

Truck Regulations Advisory Committee Meeting

September 8, 2011

Member Attendees

Last	First	Company
Brasil	Tony	Air Resources Board
Hogo	Henry	South Coast Air Quality Management District
Leff	Mike	Valley Power Systems
Moir, Jr.	James	Mid-Pacific Industries, Inc.
Pfeifer	Nick	Granite Construction
Phipps	Bob	Bettendorf Trucking
Schrap	Matthew	California Fleet Solutions
Torres	Chris	F & L Farms Trucking, Inc.
Tunnel	Mike	American Trucking Association
White	Beth	Air Resources Board
Young	Chris	Cummins

Discussion Items

- TRAC Subcommittee Reports
- Subcommittee Organization
- Report on ARB's Enforcement Activities
- Regulation Update
- General Discussion
- Priorities and Action Items

Subcommittee Reports

- Agriculture Subcommittee: Craig Duehring, Agriculture Subcommittee Chair, gave the following report from today's meeting. Staff stated that the number of specialty vehicles reported is over the threshold of 2200 vehicles and staff is in the process of validating the reported data. Staff believes that many vehicles claiming to be specialty vehicles may not be specialty vehicles. ARB staff is currently working on letters to inform agricultural vehicle owners of any missing information and/or whether the vehicle will be considered a specialty vehicle.
- Small Business Subcommittee: ARB staff notified members of the internal reorganization and introduced new staff. ARB staff also gave an overview of the Truck and Bus regulation amendments and the status of fact sheets. Members provided feedback on the small fleet compliance option fact sheet. Members also discussed the purpose of the Small Business Subcommittee and whether there is a need for the subcommittee to continue. Members expressed that small business issues are still

important and need to be addressed in the general meeting or other subcommittee meetings at a minimum.

- Outreach Subcommittee: ARB staff presented an overview of the diesel vehicle regulation outreach efforts in 2011. This includes training, posters, website updates, and outreach materials. The subcommittee also discussed the importance of branding the outreach materials.

Subcommittee Organization

- ARB staff, Beth White, proposed reorganizing the subcommittees, so that agricultural and small business issues are addressed in an implementation subcommittee and outreach issues in the Outreach Subcommittee. The committee members agreed to disband the subcommittees as long as the issues continue to be addressed. Committee members suggested that TRAC meetings continue to be only one day.
- ARB staff will follow up with Agriculture and Small Business Subcommittee members to see which subcommittee they would like to be a member of going forward.

Report on ARB's Enforcement Activities

- ARB Enforcement Division, Diesel Program Enforcement Branch Chief, Paul Jacobs, gave an overview of ARB's enforcement activities. Including 2010 achievements and statistics. He stated that SB 1402 requires ARB to provide air pollution violators with written information on how ARB determines their penalties. The bill requires ARB to adopt a written penalty policy. Mr. Jacobs stated that the Enforcement Division posts all of its enforcement activities, including settlement cases, on its website. He also stated that the major source of reports or complaints comes from competitors and industry.
- Members asked how penalty amounts are assessed for each violation. They also asked how many citations determine that a fleet is negligent. Mr. Jacobs responded that even though there are standard penalties for certain reporting violations; staff still considers each individual circumstance. ARB staff also conducts audits on fleets that have citations.
- Members asked if there were penalties other than monetary. Mr. Jacobs discussed registration holds, impounds, and liens, any of which may and have been utilized by Enforcement Division.
- Members asked if motor carriers and brokers would be responsible to ensure that dispatched vehicles are compliant and Mr. Jacobs said yes. When asked what this would entail, Mr. Jacobs stated that due diligence could include: random filter checks, certificates of reporting, and following through if an issue develops.

- Mr. Jacobs also stated that unfair competition cases are handled first and that air districts and the California Highway Patrol staff are working with ARB on enforcement.
- Members asked if injunctions were a problem for companies based out of state. Mr. Jacobs said no.
- Mr. Jacobs discussed the factors included in determining the penalty amounts, which includes, if it is a repeat violation, if the fleet has been aggressive with compliance, and the emissions impact of the non-compliance.

Regulation Update

- ARB staff gave an overview of the final rulemaking packages. ARB staff stated that the Final State of Reasons (FSOR) for both the Tractor-Trailer Greenhouse Gas (GHG) regulation and the Truck and Bus regulation are being finalized. The final rulemaking packages, including the FSORs, are due to the Office of Administrative Law by October 28, 2011. Amendments to the GHG regulation include reporting options and standard for retreads.

General Discussion

- ARB staff gave an overview of the Frequently Asked Questions searchable database that is available on the website. Members requested an FAQ on common ownership.
- Members suggested outreach materials should be sent with driver's handbooks, but not with registration materials.
- Member asked ARB staff when agriculture vehicle rule was slated. Staff responded around 2013.

Priorities and Action Items

- ARB staff will be sending an email to Agriculture and Small Business subcommittee members to see which subcommittee they would like to participate in. The next meeting date is planned for early March 2012.
- ARB staff will provide statistics on what was reported at the next meeting.
- There were no public comments.