



## *California Bus Association*

*Promoting Professionalism, Safety & Integrity in the Motorcoach Industry*

TO: Clerk of the Board, California Air Resources Board  
1001 I Street  
Sacramento, CA 95614

FROM: California Bus Association, Tom Giddens, President  
PO Box 1155  
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RE: Public Comment – Section 2025 as modified - Regulation to reduce emissions – in-use on-road diesel-fueled vehicles

The entire motor coach industry, including individual members of the California Bus Association (CBA), deserve fair and equitable regulatory treatment consistent with, on the one hand, our industry's good faith financial investments since 2011 to pro-actively comply with the Heavy Duty Truck and Bus Rule and, on the other, directly related to the *Notice of Public Availability of Modified Text #11 and #18*:

- #11 – Section 2025(p) Exemptions...- the demonstrable fact that some VDECS devices perform differently on pre-2007 EMY motor coaches than on comparable Heavy Duty trucks of the same EMY, and;
- #18 - Section 2025(q)(2)(C) Recalled PM Filters

As to #11, *Exemptions, Delays, and Extensions*, for the subcategory of motor coaches, VDECS failures are largely due to the disadvantage of not being equipped with 13 to 18 forward speeds as is the case with Heavy Duty trucks keeping engine temperatures higher than is the case with the 6 forward speeds of motor coaches as CBA's previous comments to the proposed modifications articulated. The performance outcomes are significantly different for these two modes pursuant to section 2025.

With respect to #18, to compound the problem of non-working DPF filters on certain engine models, our industry spent many thousands of dollars retrofitting motor coaches with Cleaire Longmile DPF devices and then CARB issued an order to remove them so they could be modified and reinstalled.

CARB subsequently issued an information letter on January 25, 2013 telling those companies who have put on the filters that Cleaire has filed bankruptcy.

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With respect to the Cleaire bankruptcy and the material differentiation in DPF performance between the truck and motor coach heavy duty engine duty cycles there is not adequate relief for the motor coach industry as specified in Section 2025(q)(2)(C), or any other subsection from both an economic and regulatory impact standpoint.

We presume subsection “(C)” of section 2025(q)(2) was added to the rule to address previously unforeseen emissions control device manufacturer technological defects, bankruptcy, and recalls but the timeframe of a 2017 deadline in “(C)” does not remove the ultimate negative economic impacts to the end users of these devices. While no party to the Rule could have anticipated such a scenario as Cleaire declaring bankruptcy and essentially walking away from its responsibilities, the ultimate burden on the motor coach industry comes due in 2017.

To wit, the regulatory changes in this latest Advisory do not take into account the investment end users have already made in deficient or recalled VDECS except to allow for an interim five year period from the recall date before a bus company must purchase another VDECS as opposed to being automatically compliant with the original VDECS purchase until 2021. Additionally, this amended language does not take into consideration the inherent deficiencies in non-OEM DPF filters being placed on buses whose duty cycles vary greatly from HD truck duty cycles as stated above.

In furtherance of modifications in #11 and #18, the CBA and its members would like to suggest the following options to protect individual bus company investments in VDECS in compliance with the Heavy Duty Truck and Bus Rule as amended and in consideration of actual real world experience with VDECS that have demonstrated deficiencies or have been outright recalled:

1. Place the burden of rectification on the individual emissions control device manufacturer or successor entity to reinstall a new VDECS at the expense of the manufacturer not the end user, or;
2. Set aside a few million dollars from the State of California Cap and Trade system (annually \$850 million) to reimburse bus operators who would have to pay twice for a VDECS that failed through no fault of the bus operator transporting passengers, many of whom would be traveling in single occupancy autos, or;
3. **Extensions for Faulty Devices:** If a PM filter has been installed and subsequently is recalled or cannot be repaired or function properly under accepted maintenance practices on a motor coach engine in a good state of repair, the bus should be allowed to operate until January 1, 2021 without incurring any further expense pursuant to its documented report of original failure. This will protect fleet owners who complied in good faith with the letter and intent of the

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regulation relating to early or required date of retrofit installation. This option would only apply to a very small fraction of HD diesel vehicles with no significant emissions impact.

4. **Extensions for Early Compliance Credits:** Use of existing credits for downsizing, early addition of PM filters and cleaner vehicles should be extended to January 1, 2020 for motor coaches. Again, this option would have no significant impact on the environment but would allow more compliant bus companies to sustain operations to reduce congestion in California.

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