective January 1, 2021, vehicle model years 2005 and older.

(C) Effective January 1, 2022, vehicle model years 2007 and older.

(D) Effective January 1, 2023, vehicle model years 2010 and older.

(c) (1) As determined by the State Air Resources Board, notwithstanding effective dates and vehicle model years identified in subdivision (b), the department may allow registration, or renewal or transfer of registration, for a diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code and regulations of the State Air Resources Board adopted pursuant to that division, including vehicles equipped with the required model year emissions equivalent engine or otherwise using an approved compliance option.

(2) The State Air Resources Board shall notify the department of the vehicles allowed to be registered pursuant to this subdivision.

SEC. 46. Section 4156 of the Vehicle Code is amended to read:

4156. (a) Notwithstanding any other provision of this code, and except as provided in subdivision (b), the department in its discretion may issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to the department, by the owner or other person in lawful

program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after July 1, 2017, would also require the commission to make an allocation of capital outlay support resources by project phase for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(10) Existing law generally provides for transportation capital improvement projects to be nominated and programmed through the state highway operation and protection program, relative to state highway rehabilitation and similar projects, or through the state transportation improvement program, relative to capacity enhancements and other capital projects.

This bill would create the Solutions for Congested Corridors Program, with funding appropriated for the program from a portion of the new transportation improvement fee to be allocated by the California Transportation Commission to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state and that are part of a comprehensive corridor plan. The bill would provide for regional transportation agencies and the Department of Transportation to nominate projects, with preference to be given to projects that demonstrate collaboration between the regional agencies and the department.

(11) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would establish the Advance Mitigation Program in the Department of Transportation to enhance communications between the department and stakeholders to, among other things, protect natural resources and accelerate project delivery. The bill would require the department to set aside not less than \$30,000,000 annually for 4 years for the program from capital outlay revenues.

(12) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution.

This bill would prohibit, except as specified, the requiring of the retirement, replacement, retrofit, or repower of a self-propelled commercial motor vehicle during a specified period. The bill would require the state board to, by January 1, 2025, evaluate the impact of these provisions on state and local clean air efforts to meet state and local clean air goals, as provided.

(13) Existing law prohibits a person from driving, moving, or leaving standing upon a highway any motor vehicle, as defined, that has been registered in violation of provisions regulating vehicle emissions.

This bill, effective January 1, 2020, would require the Department of Motor Vehicles to confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements, pursuant to specified provisions. The bill would require the department to refuse registration, or renewal or transfer of registration, for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles. The bill would

authorize the department to allow registration, or renewal or transfer of registration, for any diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements, pursuant to specified provisions.

Existing law authorizes the department, in its discretion, to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by the department and paid to the department by the owner or other person in lawful possession of the vehicle.

This bill would additionally authorize the department to issue a temporary permit to operate a vehicle for which registration is otherwise required to be refused under the provisions of the bill, as prescribed.

(14) The bill would enact other related provisions.

(15) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Over the next 10 years, the state faces a \$59 billion shortfall to adequately maintain the existing state highway system in order to keep it in a basic state of good repair.
- (b) Similarly, cities and counties face a \$78 billion shortfall over the next decade to adequately maintain the existing network of local streets and roads.
- (c) Statewide taxes and fees dedicated to the maintenance of the system have not been increased in more than 20 years, with those revenues losing more than 55 percent of their purchasing power, while costs to maintain the system have steadily increased and much of the underlying infrastructure has aged past its expected useful life.
- (d) California motorists are spending \$17 billion annually in extra maintenance and car repair bills, which is more than \$700 per driver, due to the state's poorly maintained roads.
- (e) Failing to act now to address this growing problem means that more drastic measures will be required to maintain our system in the future, essentially passing the burden on to future generations instead of doing our job today.
- (f) A funding program will help address a portion of the maintenance backlog on the state's road system and will stop the growth of the problem.
- (g) Modestly increasing various fees can spread the cost of road repairs broadly to all users and beneficiaries of the road network without overburdening any one group.
- (h) Improving the condition of the state's road system will have a positive impact on the economy as it lowers the transportation costs of doing business, reduces congestion impacts for employees, and protects property values in the state.
- (i) The federal government estimates that increased spending on infrastructure creates more than 13,000 jobs per \$1 billion spent.
- (j) Well-maintained roads benefit all users, not just drivers, as roads are used for all modes of transport, whether motor vehicles, transit, bicycles, or pedestrians.
- (k) Well-maintained roads additionally provide significant health benefits and prevent injuries and death due to crashes caused by poorly maintained infrastructure.
- (l) A comprehensive, reasonable transportation funding package will do all of the following:
 - (1) Ensure these transportation needs are addressed.
 - (2) Fairly distribute the economic impact of increased funding.
 - (3) Restore the gas tax rate previously reduced by the State Board of Equalization pursuant to the gas tax swap.
 - (4) Direct increased revenue to the state's highest transportation needs.

**LETTERS FROM
CRANE MANUFACTURERS**

Link-Belt

CONSTRUCTION EQUIPMENT

2651 Palumbo Drive
P.O. Box 13600
Lexington, KY 40583-3600
(859) 263-5200
<http://www.linkbelt.com>

October 4, 2012

Mr. Mike Konle
Champion Crane Rental Inc.
12521 Branford Street
Pacoima, California 91331

Dear Sir,

From our conversation, it is my understanding that the California Air Resource Board (CARB) is requesting that cranes that were built to a lesser emission compliance criteria be repowered and/or have after-treatment devices installed so these cranes can comply with the latest emission compliance criteria. It is important to note that Link-Belt Construction Equipment Company (LBCE) designs and tests our cranes to meet the emission compliance criteria that is mandated by the United States Environmental Protection Agency (EPA) federal registry at the time of manufacture. This request has raised concern and it is our obligation as the manufacturer to refer to our operator's manual where there is a note stating:

Don't alter any part of the crane. Additions to, or changes in, any part of the equipment can create loadings for which the crane was not designed. Such changes may seriously affect the usable capacities and make the entire Crane Rating Manual invalid. Such changes can dangerously overload or weaken critical parts and may cause disastrous failure.

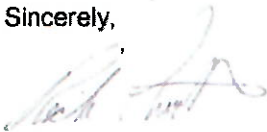
Additionally, OSHA law 1926.1434, Equipment Modifications, states that any modification that affects the capacity or safe operation of the equipment must meet certain criteria. The repowering and adding of after-treatment devices on equipment (cranes) could affect capacities and/or safe operation.

Moving beyond our concerns of the overall performance, LBCE cannot authorize any modifications that directly affect the performance of the engine because the engines in our cranes are not warranted or serviced by LBCE.

At this time, the Associated Equipment Manufacturers (AEM) and other Original Equipment Manufacturers (OEM) crane manufacturers are waiting a reply from the CARB regarding the scheduling of a meeting to discuss the issues.

Please understand that everyone at Link-Belt has our customer's best interest in mind and customer safety is our number one priority.

Sincerely,



Rick Curnutte
Product Manager for Telescopic Cranes

Re: Crane Certification and modifications to exhaust emissions

9/10/12

In response to your letter dated 13/7/12, Liebherr is committed to working with everyone to insure we have the best products and comply with all rules and regulations set forth at the time of manufacture of our products. We cannot take responsibility for 3rd party modifications that are not "Factory Approved". We encourage open dialog from our customers and are receptive to open discussions with CARB. Without getting into too much detail, below is a brief outline of significant items that can have a negative effect on the safety and longevity of both the machines in question and the personnel operating and working in proximity of these machines

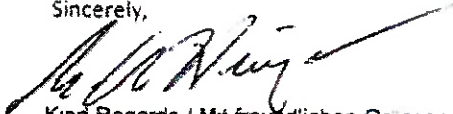
Any modification that affects engine performance (carrier and superstructure), weight distribution, or the structural integrity of the crane chassis, supporting members, or superstructure is considered "Significant" and is not supported by Liebherr.

Any modification that interferes with the operator's ability to safely operate the machine including intrusive actions which may cause the operator to divert their attention away from their primary mission in order to perform a secondary task is considered "Significant" and is not supported by Liebherr.

Any modification which could cause excessive heat to designed cooling systems, hydraulic systems and electrical systems is not allowed in any way. Liebherr cranes have very sophisticated computer-controlled safety/operating systems in which excessive heat could cause damage to hydraulic and electric lines. In addition, excessive heating of the exhaust system (during regeneration of the particulate filter) could cause major safety concerns to life and property. Take for instance, operating in tight areas, close to buildings or around flammable substances like while operating in a refinery.

If you have a specific system that is designed to fit our cranes, we ask that you let our factory determine if it will have any impact on the safety and functionality of our product before installation so everyone can move forward safely.

Sincerely,



Kind Regards / Mit freundlichen Grussen

G. Alan Hemingway

Product Manager

Liebherr Cranes, Inc.

E-Mail: alan.hemingway@liebherr.com

Internet: www.liebherr.com

LIEBHERR

November 20, 2014

RE: LTM 1080/1L 061543 = T4 engine

Dear Customer,

The mentioned crane does not have an option to upgrade the engine to a current Tier rating; Tier4. There is no design for fitment of the engine and additionally required components; as the compartment will not allow for the installation.

In the event you have any question please do not hesitate to contact me.

Kind Regards / Mit freundlichen Grüßen

Johnathan L. Smith

Technical Manager

LIEBHERR Cranes, Inc.

4100 Chestnut Ave

Newport News, VA

23607, USA

Tel: +1 757 928 2512

Fax: +1 757 928 2518

4100 Chestnut Ave
Newport News, VA 23607
Ph. 757-928-2506

LIEBHERR

12/21/2011

Re: Liebherr LTM 1080/L

SN 061543

To whom this may concern,

This crane model/type has not been manufactured for several years. In light of that fact upgrades to the engine, as in a retro fit, are not available from Liebherr. If this original engine were to fail, a direct replacement would be the only available option. Changing to a different engine would not be possible without jeopardising the DIN, ANSI, and possibly the OSHA certifications of this crane.

At this time Liebherr does not offer a Diesel Particulate Filter (DPF) kit for this crane. Liebherr will not accept any liability for modifications to the existing exhaust system including (but not limited to) modifications to routing, piping and backpressure.

Kind Regards / Mit freundlichen Grüßen

G. Alan Hemingway
Product Manager
Liebherr Cranes, Inc.
4100 Chestnut Ave
Newport News, VA
23607, USA



Tel: +1 757 928 2505
Fax: +1 757 928 2517
E-Mail: alan.hemingway@liebherr.com
Internet: www.liebherr.com

Subj: **Champion Crane**
Date: 12/19/2011 11:43:41 A.M. Pacific Standard Time
From: championcr@aol.com
To: james.messenger@terex.com
CC: MWKonle@aol.com

Hello James,

Below are the model #'s and serial #'s as requested. I'd like to upgrade engines to a tier 3 or 4. Can I please get an estimated cost to change these motors?

EQUIP #	MODEL	SN
22	AC 25	89312
65	AC 25	89236
23	AC 30	86331
26	AC 30	86360
27	AC 30	86356
25	AC 30	86322

If you have any questions, please feel free to contact me.

Sincerely,

Mike Konle

Champion Crane Rental, Inc.
12821 Branford St.
Pacoima, CA 91331
(818) 781-3497 - Office
(818) 896-6202 - Fax
championcr@aol.com - Email
www.championcrane.us - Website

Terex Demag GmbH · Dinglerstr. 24 · D-66482 Zweibrücken

Abteilung 111240
Name Christian Fuhrmeister
Telefon +49 6332 06332/83-1220
Telefax +49 6332 06332/91011-316
E-Mail christian.fuhrmeister@terex.com

Zweibrücken 03. Januar 2012

Re: Terex / Demag AC 25, SN 89312, SN 89236 / Demag AC 30, SN 86322, SN 86331, SN 86356, SN 86360

To whom it may concern,

These crane types have been manufactured several years ago. For this reason Terex doesn't offer any upgrades for these engines. An Upgrade to a different engine would mean a new design for the crane itself. In a case of damage the only possibility is to replace the original engine.

At this time Terex does not offer a Diesel Particulate Filter (DPF) for these crane types. **Terex will not accept any liability for modification to the existing exhaust system including modifications to routing, piping and backpressure.**

Kind Regards



Christian Fuhrmeister

Manager Design Telescopic Cranes, Carrier



Terex Demag GmbH
Dinglerstr. 24 · D-66482 Zweibrücken
Telefon: +49 (0) 6332 83-40

Terex Demag GmbH
Sitz der Gesellschaft: Zweibrücken
Amtsgericht: Zweibrücken HRB 24291

Geschäftsführung
Frances Truffer
Eric I. Cohen
Philp Widman
Brian J. Henry
Kevin Brackley
Michael Wehler

Commerzbank AG, Filiale
Konto 290 000 900, BLZ 542 600 20
IBAN DE31 5438002202900999000
SWIFT-BIC: COBADE33XXX

USt-Id.Nr. DE234878863
Steuernummer 25/637/086473

Stiefadresse
Postfach 15 52, D-66486 Zweibrücken
Hausadresse
Dinglerstraße 24, D-66482 Zweibrücken
Telefon +49 6332 83 0
Telefax +49 6332 16715

www.terex.com

Subj: **DPF for older cranes**
 Date: 6/14/2017 2:21:29 P.M. Pacific Daylight Time
 From: Klaus.Meissner@terex.com
 To: mwkonle@aol.com
 CC: Steve.Filipov@terex.com, Klaus.Meissner@terex.com

Dear Mike,

Again a long email from my end ☺

Attached are the data for your Demag cranes. Column "G" shows the max permissible counter-pressure for the engine. Higher values will affect engine performance and may damage the engine. The counter-pressure is measured between exhaust and engine on a straight part of the connecting pipe clear of any bend.

Unfortunately the permissible values are more or less already "eaten up" by the counter-pressure of the existing exhaust which is in the range of 90mbar to 98mbar on these systems.

As such a complete exchange against a new (bigger) exhaust combined with DPF is the only way out, adding a DPF will not work. If you like to pursue such solution, I recommend to seek local support. The technical solution needs to be tested on the crane in terms of counter-pressure and noise emission (both items mandatory for regulatory compliance) and shall not create other hazards e.g. hot surfaces, sharp edges, blocking of access routes, etc. Furthermore I would seek a written opinion of the responsible EPA department prior to any change to see whether it improves the situation from their view point and clarify on changes of vehicle registration. *Very formally remark: such changes would not allow the re-import to the EU as the original certificates mentions exhaust type explicitly.*

Terex Cranes is then able to issue a certificate per each crane stating that the modification (under the conditions as mentioned above which we would like to review) is approved.

Hope it helps

Best regards

Klaus

A	B	C	D	E	F	G
Type Typ	Serial No. Baunummer	Vehicle Id.-No. Fahrgestellnummer	Diesel Engine Motor	Engine Serial No. Motornummer	Emission Level Abgasstufe	Max. permissible Counter-pressure for Engine max zulässiger Abgasgegendruck
AC 25	89236	WMG 2203 21 YZ 000 236	Perkins Phaser 210 Ti	U744 045 G	Euro 1	102 mbar
AC 25	89312	WMG 2203 21 ZZ 000 312	Perkins Phaser 210 Ti	U762 005 H	Euro 1	102 mbar
AC 30	86322	WMG 2204 22 ZZ 000 322	Cummins QSB 5.9	4018212	EuroMot 2	101 mbar
AC 30	86331	WMG 2204 22 ZZ 000 331	Cummins QSB 5.9	46182268	EuroMot 2	101 mbar
AC 30	86356	WMG 2204 22 3Z 000 356	Cummins QSB 5.9	46253342	EuroMot 2	101 mbar
AC 30	86360	WMG 2204 22 3Z 000 360	Cummins QSB 5.9	46246832	EuroMot 2	101 mbar
AC 435	37236	W09 3055 60 TZMO 2205	Daimler OM422LA.E1/5	442.901-504- 878826	EuroMot 1	120 mbar

Mit freundlichen Grüßen / Best Regards

Klaus Meissner
760000
Director Engineering Systems, Product Safety & IP

Terex Cranes
T + 49 6332 83-1477
F + 49 6332 9101 1552
M + 49 173 666 5719
E klaus.meissner@terex.com

Please use productsafety.cranes@terex.com to report product safety related issues
Please use zwb.ddmsupport@terex.com to report CAD/PLM related issues

Terex Cranes Germany GmbH
Dinglerstraße 24
66482 Zweibrücken
Germany
www.terex.com/cranes



Please join me in making a difference. Think before you print.

Terex Cranes Germany GmbH

Sitz der Gesellschaft: Zweibrücken; Amtsgericht Zweibrücken, HR B 30291, Geschäftsführung: Dr. Klaus Beulker, Eric I. Cohen, Stoyan Filipov, Brian J. Henry, John D. Sheehan

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Subj: **Re: DPF exhaust modifications for older Link-Belt cranes**
Date: 6/12/2017 11:54:26 A.M. Pacific Daylight Time
From: MWKonle@aol.com
To: Klaus.Meissner@terex.com
CC: Steve.Filipov@terex.com

Klaus

SN Demag 28 ton city crane 89236
SN Demag 28 ton city crane 89312
SN Demag 33 ton city crane 86322
SN Demag 33 ton city crane 86331
SN Demag 33 ton city crane 86356
SN Demag 33 ton city crane 86360
SN Demag 180 ton all terrain 37236

what is the maximum allowable back pressure for the cranes listed above

The engines for these cranes are greatly under horse powered and any loss of power is a problem. 35 to 40 miles per hour on the freeway

will new 33 ton city cranes be available to purchase. This is one of my most popular cranes

Any help you could give us on certification problems that could help our fight with California Air Resources Board would be appreciated.

Mike Konle
Champion Crane
Cell 818-414-1644
We are on Pacific time
call when you have time

In a message dated 6/12/2017 12:53:35 A.M. Pacific Daylight Time,
Klaus.Meissner@terex.com writes:

Dear Mike,

Steve has asked me to answer your question re retrofitting DPF systems on Terex Cranes. It depends on the emission level of the engine (system) and on the model itself. I try to summarize the situation below, but as the topic is complex it might be easier to discuss it via phone (pls see my contact details

Subj: **DPF exhaust modifications for older Link-Belt cranes**
Date: 6/12/2017 12:53:35 A.M. Pacific Daylight Time
From: Klaus.Meissner@terex.com
To: mwkonle@aol.com
CC: Steve.Fillipov@terex.com

Dear Mike,

Steve has asked me to answer your question re retrofitting DPF systems on Terex Cranes. It depends on the emission level of the engine (system) and on the model itself. I try to summarize the situation below, but as the topic is complex it might be easier to discuss it via phone (pls see my contact details below).

Klaus

Situation (attached you will find a document giving more background)

TIER 4i and TIER 4f

DPFs may not be added to engine systems with Tier 4i or Tier 4f (similar to Euro Stage IIb and Euro Stage IV).

Engine systems fulfilling these regulations are certified as complete system (engine plus exhaust), any addition of a DPF will void the certificate.

TIER 3 and earlier

DPFs may be added under certain conditions.

The certificate stays valid as long as a DPF added is not affecting the exhaust flow rate in excess of limitations determined during engine tests. In other words the "throttle effect" of the DPF added is measured by its "counter-pressure". DPFs may be added as long as their additional counter-pressure is below certain values depending on crane type/emission level.

This will reduce particulate emission significantly the addition of a DPF, but will not change the emission level in relation to the regulation.

For Switzerland Terex Cranes had equipped a few cranes with such filters (many years ago). The filters were collecting particulate matter and were cleaned by electrical heating when engine was switched off (burning out e.g. overnight).

It may be a solution for your older Terex cranes (TIER 3 and earlier), provided the DPF counter-pressure is low enough for the respective crane model. I would recommend looking for local suppliers of such equipment (the Swiss electrical solution does not fit in terms of power supply) and I further recommend to contact authorities prior any changes. Although it does not formally create another emission level it reduces emission and may be appreciated by the authorities.

As needed we will look up per serial number/crane type the allowable counter-pressure. For DPFs which would meet the requirements Terex would then issue a documentation permitting the change.

Hope this help, pls do not hesitate to call me.

Mit freundlichen Grüßen / Best Regards

Klaus Meissner
760000
Director Engineering Systems, Product Safety & IP

Terex Cranes
T + 49 6332 83-1477
F + 49 6332 9101 1552
M + 49 173 666 5719
E klaus.meissner@terex.com

Please use productsafety.cranes@terex.com to report product safety related issues
Please use zwb.ddmsupport@terex.com to report CAD/PLM related issues

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Dinglerstraße 24
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www.terex.com/cranes



Please join me in making a difference. Think before you print.

Terex Cranes Germany GmbH

Sitz der Gesellschaft: Zweibrücken; Amtsgericht Zweibrücken, HR B 30291; Geschäftsführung: Dr. Klaus Beulker, Eric I. Cohen, Stoyan Filipov, Brian J. Henry, John D. Sheehan

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Begin forwarded message:

From: MIKE KONLE <mwkonle@aol.com>
Date: April 27, 2017 at 12:11:24 PM CDT
To: STEVE FILIPOV <sfilipov@terex.com>
Subject: Fwd: DPF exhaust modifications for older Link-Belt cranes

Steve

We would like Terex and Demag's
Position on modifications to existing cranes in service
Repower and exhaust modification

Thank You

MIKE KONLE
CHAMPION CRANE
818 414 1644
mwkonle@aol.com

Begin forwarded message:

From: RICK CURNUTTE <RCURNUTTE@linkbelt.com>

Subj: **CARB**
Date: 9/6/2012 3:23:41 P.M. Pacific Daylight Time
From: mjv@craneowners.org
To: mike.cline@manitowoc.com, wjohnbray@aol.com, rcurnutte@linkbelt.com, wsettlemier@bigge.com,
Bryn@vertical-constructors.com, alan.hemingway@liebherr.com, lee@mrcrane.com,
mwkonle@aol.com, Eric.Fidler@manitowoc.com
CC: aem@vlaming-associates.com

All:

Thank you for participating in today's call.

Below is Eric Fidler's reply to the letter from Erik White. I have also attached a copy of the letter from Mr. White for your review in the event you have not seen it.

Please contact me should you have any questions.

Mike



Michael J. Vlaming
Crane Owners Association
447 Georgia Street
Vallejo, CA 94590
Tel. No. 707-552-6040
Fax No. 707-552-6090
mjv@craneowners.org
www.craneowners.org

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From: "Fidler, Eric D" <Eric.Fidler@manitowoc.com>
Date: August 9, 2012 3:55:40 PM EDT
To: <abrasil@arb.ca.gov>
Cc: "Sanders, Scott A" <Scott.Sanders@manitowoc.com>
Subject: Crane Certification and modification for reduced exhaust emissions

Dear Mr. Brasil

I have received your letter dated July 13, 2012. Manitowoc Cranes is willing to discuss this topic with you to any level you wish, however, we would like to take this opportunity to outline our position.

Modifications to any part of the crane would have the potential to affect the safe operation and/or load capacity of the crane. Therefore, we have a program whereby the owner of a crane can work through our local distribution network to have a proposed modification evaluated by the factory for approval or to recommend alternative solutions. As you pointed out, your issue is with exhaust and emissions of the engines. The addition of any type of treatment options would need to be considered by both Manitowoc and also the engine manufacturer to evaluate the following issues:

<!--[if !supportLists]-->•<!--[endif]-->Engine Performance – issues such as horsepower output, back pressure and restrictions to the exhaust would need to be considered. Manitowoc cannot approve of modifications that affect the

Friday, September 07, 2012 AOL: MWKonle

performance of an engine. The engine manufacturer would need to approve these modifications.

Location and weight distribution would require consideration of the following:

- Modification of structural members – areas of the crane including the carrier frame, outriggers boxes, etc. are structural elements and welding or drilling into these members can affect the structural integrity.
- Weight Distribution – many cranes are designed to optimize weight distribution while not exceeding the axle/rim/tire limitations. Many cranes require multiple travel configurations just to meet certain road regulations. Addition of weight at any point on the machine needs to be evaluated to ensure that no component is overloaded.
- Visibility around the unit - The addition of some types of elements could restrict the visibility of the operator during crane and/or travel operations.
- Accessibility – Location of the additional elements may restrict access/egress to areas of the crane.
- Clearance for operation – there are limited areas on the cranes where the addition of elements would be permitted without hampering the overall operation of the crane. Depending on the type of crane and the proposed additions, it could create interference with the swing of the superstructure, blocking of airflow for radiators and/or oil coolers, access to components for maintenance, inspection and service, etc.

As was stated earlier, we are more than willing to discuss this and to support our customers where possible. This is only intended to outline the many different areas of concern that must be considered. Feel free to contact me for any questions you may have.

Eric D. Fidler

Director, Product Safety

The Manitowoc Company, Inc.

T 717-593-5234 | M 717-860-3268

F 717-593-5152

Integrity, Commitment to Stakeholders, and Passion for Excellence.

Subj: **LETTER MANITOWOC TO CARB**
Date: 10/4/2012 10:24:41 P.M. Pacific Daylight Time
From: MWKonle@aol.com
To: mwkonle@aol.com

From: "Fidler, Eric D" <Eric.Fidler@manitowoc.com>
Date: August 9, 2012 3:55:40 PM EDT
To: <abrasil@arb.ca.gov>
Cc: "Sanders, Scott A" <Scott.Sanders@manitowoc.com>
Subject: Crane Certification and modification for reduced exhaust emissions

Dear Mr. Brasil

I have received your letter dated July 13, 2012. Manitowoc Cranes is willing to discuss this topic with you to any level you wish, however, we would like to take this opportunity to outline our position.

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- <!--[if !supportLists]-->• <!--[endif]-->Engine Performance – issues such as horsepower output, back pressure and restrictions to the exhaust would need to be considered. Manitowoc cannot approve of modifications that affect the performance of an engine. The engine manufacturer would need to approve these modifications.
- <!--[if !supportLists]-->• <!--[endif]-->Location and weight distribution would require consideration of the following:
 - <!--[if !supportLists]-->○ <!--[endif]-->Modification of structural members – areas of the crane including the carrier frame, outriggers boxes, etc. are structural elements and welding or drilling into these members can affect the structural integrity.
 - <!--[if !supportLists]-->○ <!--[endif]-->Weight Distribution – many cranes are designed to optimize weight distribution while not exceeding the axle/rim/tire limitations. Many cranes require multiple travel configurations just to meet certain road regulations. Addition of weight at any point on the machine needs to be evaluated to ensure that no component is overloaded.
 - <!--[if !supportLists]-->○ <!--[endif]-->Visibility around the unit - The addition of some types of elements could restrict the visibility of the operator during crane and/or travel operations.
 - <!--[if !supportLists]-->○ <!--[endif]-->Accessibility – Location of the additional elements may restrict access/egress to areas of the crane.
 - <!--[if !supportLists]-->○ <!--[endif]-->Clearance for operation – there are limited areas on the cranes where the addition of elements would be permitted without hampering the overall operation of the crane. Depending on the type of crane and the proposed additions, it could create interference with the swing of the superstructure, blocking of airflow for radiators and/or oil coolers, access to components for maintenance, inspection and service, etc.

As was stated earlier, we are more than willing to discuss this and to support our customers where possible. This is only intended to outline the many different areas of concern that must be considered. Feel free to contact me for any questions you may have.

Eric D. Fidler

Director, Product Safety

The Manitowoc Company, Inc.

T 717-593-5234 | M 717-860-3268

F 717-593-5152

Integrity, Commitment to Stakeholders, and Passion for Excellence.

FILTERS

FILTERS

NOT A VIABLE SOLUTION FOR CRANES

- Air Resources Board has acknowledged Catastrophic Failures with the use of Filters
- Crane engines do not get hot enough per filter manufacturers specifications
- Crane manufacturers will not approve the use of filters
- Regeneration during crane lift will create major safety hazards
- Added weight of filters would cause problems with Cal Trans weight restrictions
- Filter will reduce Operator's visibility and confined space issues
- Gantry Cranes have been given exemption
- CARB acknowledges that further study much be done



Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

September 17, 2011

Reference No. 11-661-997

Mr. Gale Plummer
Cleaire Advanced Emission Controls
14775 Wicks Boulevard
San Leandro, California 94577

Re: Suspension of Sales of and Remedial Actions for Cleaire LongMile and Allmetal Systems

Dear Mr. Plummer:

Using the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines* ("Procedure," title 13, California Code of Regulations (CCR), sections 2700-2711), the Air Resources Board (ARB) verified the Cleaire LongMile and Cleaire Allmetal diesel emission control strategies ("the systems") for use with on-road and off-road diesel engines on October 18, 2010, and December 21, 2009, respectively. However, because subsequent field experience indicates that these systems do not comply with the conditions and requirements in the applicable Executive Order series DE-10-004, conditional verification letters 09-661-358 and 10-661-719, and the Procedure, and because they may experience a catastrophic failure mode that was previously unknown, creating concerns about the safe deployment of these systems, the Executive Officer of the ARB has directed Cleaire (and Cleaire has agreed) to suspend sales of these systems and undertake the remedial actions as specified below.

Specifically, Cleaire shall:

1. Immediately suspend sales and installations of the LongMile and AllMetal systems until this suspension is rescinded by the Executive Officer.
2. Immediately recall and remove from service all LongMile filters installed on exhaust gas recirculation-equipped (EGR-equipped) Cummins ISX engines.
3. Immediately recall and remove from service all LongMile filters installed on buses, and all AllMetal filters installed on off-road equipment.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>

California Environmental Protection Agency

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Mr. Gale Plummer
September 17, 2011
Page 2

4. Immediately begin an inspection of all other EGR-equipped engines using LongMile filters, and submit a plan to remedy and prevent release of material in all failure modes on vehicles with these engines and systems no later than September 30, 2011.
5. Submit a plan to remedy and prevent release of material in all failure modes on all other vehicles equipped with LongMile or AllMetal systems, no later than October 7, 2011.
6. Provide all owners and operators of vehicles equipped with LongMile or AllMetal systems instructions for the appropriate action to take if a system warning light is illuminated, no later than October 7, 2011. This notification shall be approved in advance by ARB and sent by certified mail.
7. Report to ARB any instances of failure resulting in release of material from either system within 2 days of being informed of the incident.

ARB staff will expeditiously evaluate Cleaire's remedial action plan for addressing the failure mode of the LongMile and Allmetal systems. Please be advised that any new design will be considered a new system by ARB and must meet all of the provisions of the Procedure. If it becomes verified in the future, its Executive Order and diesel emission control strategy family name will be distinct from those associated with the current systems. ARB staff is available to assist in expediting Cleaire's response to this letter.

Under this suspension, which is effective September 16, 2011 until rescinded by the Executive Officer, the LongMile and Allmetal systems may not be sold, installed, leased or offered for sale as verified systems. Nevertheless, please be aware that Cleaire is still responsible for addressing any warranty claims on products already sold as well as reporting and in-use compliance requirements as described in the Procedure.

ARB staff also recognizes that many fleets have installed or ordered LongMile or AllMetal systems to comply or earn credits with ARB in-use fleet regulations. Under the terms of this letter, such fleets will be deemed in compliance with such regulations and will retain any credits they may have accrued by such actions while the terms of this letter are being met by Cleaire. ARB staff will issue a regulatory advisory to affected fleets to clarify this determination.

Mr. Gale Plummer
September 17, 2011
Page 3

Thank you for participating in ARB's Diesel Emission Control Strategy Verification program. Should you have any questions or comments regarding this decision, please contact Mr. Erik White at (916) 322-1017, or by email at ewhite@arb.ca.gov.

Sincerely,

/s/

Robert H. Cross, Chief
Mobile Source Control Division

cc: Erik White, Assistant Chief
Mobile Source Control Division



CALTRANS PERMIT WEIGHT TO SCALE WEIGHT SPREADSHEET

EQUIPMENT #	CRANE SIZE	AXLE	PERMIT WEIGHT	SCALE WEIGHT	DIFFERENCE
30	25 TON	1	18,600	18,300	-300
30	25 TON	2 & 3	33,000	32,280	-720
22	28 TON	1	24,640	23,940	-700
22	28 TON	2	24,960	24,260	-700
65	28 TON	1	24,660	23,960	-700
65	28 TON	2	24,980	24,280	-700
23	33 TON	1	25,600	24,860	-740
23	33 TON	2	25,600	24,900	-700
26	33 TON	1	25,600	24,860	-740
26	33 TON	2	25,600	24,900	-700
27	33 TON	1	25,600	24,860	-740
27	33 TON	2	25,600	24,900	-700
25	33 TON	1	23,660	22,960	-700
25	33 TON	2	25,600	24,900	-700
24	40 TON	1	22,800	22,560	-240
24	40 TON	2 & 3	47,250	46,680	-570
49	40 TON	1	21,840	21,140	-700
49	40 TON	2 & 3	46,840	45,920	-920
37	40 TON	1	22,800	22,240	-560
37	40 TON	2 & 3	47,250	46,580	-670
48	40 TON	1	22,800	22,580	-220
48	40 TON	2 & 3	47,250	46,640	-610
52	40 TON	1	22,800	22,560	-240
52	40 TON	2 & 3	47,250	46,680	-570
36	70 TON	1 & 2	46,287	45,780	-507
36	70 TON	3 & 4	46,725	46,520	-205
70	70 TON	1 & 2	46,287	45,590	-697
70	70 TON	3 & 4	46,725	46,700	-25
81	70 TON	1 & 2	46,287	45,900	-387
81	70 TON	3 & 4	46,725	46,440	-285
53	75 TON	1 & 2	41,500	41,500	0
53	75 TON	3 & 4	53,000	53,000	0
53	75 TON	5 & 6	32,000	31,300	-700
99	100 TON	1 & 2	50,487	50,480	-7
99	100 TON	3 & 4	47,688	47,660	-28
80	180 TON	1 & 2	52,570	51,780	-790
80	180 TON	3 & 4	46,830	46,040	-790
80	180 TON	5 & 6	34,000	33,940	-60
80	180 TON	7	14,760	14,060	-700
77	250 TON	1 & 2	48,815	48,440	-375
77	250 TON	3 & 4	50,322	49,740	-582
77	250 TON	5 & 6	34,000	34,000	0
77	250 TON	7	19,000	19,000	0

87/11/2008 22:14 2892956188
 09/27/01 THU 19:43 FAX

BILL COLLINS

#77

DEPARTMENT OF TRANSPORTATION
 CRANE INSPECTION REPORT/ATTCH. TO PERMIT NO.

INSPECTION LOCATION
Palo Alto Ca.

INSPECTION DATE
7/8/08

COMPANY NAME (LESSEE OR OWNER)
Champion Crane Rental Inc

PHONE
241-2580

INSP. TYPE
 INITIAL
 RENEWAL

DATE OF LAST INSPECTION

COMPANY ADDRESS AND ZIP
12521 Bronford St, Palo Alto Ca. 9133

COMPANY NAME LAST INSPECTION

● CARRIER DATA

MAKE Linkbelt SERIAL NO. 2036167 LICENSE NO. Pending COMPANY NO. 77 FUEL LEVEL 100% FRONT BUMPER CWT: OPERATES
 REMOVED ATTCH. REAR OUTRIGGERS: REMOVED ATTCH. FRONT TIRES: 445 CAP. 14,110 REAR TIRES: 445 CAP. 14,110 SIZE 25R25 LR

● UPPER WORKS DATA

MAKE Linkbelt MODEL ATC 3250 SERIAL NO. WENSAUGR182036167 WEIGHT CLASS (TONS) 250 FUEL LEVEL: 100%
 CRANE CWT: DISTANCE FROM C OF UPPER WORKS ROTATION TO C REAR MOST CARRIER AXLE:
 REMOVED ATTCH. 5 FT. 7 IN.

● BOOM SUPPORT VEHICLE DATA

LICENSE NO. Pending TIRES: 225 CAP. 5675 LBS. VEH. WIDTH: 8.6 FT. BOOM SUPPORT VEHICLE LENGTH W/O TOWBAR
 SIZE 25R17.5 L.P. (H) 27 FT. 2 IN.

● VEHICLE DESCRIPTION

MAX. HEIGHT OF ANY CARRIER OR CRANE COMPONENT: 14 FT. 0 IN. 17 MAX. WIDTH OF CARRIER OR CRANE INCL. ALL PROJECTIONS EXCEPT MIRRORS, & EQUIPMENT DEFINED IN VC35116: 10 FT. 0 IN.
 27 MAX. WIDTH MEASURED AT TIRE BULGE: 10 FT. 0 IN. MAX. WIDTH OF CARRIER OR CRANE INCL. ALL PROJECTIONS EXCEPT MIRRORS: 10 FT. 0 IN.

CARRIER LENGTH:	1	2	3	4	5	6	7	8	9
41 FT. 11 IN.									
AXLE NUMBER	2	2	2	2	4	4	4		
NO. OF TIRES	8	10	13	5	7	12	8	5	5
AXLE SPACING	10'-0"	10'-0"	10'-0"	10'-0"	8'-5"	8'-5"	17'-1"		
O-O OF TIRES	48,440	49,740	34,000	19,000					
SCALE WEIGHT	48,815	50,322	34,000	19,000					
PERMIT WEIGHT									

● BOOM INFORMATION

BOOM TYPE AND DESCRIPTION: LATTICE BUTT INTER. SECT. FT. TIP TELESCOPING JOB ATTACHED
 BOOM LENGTH: 49 FT. 3 IN. CLR. FROM ROADWAY TO BOOM: _____ FT. BOOM END ATTACHMENTS: 60 TONS
 BALL SIZE _____ (DIAM.)
 FRONT BOOM OVERHANG: _____ FT. IN. PT OF LAST SUPPORT TO TIP: _____ FT. IN. LEGAL PERMIT

REAR BOOM OVERHANG: _____ FT. IN. FROM C REAR CARRIER AXLE TO TIP: _____ FT. IN.
 DOLLY: FROM C REAR DOLLY AXLE TO TIP: _____ FT. IN.
 TRLR: FROM C POINT OF BOOM SUPPORT TO TIP: _____ FT. IN. FROM C REAR MOST TRLR AXLE TO TIP: _____ FT. IN.

● PERMIT DATA (Permit Office Use Only)

1. Qualified for Weight Transfer or Bonus: YES NO
 2. Tire Ratings Limit Permitted Weights: YES NO
 3. Routing Weight Class: LEGAL SINGLE TRIP ONLY
 4. Permit Classification: PERMIT ANNUAL
 CALTRANS REPRESENTATIVE: Billy Collins TITLE: Permit Vehicle Ins.

Remarks:

53 Page 1

DEPARTMENT OF TRANSPORTATION
CRANE INSPECTION REPORT/ATTCH. TO PERMIT NO.

INSPECTION LOCATION
FOOT AVENUE

COMPANY NAME (LESSEE OR OWNER)
CHANDLER CRANE RENTAL, INC.

PHONE
241 2500

INSP. TYPE: INITIAL RENEWAL
INSPECTION DATE: 12-5-90

COMPANY ADDRESS AND ZIP
12521 BRANFORD ST. PACOIMA CA 91331

COMPANY NAME, LAST INSPECTION
DATE OF LAST INSPECTION

CARRIER DATA

MAKE F4H	SERIAL NO. CR 2605	LICENSE NO.	COMPANY NO. 11000	FUEL LEVEL 100%	FRONT BUMPER CWT. <input checked="" type="checkbox"/> REMOVD; <input type="checkbox"/> ATTCH; <input type="checkbox"/> W/O	OPERATES <input type="checkbox"/> W/O
FRONT OUTRIGGERS: <input type="checkbox"/> REMOVD <input checked="" type="checkbox"/> ATTCH.	REAR OUTRIGGERS: <input type="checkbox"/> REMOVD <input checked="" type="checkbox"/> ATTCH.	FRONT TIRES: SIZE 1400-20	CAP. 11000 lbs LR 19	REAR TIRES: SIZE 1400-20	CAP. 9610 lbs LR 1	

UPPER WORKS DATA

MAKE F4H	MODEL 1750	SERIAL NO. 40489	WEIGHT CLASS (TONS) 75	FUEL LEVEL 100%
CRANE CWT. <input type="checkbox"/> REMOVD <input checked="" type="checkbox"/> ATTCH.	DISTANCE FROM C OF UPPER WORKS ROTATION TO C REARMOST CARRIER AXLE: 6 FT. 2 IN.			

ACCESSORIES CARRIED ON TRUCK CRANE NONE LIST FOLLOWING
1. WTR 666L PADS

BOOM SUPPORT VEHICLE DATA

LICENSE NO. XMB265	TIRES: SIZE 1400-20	CAP. 9760 lbs LR E	VEH. WIDTH: 7 FT. 11 IN.	BOOM SUPPORT VEHICLE LENGTH W/O TOWBAR 9 FT. 0 IN.
ACCESSORIES CARRIED ON BOOM SUP. VEH. <input checked="" type="checkbox"/> NONE <input type="checkbox"/> LIST FOLLOWING				

VEHICLE DESCRIPTION

MAX HEIGHT OF ANY CARRIER OR CRANE COMPONENT 1200 FT.	1/ MAX. WIDTH OF CARRIER OR CRANE INCL. ALL PROJECTIONS EXCEPT LIGHTS, MIRRORS, & EQUIPMENT DEFINED IN VC35110. 11 FT. 0 IN.
2/ MAX. WIDTH MEASURED AT TIRE BULGE: 11 FT. 2 IN.	MAX. WIDTH OF CARRIER OR CRANE INCL. ALL PROJECTIONS EXCEPT MIRRORS: 11 FT. 2 IN.

CARRIER LENGTH: 32 FT. 6 IN.	OVERALL VEHICLE COMBINATION LENGTH: 46 FT. 5 IN.	OV'LL LENGTH INCL. BOOM: 69 FT. 11 IN.							
AXLE NUMBER	1	2	3	4	5	6	7	8	9
NO. OF TIRES	2	2	4	4	4	4			
AXLE SPACING	4'-6"	14'-1"	4'-6"	16'-0"	4'-3"				
O-O OF TIRES	10'-11"	10'-11"	10'-3"	10'-3"	7'-11"	7'-11"			
SCALE WEIGHT	41500	53000	31300						
PERMIT WEIGHT	41500	53000	32000						

BOOM INFORMATION

ROOM TYPE AND DESCRIPTION <input type="checkbox"/> LATTICE <input type="checkbox"/> BUTT <input type="checkbox"/> INTER. SEC. FT. <input type="checkbox"/> TIP <input checked="" type="checkbox"/> TELESCOPING <input type="checkbox"/> JIB ATTACHED	BOOM END ATTACHMENTS: BLOCK SIZE 25 (TONS)
BOOM LENGTH & ROTATION TO LAST HARD METAL FT. IN.	BALL SIZE 16 (DIAM.)
FRONT BOOM OVERHANG FRONT OF TIRES TO TIP FT. IN.	CLR. FROM ROADWAY TO BOOM FT. IN.
REAR BOOM OVERHANG	PT OF LAST SUPPORT TO TIP FT. IN. <input type="checkbox"/> LEGAL <input type="checkbox"/> PERMIT
UNSUPPORTED: FROM C REAR CARRIER AXLE TO TIP FT. IN.	
DOLLY: FROM C REAR DOLLY AXLE TO TIP 22 FT. 0 IN.	
TRLR: FROM C POINT OF BOOM SUPPORT TO TIP FT. IN.	FROM C REARMOST TRLR AXLE TO TIP FT. IN.

PERMIT DATA (Permit Office Use Only)

1. Qualified for Weight Transfer or Bonus: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> REJECTED FOR:
2. Tire Ratings Limit Permitted Weights: <input type="checkbox"/> YES <input type="checkbox"/> NO	
3. Rating Weight Class: <input type="checkbox"/> LEGAL <input type="checkbox"/> OVER	
4. Permit Classification Eligibility: <input type="checkbox"/> SINGLE TRIP ONLY <input type="checkbox"/> PERMIT	
5. Permit Classification Eligibility: <input type="checkbox"/> SINGLE TRIP ONLY <input type="checkbox"/> PERMIT	

CALTRANS REPRESENTATIVE: W.R. [Signature] TITLE: Permit Web [Signature]

#81



DEPARTMENT OF TRANSPORTATION

INSPECTION REPORT/ATTCH. TO PERMIT NO. _____

INSPECTION LOCATION

PACOIMA

COMPANY NAME (LESSEE OR OWNER)

Champion Crane Rental

PHONE 818 299-3292

INSP. TYPE INITIAL RENEWAL

INSPECTION DATE 8-24-98

COMPANY NAME, LAST INSPECTION Champion

DATE OF LAST INSPECTION 12-4-97

COMPANY ADDRESS AND ZIP

12521 BRAWFORD ST. PACOIMA, CA 91331

1 CARRIER DATA

MAKE Linkbelt SERIAL NO. F218 8269 LICENSE NO. 3XPY827 COMPANY NO. 100% FUEL LEVEL 100% FRONT BUMPER CWT. OPERATES REMOVED ATTCH. W/O REAR OUTRIGGERS: FRONT TIRES: SIZE 4.75R22.5 CAP 12,300 LBS REAR TIRES: SIZE 12R22.5; LR 11

2 UPPER WORKS DATA

MAKE Linkbelt MODEL HTC 8670 SERIAL NO. 1F9F2188WLO28269 CRANE CWT. 4000 LBS DISTANCE FROM C OF UPPER WORKS ROTATION TO C REAR MOST CARRIER AXLE: 4 FT. 9 IN. FUEL LEVEL: ONE TANK

ACCESSORIES CARRIED ON TRUCK CRANE: NONE LIST FOLLOWING: SHACKLES SLINGS

3 BOOM SUPPORT VEHICLE DATA

LICENSE NO. TIRES: SIZE CAP. LBS. VEH. WIDTH: FT. IN. BOOM SUPPORT VEHICLE LENGTH W/O TOWBAR FT. IN. ACCESSORIES CARRIED ON BOOM SUP. VEH. NONE LIST FOLLOWING

4 VEHICLE DESCRIPTION

MAX HEIGHT OF ANY CARRIER OR CRANE COMPONENT 19 FT. 0 IN. MIRRORS & EQUIPMENT DEFINED IN VC3511D: 8 FT. 9 IN. MAX WIDTH OF CARRIER OR CRANE INCL. ALL PROJECTIONS EXCEPT MIRRORS: 8 FT. 9 IN.

Table with columns for CARRIER LENGTH, OVERALL VEHICLE COMBINATION LENGTH, and OV'LL LENGTH INCL. BOOM. Rows include AXLE NUMBER, NO. OF TIRES, AXLE SPACING, O-O OF TIRES, SCALE WEIGHT, and PERMIT WEIGHT.

5 BOOM INFORMATION

BOOM TYPE AND DESCRIPTION: LATTICE BUTT INTER SECT. TIP TELESCOPING JIB ATTACHED BOOM END ATTACHMENTS: BLOCK SIZE 8" (TONS) BALL SIZE 15" (DIAM)

FRONT BOOM OVERHANG: UNSUPPORTED: FROM C REAR CARRIER AXLE TO TIP 176 FT 9 IN. CLR. FROM ROADWAY TO BOOM 7 FT 0 IN. PT OF LAST SUPPORT TO TIP 15 FT 8 IN. REAR BOOM OVERHANG: DOLLY: FROM C REAR DOLLY AXLE TO TIP 2 FT IN. TRLR: FROM C POINT OF BOOM SUPPORT TO TIP FT IN. FROM C REAR MOST TRLR AXLE TO TIP FT IN.

6 PERMIT DATA (Permit Office Use Only)

1. Qualified for Weight Transfer or Bonus YES NO 2. Tire Ratings Limit Permitted Weights YES NO 3. Rounding Weight Class LEGAL SINGLE TRIP ONLY 4. Permit Classification Eligibility SINGLE TRIP ONLY ANNUAL

CALTRANS REPRESENTATIVE: D. Collier

FILE P.V.I

99

INSPECTION REPORT/ATTCH. TO PERMIT NO.

CRANE

INSPECTION LOCATION

PACOMA



COMPANY NAME (LESSEE OR OWNER)

Champion Crane Rental

PHONE 291-2580

INSP. TYPE INITIAL RENEWAL

INSPECTION DATE 2-28-05

COMPANY ADDRESS AND ZIP

12521 Bradford St. Pacoma, CA 91331

COMPANY NAME, LAST INSPECTION DATE OF LAST INSPECTION

CARRIER DATA

MAKE Liebherr SERIAL NO. 061543 LICENSE NO. COMPANY NO. FUEL LEVEL 100% FRONT BUMPER CWT: OPERATES REMVD ATTCH W/O

UPPER WORKS DATA

MAKE Liebherr MODEL LTM1080L SERIAL NO. 061543 WEIGHT CLASS (TONS) 100 FUEL LEVEL ONE TANK

ACCESSORIES CARRIED ON TRUCK CRANE NONE LIST FOLLOWING

BOOM SUPPORT VEHICLE DATA

LICENSE NO. TIRES: CAP. VEH. WIDTH: BOOM SUPPORT VEHICLE LENGTH W/O TOWBAR

VEHICLE DESCRIPTION

MAX. HEIGHT OF ANY CARRIER OR CRANE COMPONENT: 13 FT. 4 IN. MIRRORS & EQUIPMENT DEFINED IN VC351110: 9 FT. 8 IN.

Table with columns: AXLE NUMBER, NO OF TIRES, AXLE SPACING, O-O OF TIRES, SCALE WEIGHT, PERMIT WEIGHT. Rows 1-4.

BOOM INFORMATION

BOOM TYPE AND DESCRIPTION LATTICE BUTT INTER SECT. TIP TELESCOPING JOB ATTACHED BOOM LENGTH 37 FT. 5 IN. FRONT BOOM OVERHANG 13 FT. 6 IN. CLF. FROM ROADWAY TO BOOM 7 FT. 10 IN.

PERMIT DATA (Permit Office Use Only)

Classified for Weight Transfer or Bonus: YES LEGAL SINGLE TRIP ONLY. REJECTED FOR: PURPLE ANNUAL

CALTRANS REPRESENTATIVE

D. Collins

FILE P.U.I

Remarks



PALLETS FULL OF JUNK \$20,000 MUFFLERS



Particle Emissions during Heavy-Duty Truck Parked Active Diesel Particulate Filter Regeneration

This page last reviewed April 6, 2015

Background

Diesel particulate filters (DPFs) collect Particulate Matter (PM) and this PM must be periodically removed from the DPF or the vehicle performance will be degraded. The process of removing the PM is known as regeneration, during which there is an increase in emissions. Depending on the duty cycle of the Heavy Duty Diesel, HDD, vehicle the regeneration of the DPF can take many different forms and frequency of occurrence. The present study is concerned with active regeneration processes, which typically generate a very large number of ultrafine volatile and semi-volatile particles from both highway vehicles and parked vehicles. The need for an active regeneration occurs for vehicles that have a low exhaust temperature duty cycle, and these vehicles may or may not be able to change their duty cycle to a more aggressive and high exhaust temperature highway cycle. It is important that more information be obtained concerning "Parked" regeneration, particularly concerning the nature and importance of the very large number of ultrafine volatile and semi-volatile particles that are released in the immediate vicinity of the diesel truck. A clearer understanding during regeneration of emitted PM composition, toxicity, and exposure potential is needed if DPFs are indeed found to increase average vehicle total particle number emissions when regeneration is included (Note: Total particles include solid, volatile, and semi-volatile particles). By knowing more information concerning PM physical properties and the time and space distribution of these particles, researchers can begin to understand and evaluate the possible health effects.

References

Results

- Harry Dwyer (September, 2013). Measurement of Emissions from both Active and Parked Regenerations of a Diesel Particulate Filter from Heavy Duty Trucks. ARB Research Final Report (PDF - 13,445KB)

Publications for Peer-reviewed Journals

- Seungju Yoon et al., 2015. Characteristics of Particle Number and Mass Emissions during Heavy-Duty Diesel Truck Parked Active DPF Regeneration in an Ambient Air Dilution Tunnel. *submitted to Atmospheric Environment*

- Harry Dwyer et al., 2014. Ambient Emission Measurements from Parked Regenerations of 2007 and 2010 Diesel Particulate Filters. SAE Technical Paper 2014-01-2353; SAE International: Warrendale, PA.
- David Quiros et al., 2013. Measuring particulate matter emissions during parked active diesel particulate filter regeneration of heavy-duty diesel trucks. *Journal of Aerosol Science*. 2014, 73, 48-62.

Conference Presentations

- 24th CRC Real-World Emissions Workshop, March 30–April 2, 2014, San Diego, CA
 - Harry Dwyer et al., (2014). Design and performance of an Ambient Dilution Wind Tunnel Applied to Heavy Duty Diesel Truck Parked Active DPF Regeneration. *in preparation*
- Air Quality Measurement Methods and Technology Conference, November 19-21, 2013, Sacramento, CA
 - David Quiros et al., (2013). Evaluation of PM Mass Emissions Associated with Active Diesel Particulate Filter Regeneration from Parked Heavy-Duty Trucks Using an Ambient-Dilution Wind Tunnel. [Presentation \(PDF - 998KB\)](#)



On-Road Measurement of Light-Duty Gasoline and Heavy-Duty Diesel Vehicle Emissions

This page last reviewed February 7, 2012

Background

Gasoline and diesel engines remain as a significant source of air pollution in California, the U.S., and worldwide (Sawyer et al., 2000). Emissions from these engines give rise to a range of air quality problems and human health concerns (Lloyd and Cackette, 2001). In addition to contributing to local and regional air pollution problems, vehicle exhaust emissions contribute to climate change. Motor vehicles are responsible for 35% of California CO₂ emissions (CEC, 2006), the greenhouse gas responsible for the greatest amount of global warming. NO_x is a precursor to tropospheric ozone, which also contributes to global warming. PM has direct and indirect effects on radiative forcing, leading to both global warming and cooling; the direct effect of BC emissions is positive forcing (IPCC, 2007).

An unintended consequence of catalytic converter use on light-duty motor vehicles has been increased emissions of ammonia due to over-reduction of nitrogen oxides (Fraser and Cass, 1998; Kean et al., 2000; Durbin et al., 2004; Emmenegger et al., 2004). Ammonia is the primary alkaline gas in the atmosphere, and an important precursor to secondary particle formation. For some vehicles, emissions of ammonia exceed the emissions of other regulated compounds, though Durbin et al. found that ammonia emission rates are lower for newer technology vehicles. While probably decreasing, the rate of change in fleet-average ammonia emissions remains unclear.

More stringent emission standards apply to new heavy-duty diesel engines sold starting in 2007; ultra-low sulfur diesel fuel was introduced in 2006 to facilitate use of post-combustion exhaust treatment devices. Past diesel engine emission control efforts have relied on modifications to fuel injection system pressure and fuel injection timing. In contrast, new engines will be equipped with continuously regenerating traps (CRT), also known as diesel particulate filters (DPF). NO_x present in diesel exhaust is deliberately converted to NO₂ using an oxidation catalyst, then the NO₂ is used to oxidize collected soot particles, so the accumulated carbon particles on the filter can be removed to permit long-term continued use of the exhaust filter. NO₂ emissions may increase using this approach, which is an issue of regulatory and public health concern. Emission control options for NO_x include increased exhaust gas recirculation (EGR), selective catalytic reduction (SCR) systems, and absorbers that store NO_x while the system is operating with excess oxygen, with intermittent operation in NO_x reduction mode to eliminate stored NO_x.



Investigate the Durability of Diesel Engine Emissions Controls

This page last reviewed April 3, 2015

Background

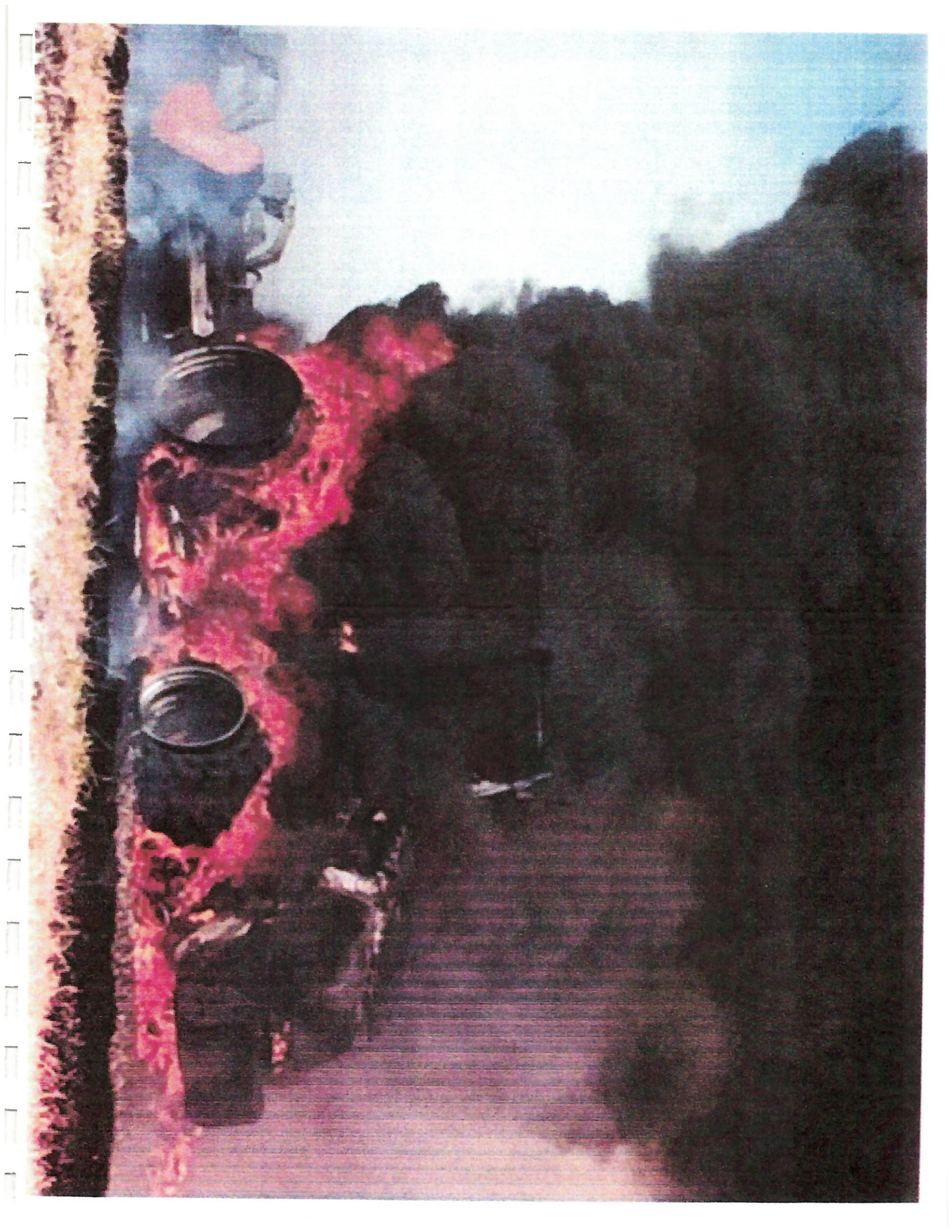
Introduction of new engine emissions standards for particulate matter (PM) and oxides of nitrogen (NO_x) will result in a substantial decrease of these pollutants over the course of the next several years. This reduction is achieved by using devices such as diesel particulate filters (DPF) and selective catalytic reduction (SCR). Recently revised ARB fleet rules will lead to gradual introduction of newer engines on California highways and ports thereby reducing emissions from diesel engines.

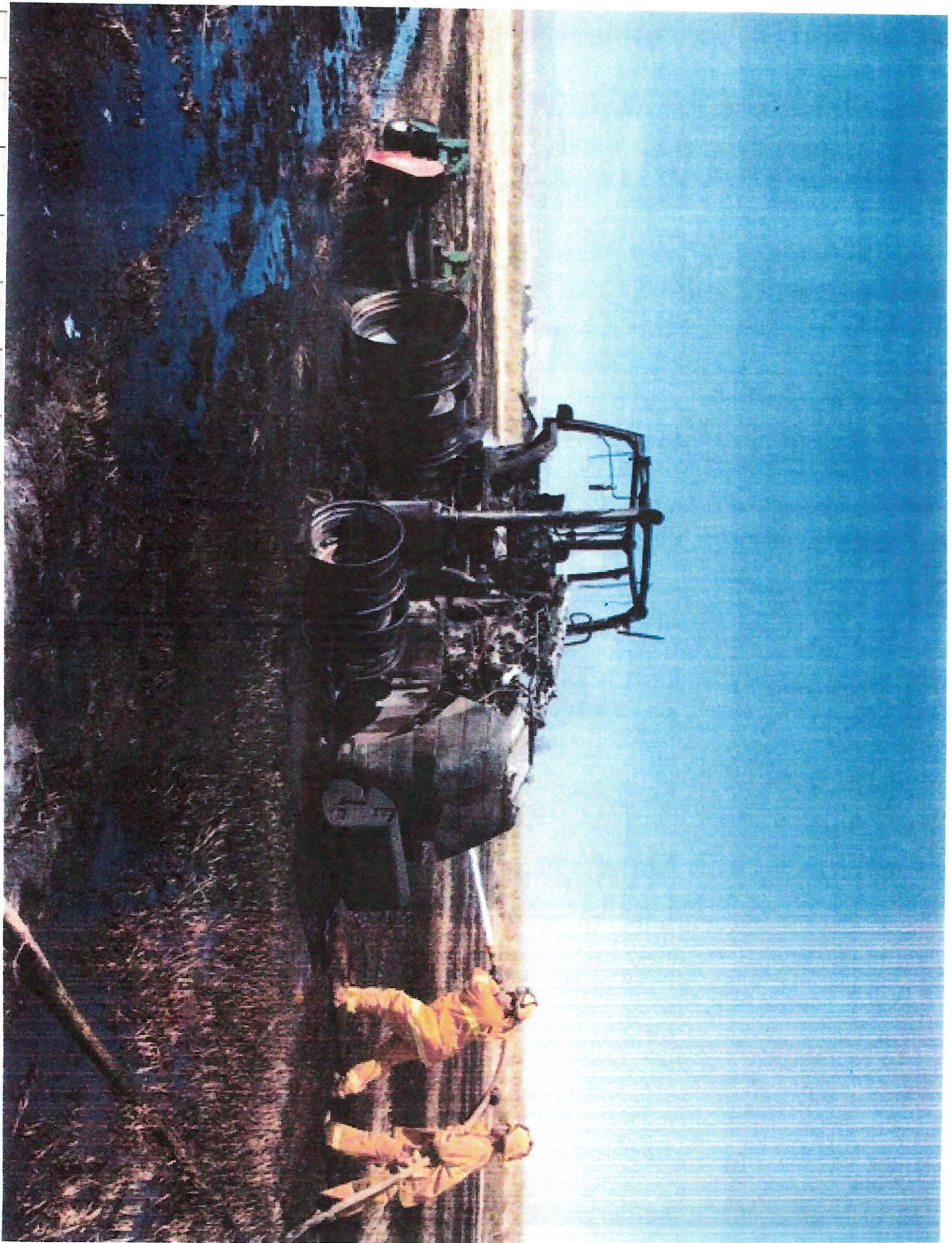
The technology used to reduce PM and NO_x in the newer trucks include DPF and SCR respectively. While various studies have been performed to assess the efficiency of these devices (some of which were funded by ARB), so far minimal data exists on the durability and deterioration of these devices. The primary reason for limited data includes fairly recent introduction of these devices along with challenges related to sampling thousands of trucks over a course of multiple years. The available data is also sparse in terms of PM measurement and has often utilized technologies that don't measure PM directly. In essence, while the available data can provide emission changes, (to an extent), due to improvement in engine technology, it falls short in providing a good understanding of emission changes related to introduction of aftertreatment devices (for an extended period of time).

Undertaking a project to measure pollutant concentrations in the real world is important as without fully functioning aftertreatment devices, these trucks could emit tens to hundreds of times higher emissions than a truck meeting certification standards. Potential aftertreatment failures and related emissions increases would reduce the air quality and health benefits of the new engine standards and also generate inaccurate emission inventories. Additionally, such a study may also provide clues about tampering/mal-maintenance of these devices that could cause increase in pollutant concentrations.

This project will build upon existing databases of on-road measurements (remote sensing, vehicle chase studies, etc.), to provide a comprehensive analysis of pollutant profiles over the course of several years. The sampling of heavy-duty fleet is being performed at the Port of Los Angeles and at a California Highway Patrol (CHP) inspection facility in Cottonwood, CA in 2013, 2015 and 2017. Data includes measurements of criteria pollutants, such as carbon monoxide, total hydrocarbons, NO_x, and PM as well as nitrogen oxide, nitrogen dioxide, and black carbon at a minimum. Particle number and size distribution would be valuable additional measurements.

References







FLEET REPLACEMENT

FLEET REPLACEMENT

- All the equipment in the Champion Crane fleet is highly specialized, purchased based on the specific needs of the customers we serve.
- Champion cannot replace several of the cranes in the fleet with a new model of the same crane because they are no longer manufactured.
- Availability of any cranes to purchase for use in the State of California is limited due to strict emissions standards and axle weight restrictions.
- Replacing an entire fleet is economically not feasible. Staggering replacement costs.
- Resale value of equipment has plummeted due to the volume of used equipment that cannot be operated in California flooding the market.

LIEBHERR



LIEBHERR USA, Co.
4100 Chestnut Avenue
P O Drawer "O"
Newport News, VA 23605

6/20/18

Mr. Mike Konle
Champion Crane Rental

In response to your desire to replace the Liebherr LTM 1080L, 100 ton cap. AT crane, I offer the following.

The Liebherr LTM 1080L was a purpose built AT crane for the West Coast market.

Designed to meet Cal Trans weight restrictions and travel without the need of a additional boom dolly.

Production of the LTM 1080L stopped in the year 2005 due to limited marketing area.

At the present time there are no plans to replace this size crane.

I do not know of any other manufacture producing a crane of this class.

A modification to the crane is not allowed by Liebherr.

Repowering can't be preformed since a compatible engine is not available

The attached letters apply.

As for replacing your Demag AC30, Liebherr builds a 2-axle 40 ton cap. AT crane, model LTM 1030.

Respectfully
John Bray

W. John Bray

Regional Sales Manager – West
Liebherr Cranes, Inc.

LIEBHERR



LIEBHERR USA, Co.
4100 Chestnut Avenue
P O Drawer "O"
Newport News, VA 23605

6/22/18

Mr. Mike Konle
Champion Crane Rental

I'm replying to your letter of 1/29/18 expressing the possibilities of replacing a Liebherr 100 ton cap. AT crane, model LTM 1080L.

The Liebherr LTM 1080L was a purpose built AT crane for the West Coast market.

Designed to meet Cal Trans weight restrictions and travel without the need of a additional boom dolly.

Production of the LTM 1080L stopped in the year 2005 due to limited marketing area.

There are no up-grades to T4F available from Liebherr.

At the present time there are no plans to replace this size crane.

I do not know of any other manufacture producing a crane of this class that meet Cal Trans weight requirements.

The Liebherr LTM 1030-3 & LTM 1040-3 have been recently approved by Cal Trans.

40 & 50 ton capacity respectively.

Respectfully
John Bray

W. John Bray

Regional Sales Manager – West
Liebherr Cranes, Inc.

2. Feasibility of VDECS Highly Unlikely for Cranes: CARB's verification procedure for VDECS was amended in 2010 to require (among other things), a "pre-installation compatibility assessment." This was added because the duty cycles of many applications were not severe enough to generate enough heat for passive VDECS systems to regenerate. So now, exhaust temperature data logging must be performed prior to installation. CARB verifications now include a standard condition that VDECS cannot be used on Rubber Tired Gantry Cranes (RTGs) unless the manufacturer verifies their device separately for RTGs. This is because it is known established that RTGs simply operate at loads too low to support passive regeneration. No VDECS have been attempted for mobile cranes (that we know of). However, the issues associated with RTGs will present themselves to even a greater degree on mobile cranes (who may make one or two lifts over the course of a day as opposed to 100s made by a RTG). Yet, these systems are still deemed verified for cranes. Likewise, active systems require operator-initiate regeneration. If the operator fails to heed the regeneration signal, an automatic engine shutdown is initiated to prevent excessive backpressure. Unlike other equipment types, a crane cannot be taken out of service during a lift (which could last for hours) just to generate. Likewise, a crane engine cannot be subject to possibility of auto-shutoff while performing a lift. So again, safety is at stake.

3. Cost and Economics: Cranes are by far the highest-value vehicles subject to the On-Road or Off-Road Regulations, costing as much as \$3M. In turn, they are some of the lowest mileage vehicles in either program, yet cannot qualify for the 1,000 mi/year full exemption. CARB's rules envision that if a VDECS or new engine is not feasible, the crane is ultimately replaceable with a newer model, and the differential cost of that transaction is manageable. Due to their high value, cranes have a long payback period, and the older (paid-for) units in a fleet provide the revenue for payments on the newer units. The emissions and VMT of cranes is such that incentive funding is minimal and usually deemed not to be cost effective. There are a myriad of other costs associated with a new (or used) crane purchase that other vehicle types simply do not share. These are:

- Transport – the newer replacement crane may be located thousands of miles away, and require a small convoy to relocate, causing excess emissions.
- CalOSHA crane certification – Extra cost and regulatory hurdle
- Operator Training – This can be extensive
- Painting/Rebranding – Excess costs and emissions
- Special Transportation Permits – Extra cost and regulatory hurdle
- Taxes

Subj: **Terex AC25 and AC30CITY**
Date: 12/19/2011 12:30:38 P.M. Pacific Standard Time
From: Mark.Swartz@terex.com
To: championcr@aol.com, mwkonle@aol.com

Mike,

Form the information I have, the AC25 and AC30CITY are being shown as discontinued in 2009. There may be a couple new units floating around that have never been purchased, or are slightly used on the open market.

The only city class machine that we continue to make is the AC40City, which is a three axle machine, but is operated by driving from the operating cab like the AC25 and AC30ctiy were.

I have requested confirmation from Germany on the models status, and will send you the letter once I receive their response.

Regards,
Mark Swartz
Sales Support
Product Sales Specialist - Cranes
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Please join me in making a difference. Think before you print

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Monday, December 19, 2011 America Online: MWKonle

Subject: **Fwd: Follow Up**
Date: 2/6/2018 1:37:51 PM Pacific Standard Time
From: championcraneacc@aol.com
To: mwkonle@aol.com

From: Dean.Barley@terex.com
To: Championcraneacc@aol.com
Cc: Dave.Kuhlman@terex.com, Daniel.Melnyk@terex.com
Sent: 2/6/2018 11:54:05 AM Pacific Standard Time
Subject: Follow Up

Mike,

Thank you for your time yesterday on our call.

As promised I am following up on the points we discussed last night.

Do you have a replacement crane for the AC30 (33 Ton) 2 axle crane?

- o Unfortunately I can tell you that we do not have any plans at the moment to build another AC30
- o We have a lot of new products in the design process between now and the end of 2019, but nothing that would fill this gap unfortunately
- o Your current AC30 is for sure is filling a gap in the industry offering at the moment and although we can help you support the cranes you currently own, I am not in a position to offer you a new replacement crane in this size class

A100-4L – Is this Caltrans approved?

- o Unfortunately we cannot obtain Caltrans approval for this crane because the spacing between the axles is too small
- o This crane is not approved in California with or without a dolly at this time
- o The alternative to this crane would be an AC80, but unfortunately I do not see this crane making it through the engineering design process until the end of 2019 (best case)

As discussed we have a pretty full project list between now and the end of 2019. We have been heavily investing in our business with regards to new products, but unfortunately I cannot offer you a better line of sight at this time.

Please keep in touch and let us know if we can be of assistance with any other products you are looking for (we will do all we can to help you).

I have also added Dave Kuhlman on this email who is responsible for sales in CA in case you have other needs.

Regards

Dean Barley

Vice President & General Manager

Terex Cranes Americas

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CHAMPION CRANE FLEET

Truck and Bus Reporting System

Welcome to the Truck Regulation Upload Compliance and Reporting System (TRUCRS)

Hi Aifan

Log Out

TRUCRS ID: 27785 - Champion Crane Rental, Inc.

Account Home Message Center Company Info **Vehicle Info** Compliance Status

Vehicle List Odometer Readings Street Sweepers

Search by VIN number:

Search by "Owner ID":

Active Vehicles: 20 Reported

1 ▼ (100 rows per page, Total 20 rows.)

Edit Vehicle	#	VIN	Plate	Owner ID	Vehicle Model Year	Vehicle Make (Model)	Vehicle Type	GVWR >25,000 lbs?	Engine Year	Purchase Date	Compliance Option	Delete Vehicle
Edit	1	1F90217806L028089	3SQU174	70	1997	OTHER (HTC 8670)	Crane Heavy	Y	1998	2006-10-01	Heavy Crane	Delete
Edit	2	1F9F21888WL028269	3XPY827	81	1998	OTHER (HTC 8670)	Crane Heavy	Y	1997	2006-10-01	Heavy Crane	Delete
Edit	3	1F9F21925XL028788	4GXG999	38	2000	OTHER (HTC 8670)	Crane Heavy	Y	2000	2006-10-01	Heavy Crane	Delete
Edit	4	1F9F8J033YL028455	4HXT480	37	2000	OTHER (HTC 8640H)	Crane Heavy	Y	2000	2006-10-01	Heavy Crane	Delete
Edit	5	1F9F8J033YL028469	4JRT957	48	2000	OTHER (HTC 8640H)	Crane Heavy	Y	2000	2006-10-01	Heavy Crane	Delete
Edit	6	1F9F8J037YL028822	4NCE649	49	2000	OTHER (HTC 8640M)	Crane Heavy	Y	2000	2006-10-01	Heavy Crane	Delete
Edit	7	1F9F8J03XYL028470	4LAB073	52	2000	OTHER (HTC 8640H)	Crane Heavy	Y	2000	2006-10-01	Heavy Crane	Delete
Edit	8	1F9F8J3683L028420	4YVT948	24	2002	OTHER (HTC-8640H)	Crane Heavy	Y	2002	2006-10-01	Heavy Crane	Delete
Edit	9	1NPBL49X0GD335116	56757X1	6	2016	PETERBILT (579)	Tractor Trailer	Y	2015	2015-12-31	PM Filter - Original Equipment	Delete
Edit	10	1XPBD49X2ED251413	9F02557	74	2014	PETERBILT (579)	Tractor Trailer	Y	2013	2013-12-01	PM Filter - Original Equipment	Delete
Edit	11	1XPBD49X4ED251414	9F02556	75	2014	PETERBILT (579)	Tractor Trailer	Y	2013	2013-12-01	PM Filter - Original Equipment	Delete
Edit	12	1XPBD49X5GD335115	9F52968	71	2016	PETERBILT (579)	Tractor Trailer	Y	2015	2015-12-31	PM Filter - Original Equipment	Delete
Edit	13	1XPBD49X9GD335117	9F53003	72	2016	PETERBILT (579)	Tractor Trailer	Y	2015	2015-12-31	PM Filter - Original Equipment	Delete
Edit	14	1XPCE9X5LD294750	9A82405	67	1990	PETERBILT (377)	Tractor Trailer	Y	1990	2006-10-01	2018 Low Use Exemption	Delete
Edit	15	1XPCE9X9LD294749	9A00480	66	1990	PETERBILT (377)	Tractor Trailer	Y	1990	2006-10-01	2018 Low Use Exemption	Delete
Edit	16	1XPGB9X18D642175	9D64685	89	2005	PETERBILT (385)	Lowbed Tractor Trail	Y	2005	2006-10-01	PM Filter - Retrofit	Delete
Edit	17	1XPHD49X19D779990	9E22214	73	2008	PETERBILT (386)	Tractor Trailer	Y	2008	2006-10-01	PM Filter - Original Equipment	Delete
Edit	18	2NPNHD7X11M588948	6L81880	38	2000	PETERBILT (330)	Tractor Trailer	Y	2001	2006-10-01	2018 Low Use Exemption	Delete
Edit	19	3C7WRMBL3FG506010	92381T1	4	2015	DODGE (Ram 5500)	Flatbed Truck	N	2015	2014-12-31	PM Filter - Original Equipment	Delete
Edit	20	3C7WRMBL7FG508009	92382T1	3	2015	DODGE (Ram 5500)	Flatbed Truck	N	2015	2014-12-31	PM Filter - Original Equipment	Delete

Deleted Vehicles: Sold/Scrapped/Transferred Out State/3 Day Pass. 6 Reported

Restore Vehicle	#	VIN	Plate	Owner ID	Vehicle Model Year	Vehicle Make (Model)	Vehicle Type	GVWR >26,000 lbs?	Engine Year	Purchase Date	Compliance Option	Reporting Complete
Restore	1	1XP9D29X8BP146484	9A02755	5	1981	PETERBILT (359)	Tractor Trailer	Y	1981	2006-10-01	2017 Low Use Exemption	Y
Restore	2	100206P	3N20005	6	1977	PETERBILT (359A)	Tractor Trailer	Y	1977	2006-10-01		Y
Restore	3	1XPCDB9X2LD287009	9A21775	71	1989	PETERBILT (377)	Tractor Trailer	Y	1989	2006-10-01		Y
Restore	4	1XPCDB9X0LD287008	9A21774	72	1989	PETERBILT (377)	Tractor Trailer	Y	1989	2006-10-01		Y
Restore	5	1XPCD69X9ND318685	9C46239	83	1992	PETERBILT (377)	Tractor Trailer	Y	1992	2006-10-01	2017 Low Use Exemption	Y
Restore	6	1XPCD69X3ND322523	9C46238	84	1992	PETERBILT (377)	Tractor Trailer	Y	1992	2006-10-01	2017 Low Use Exemption	Y

Deleted Vehicles: Entered in Error. 0 Reported

Restore Vehicle	#	VIN	Plate	Owner ID	Vehicle Model Year	Vehicle Make (Model)	Vehicle Type	GVWR >26,000 lbs?	Engine Year	Purchase Date	Compliance Option	Reporting Complete
No vehicle found.												

Deleted Vehicles: No Delete Reason Provided. 0 Reported

Restore Vehicle	#	VIN	Plate	Owner ID	Vehicle Model Year	Vehicle Make (Model)	Vehicle Type	GVWR >26,000 lbs?	Engine Year	Purchase Date	Compliance Option	Reporting Complete
No vehicle found.												

If you have questions, please contact ARB Diesel Hotline at 866-8DIESEL (866-834-3795) or e-mail 8666diesel@arb.ca.gov

DOORS ID: 2519

Company Name: CHAMPION CRANE

Hi Alt, [REDACTED]

Fleet Type: Off-Road Diesel

Print or Export Data

Select existing vehicles & engines ▼ [REDACTED] [REDACTED] (in Excel/CSV file format)

[REDACTED] 1 ▼ (200 rows per page, Total 15 rows.)

There are 15 vehicles for DOORS ID: 2519

The red fields are missing information fields. Please provide the missing information.
 Two-engine vehicles will display 2 rows with the same vehicle information but different engine information.

Line #	EIN	Veh Serial #	Your Veh #	Vehicle Information				Engine Information						
				Veh Type	Veh Manufacturer	Veh Model	Veh MY	Eng Serial #	Eng Manufacturer	Eng Model	Eng MY	Eng HP	Eng Tier	Eng
1	AY4P69	R4180388	77	Cranes	LINK-BELT	ATC-3250	2008	84298200847231	MERCEDES-BENZ AG	OM502LA	2007	325	T2	7MBX1
2	AY4P69	R4180388	77	Cranes	LINK-BELT	ATC-3250	2008	9068910071048	MERCEDES-BENZ AG	OM908LA	2007	185	T3	7DDX1
3	RP8A38	37236	80	Cranes	DEMAG	A/C435	1998	442901504878929	MERCEDES-BENZ AG	OM442LA	1998	408	T1	TM522
4	RP8A38	37236	80	Cranes	DEMAG	A/C435	1998	366801400394883	MERCEDES-BENZ AG	OM366A	1998	121	T0	
5	P88857	136294	34	Cranes	BUCYRUS-ERIE	48C	1974	8A3002001087	DETROIT DIESEL CORPORATION	6-71	1974	220	T0	
6	P88857	136294	34	Cranes	BUCYRUS-ERIE	48C	1974	6D0109228	DETROIT DIESEL CORPORATION	6V63	1974	172	T0	
7	AD4A39		53	Cranes	P & H	T750	1975	8D0121808	DETROIT DIESEL CORPORATION	6V63	1975	172	T0	
8	AD4A39		53	Cranes	P & H	T750	1975	8VA1745087087	DETROIT DIESEL CORPORATION	8V71	1975	315	T0	
9	PP7Y38	88822	25	Bore/Drill Rigs	DEMAG	AC 30	2002	46132813	CUMMINS ENGINE CO., INC.	QS85.9-C	2002	220	T1	2CEXL
10	WJ4H84	AT19C80290	62	Forklifts	CATERPILLAR	DPA60L-D	2007	885065507	MTSUSHI MOTORS CORPORATION	660DIESEL	2007	76	T2	7MVX1
11	AX3A79	K8048484	BF501	Other General Industrial Equipment	MILLER	LTM1080-L	1991	81031163	CONTINENTAL	TMD27	1991	38	T0	
12	F88R08	081843	89	Cranes	LIEBHERR	LTM1080-L	2008	200411232	LIEBHERR COMPANY	D84061LE	2004	428	T2	4LHAL
13	VK7Q58	EO146	18	Cranes	OTHER	MC408CRME-Us	2009	51NV885PM8	YANMAR CO., LTD.	3KNPA	2009	28.7	T4	9YDX1
14	AK7J57	WLC761006	60	Forklifts	WIGGINS	WD20854	1976	46870873	CUMMINS ENGINE CO., INC.	6BT5.9C152	2001	182	T1	2CEXL
15	WK9R48	89312	22	Cranes	DEMAG	A/C25	2000	4782005H	PERKINS ENGINES COMPANY LTD.	210T1-YD80840	2000	210	T1	1PKQ0
16	NR7L78	88380	28	Cranes	DEMAG	A/C30	2002	46248832	CUMMINS ENGINE CO., INC.	QS85.9	2002	230	T1	2CEXL
17	WC7W44	88386	27	Cranes	DEMAG	A/C30	2002	48253342	CUMMINS ENGINE CO., INC.	QS85.9	2002	230	T1	2CEXL
18	AR8C88	88331	23	Cranes	DEMAG	A/C30	2002	46182268	CUMMINS ENGINE CO., INC.	QS85.9	2002	230	T1	2CEXL
19	UL4L38	88236	65	Cranes	DEMAG	A/C28	2001	U7440450	PERKINS ENGINES COMPANY LTD.	210T1-YD80840	2001	210	T1	YPR00

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<https://www.wsj.com/articles/the-epa-cleans-up-its-science-1522105331>

COMMENTARY

The EPA Cleans Up Its Science

Now Congress should act to lock in place data transparency.

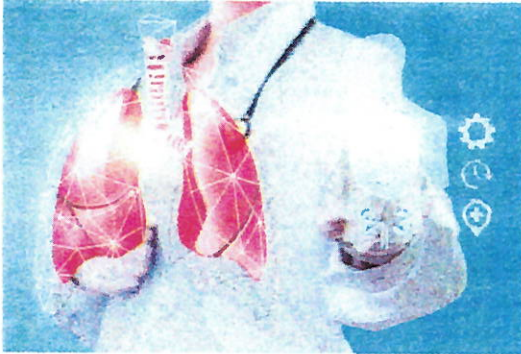


PHOTO: ISTOCK/GETTY IMAGES

By *Steve Milloy*

March 26, 2018 7:02 p.m. ET

The Environmental Protection Agency will no longer rely on “secret” scientific data to justify regulations, Administrator Scott Pruitt announced last week. EPA regulators and agency-funded researchers have become accustomed to producing unaccountable, dodgy science to advance a political agenda.

The saga began in the early 1990s, when the EPA sought to regulate fine particulate matter known as PM2.5—dust and soot smaller than 2.5 microns in diameter. PM2.5 was not known to cause death, but by 1994 EPA-supported scientists had developed two lines of research purporting to show that it did. When the studies were run past the EPA’s Clean Air Science Advisory Committee, it balked. It believed the studies relied on dubious statistical analysis and asked for the underlying data. The EPA ignored the request.

As the EPA prepared to issue its proposal for PM2.5 regulation in 1996, Congress stepped in. Rep. Thomas Bliley, chairman of the House Commerce Committee, sent a sharply written letter to Administrator Carol Browner asking for the data underlying studies. Ms. Browner delegated the response to a subordinate, who told Mr. Bliley the EPA saw “no useful purpose” in obtaining the data. Congress responded by inserting a provision in a 1998 bill requiring that data used to support federal regulation must be made available to the public via the Freedom of Information Act. But it was hastily written, and a federal appellate court held the law unenforceable in 2003.

The controversy went dormant until 2011, when a newly Republican Congress took exception to the Obama EPA’s antioil rules, which relied on the same PM2.5 studies. Again the EPA was defiant. Administrator Gina McCarthy refused requests for the data sets and defied a congressional subpoena.

Bills to resolve the problem died in the Senate. Democrats argued that requiring data for study replication is a threat to intellectual property and an invasion of medical privacy. In fact, the legislation would protect property by requiring a confidentiality agreement, and no personal medical data or information would have been released.

This sort of data is already routinely made public for research use. In 2012 I was desperate for a way around the Obama EPA’s secrecy on the PM2.5 issue, I found out in 2012 that I could get California death-certificate data in electronic form. The state’s Health Department calls this sort of data “Death Public Use Files.” They are scrubbed of all personal identifying and private

medical information. Some of my colleagues used this data to prepare a 2017 study, which found $PM_{2.5}$ was not associated with death.

The best part is that if you don't believe the result, you can get the same data for yourself from California and run your own analysis. Then we'll compare, contrast and debate. That's how science is supposed to work.

It would be better if Congress would pass a law requiring data transparency. A future administrator may backslide on the steps Mr. Pruitt is taking. In the meantime, we have science in the sunshine.

Mr. Milloy publishes JunkScience.com and is the author of "Scare Pollution: Why and How to Fix the EPA" (Bench Press 2016).

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