

Frequently Asked Questions Regulation for In-Use Off-Road Diesel-Fueled Fleets (Off-Road Regulation)

Restrictions on Adding Vehicles Revised December 2015

Q – Are there any current restrictions on adding vehicles to my fleet?

A – ARB received authorization from the United States Environmental Protection Agency (U.S. EPA) on September 13, 2013 and began enforcing the Off-Road Regulation’s restrictions on fleets adding vehicles with older tier engines as of January 1, 2014. The following summarizes the “adding vehicles” requirements found in section 2449(d) (6) of the Off-Road Regulation:

- (A) Ban on adding Tier 0s** – Beginning on January 1, 2014, a fleet may not add a vehicle with a Tier 0 engine to its fleet. The engine tier must be Tier 1 or higher.
- (B) Ban on adding Tier 1s** – Beginning on January 1, 2014, for large and medium fleets, and January 1, 2016, for small fleets, a fleet may not add any vehicle with a Tier 1 engine. The engine tier must be Tier 2 or higher.
- (C) Ban on adding Tier 2s** – Beginning January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet may not add a vehicle with a Tier 2 engine to its fleet. The engine tier must be Tier 3 or higher.

The chart below shows the minimum tier engine that may be added by a fleet beginning January 1 of the applicable calendar year.

Adding Vehicles Requirements by Fleet Size and Calendar Year (Minimum Engine Tier Allowed to be Added to a Fleet)

Fleet Size	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Medium/Large	T2				T3					
Small	T1		T2						T3	

For example, if a medium or large fleet wanted to purchase a vehicle on January 1, 2014, the vehicle’s engine would have to be a Tier 2 or cleaner engine. If a small fleet wanted to purchase a vehicle on this same date, it would have to be a Tier 1 or cleaner engine.

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Q – Do the “adding vehicles” requirements apply to vehicles I already own?

A – It depends, but generally no. The “adding vehicles” requirements apply to off-road vehicles/engines not already part of the fleet subject to the Off-Road Regulation. For example, a fleet may not add vehicles with Tier 0 engines to its off-road fleet after January 1, 2014; however, any Tier 0 vehicles already in the fleet at the time the ban takes effect may generally continue to operate. Nevertheless, exceptions may apply; for example, if an off-road vehicle is currently exempt from the Off-Road Regulation because it is subject to another regulation, the vehicle must meet the “adding vehicles” requirements when the fleet becomes subject to the Off-Road Regulation. If you have questions about how this might apply to your particular fleet, please contact the DOORS Hotline at 1-877-59DOORS (1-877-593-6677).

Q – Can I still add a vehicle that does not meet the “adding vehicles” requirements if I make it a low-use vehicle?

A – No. Once the “adding vehicles” requirements are in effect, a fleet cannot add a restricted vehicle (i.e., a vehicle that does not meet the “adding vehicles” requirements) to the fleet, even as a low-use vehicle.

Q – Can I still add a restricted vehicle if I plan to use it as a dedicated emergency vehicle, a dedicated snow removal vehicle, or a 51-99% agricultural vehicle?

A – Yes. Vehicles used solely for emergency operations, dedicated snow removal vehicles, and vehicles used 51% to 99% of the time for agricultural operations are exempt from the “adding vehicles” requirements and all other performance requirements of the Off-Road Regulation.

Q – Can I purchase and add a restricted vehicle to my fleet if I only want to use the vehicle for parts?

A – Yes. Fleets may still purchase a restricted vehicle if the vehicle will not be operated in California and is only being used for parts. For more information, please see the Vehicles Used for Parts FAQ available at <http://www.arb.ca.gov/msprog/ordiesel/documents/partsvehicles.pdf>.

Q – Can I purchase a restricted vehicle if I intend to replace the engine?

A – Yes, a restricted vehicle may be added after the “adding vehicles” requirements begin for the purpose of repowering it (i.e., replacing the restricted vehicle’s engine with a higher tier engine) before operated. However, the fleet must

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replace the original (restricted) engine added with a higher tier engine within 30 days from the date of purchase, and the fleet cannot receive any credit under the Off-Road Regulation for such a repower. If the repower takes longer, the fleet must submit proof (such as a digital photo) to ARB within 30 days from the purchase date that the original restricted engine has been removed from the chassis or rendered inoperable. Furthermore, the higher tier engine used to replace the original engine must meet the “adding vehicles” requirements laid out in section 2449(d) (6). After the vehicle repower, the fleet must report the vehicle with the newly installed higher tier engine within the 30-day reporting deadline for added vehicles.

A fleet may also choose to use the original restricted engine to replace or repair an existing engine (of the same tier or older) in another vehicle. For example, a fleet could use a restricted Tier 0 engine to repower a vehicle already containing a Tier 0 engine; however, the restricted Tier 0 engine could **not** be used to repower a vehicle containing a Tier 1 engine.

Q – As an equipment dealer, can I take in restricted vehicles as trade-ins?

A – Yes. Equipment dealers may take restricted vehicles as trade-ins in order to sell them out-of-state or to a buyer not subject to the Off-Road Regulation (i.e., the restricted vehicle cannot be operated or included as part of the dealer’s rental fleet in California). If it takes more than 30 days to move the vehicle out of state, dealers should report the vehicle as “awaiting sale.”

Q – Can I still rent/lease restricted vehicles?

A – Yes, under some conditions. For a vehicle rented or leased for a period of less than one year, the vehicle is considered the responsibility of the rental or leasing company (lessor) and not considered an addition to the fleet renting/leasing the vehicle (the lessee). Therefore, the lessee does not need to meet the “adding vehicles” requirements and can rent restricted vehicles.

For vehicles rented/leased for a period of one year or more, the vehicle may be considered part of the lessee’s fleet if such arrangement is provided for in the rental contract or lease. In such a case, the rental/leased vehicle would be considered an addition to the lessee’s fleet and subject to the “adding vehicles” requirements; the lessee would not be able to rent/lease a restricted vehicle. For more information, please see the Rental/Leased Equipment FAQ available at <http://www.arb.ca.gov/msprog/ordiesel/faq/rentalfaq.pdf>.

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Q – I am a rental/leasing company (lessor). If a fleet (lessee) wants to return a rented/leased vehicle back to me, am I allowed to accept that vehicle back into my fleet if it is now restricted?

A – Yes, under some conditions. For vehicles rented/leased for a period of one year or more, the “adding vehicles” requirements do not apply to lessors accepting vehicles returned at the end of a lease, as long as the arrangement was delineated in the written lease agreement and the rented/leased vehicle was counted as part of the lessee’s fleet and not an unregistered vehicle during the period of the lease (i.e., the vehicle must have been included in the lessee’s DOORS fleet). Once returned to the lessor, the vehicle does not need to meet the “adding vehicles” requirements, but it must be included in the lessor’s fleet average targets and indices on subsequent compliance dates.

For a vehicle rented or leased for a period of less than one year, the vehicle should remain in the lessor’s fleet. Since the vehicle should have remained in the lessor’s DOORS fleet (i.e., registered to the lessor even while rented/leased), the “adding vehicles” requirements will not apply to the vehicle when returned to the lessor.

For more information, please see the Rental/Leased Equipment FAQ available at <http://www.arb.ca.gov/msprog/ordiesel/faq/rentalfaq.pdf>.

Q – What if I want to sell a vehicle with a restricted engine? Who can still purchase a vehicle with a restricted engine? Does the vehicle have to be sold out of state?

A – Restricted vehicles are not required to be sold out-of-state. Parties not subject to the Off-Road Regulation will still be able to legally purchase restricted vehicles. Out-of-state fleets, fleets involved in agricultural operations, an individual wanting a vehicle for personal (noncommercial, nongovernmental) use, or a dealership (who intends to sell the vehicle) are all able to purchase restricted vehicles legally. Additionally, a fleet that is subject to the Off-Road Regulation may still legally purchase a restricted vehicle as long as the vehicle is one of the following:

- (1) being used for parts;
- (2) being used to replace or repair an engine of the same tier or older; or
- (3) repowered with a non-restricted engine before the vehicle is used (as stated in the Q&A’s above).

However, all vehicles sold within California must include the Disclosure of Applicability, as stated in 13 CCR 2449(j), and here: <http://www.arb.ca.gov/enf/advs/advs378.pdf>.

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Q – Do I have to report vehicles I have added to my fleet to ARB?

A – Yes. When a fleet acquires a vehicle subject to the Off-Road Regulation, the vehicle must be reported to ARB within 30 days of purchase, or within 30 days of entry into California. For more information on reporting vehicles, please see the Diesel Off-road Online Reporting System (DOORS) user guides available in the Knowledge Center on the Off-Road Regulation website at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm>.

Q – I am purchasing an off-road diesel vehicle and want to know if I can add it to my fleet. How do I determine the tier of the engine?

A – The tier of a diesel off-road engine is based on the engine’s model year and horsepower. For the purposes of the “adding vehicles” requirements, a vehicle may be assumed to meet the tier of the engine. The chart on the next page shows off-road diesel engine tiers by engine horsepower and model year.

Off-Road Diesel Engine Tiers by Engine Horsepower and Model Year

Engine Model Year	Engine Horsepower Groups							
	25-49	50-74	75-99	100-174	175-299	300-599	600-750	750+
1989 and Earlier	T0	T0	T0	T0	T0	T0	T0	T0
1996	T0	T0	T0	T0	T1	T1	T1	T0
1997	T0	T0	T0	T1	T1	T1	T1	T0
1998	T0	T1	T1	T1	T1	T1	T1	T0
1999	T1	T1	T1	T1	T1	T1	T1	T0
2000	T1	T1	T1	T1	T1	T1	T1	T1
2001	T1	T1	T1	T1	T1	T2	T1	T1
2002	T1	T1	T1	T1	T1	T2	T2	T1
2003	T1	T1	T1	T2	T2	T2	T2	T1
2004	T2	T2	T2	T2	T2	T2	T2	T1
2005	T2	T2	T2	T2	T2	T2	T2	T1
2006	T2	T2	T2	T2	T3	T3	T3	T2
2007	T2	T2	T2	T3	T3	T3	T3	T2
2008	T4I	T4I	T3	T3	T3	T3	T3	T2
2009	T4I	T4I	T3	T3	T3	T3	T3	T2
2010	T4I	T4I	T3	T3	T3	T3	T3	T2
2011	T4I	T4I	T3	T3	T4I	T4I	T4I	T4I
2012	T4I	T4I	T4I	T4I	T4I	T4I	T4I	T4I
2013	T4	T4	T4I	T4I	T4I	T4I	T4I	T4I
2014	T4	T4	T4I	T4I	T4	T4	T4	T4I
2015 and later	T4	T4	T4	T4	T4	T4	T4	T4

Q – I am purchasing an off-road diesel vehicle with a flexibility engine. How do I determine the tier of a flexibility engine?

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A – For the purposes of the “adding vehicles” requirements, a vehicle may be assumed to meet the tier of the engine model year. Therefore, a fleet should instead use the model year and horsepower of the engine to determine the tier. For more information on flexibility engines, please see the Model Year FAQ available at <http://www.arb.ca.gov/msprog/ordiesel/faq/faq-model-year.pdf>.

Q – I am purchasing a vehicle subject to the Off-Road Regulation that has an on-road engine. How do I determine if I can add this on-road vehicle to my fleet?

A – On-road engines are not subject to the same “tiered” engine standards as off-road engines. A fleet may add a vehicle (subject to the Off-Road Regulation) that contains an on-road engine to its fleet, as long as the vehicle otherwise meets all applicable requirements of the Off-Road Regulation.

Q – How do I determine if I can add an alternative- or gasoline-fueled vehicle to my fleet?

A – A fleet may include an alternative-fueled or gasoline-powered vehicle that is 25 horsepower or greater (or that replaced a diesel vehicle 25 horsepower or greater) in the fleet average calculations, as specified in section 2449(d) (1) (A), as long as its owner can demonstrate the following:

- (1) The vehicle serves a function and performs the work equivalent to that of a diesel vehicle and is used for a purpose for which diesel vehicles are predominantly used;
- (2) The vehicle is used predominantly outdoors;
- (3) The vehicle is not already included in the fleet average emission level requirements for large spark ignition engine fleets in title 13, section 2775.1;
- (4) Its engine is certified to a NOx standard less than or equal to the Tier 1 NOx standard for the same horsepower, and is less than or equal to the NOx emissions of a diesel engine of the same model year and horsepower; and
- (5) For a gasoline-powered vehicle, the owner must identify the diesel vehicle that the gasoline-powered vehicle replaced and maintain records documenting the function of the diesel vehicle replaced and the gasoline-powered replacement vehicle, and the dates of sale and purchase for both vehicles.

Q – How do I determine if I can add an electric vehicle to my fleet?

A – Since electric vehicles do not have a tier level, and are assigned an emission factor of zero, a fleet may include an electric vehicle 25 horsepower or greater in the fleet average calculations, as specified in section 2449(d)(1)(B), as long as its owner can demonstrate the following:

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- (1) The electric vehicle performs the work of a diesel vehicle and must be used for a purpose for which diesel vehicles are predominately used;
- (2) The electric vehicle must be used predominately outdoors; and
- (3) The electric vehicle cannot already be included in the fleet average requirements for large spark ignition engine fleets.

Q – If I am adding a two-engine vehicle to my fleet, do both engines need to meet the adding vehicle requirements?

A – Yes. If both engines of a two-engine vehicle are subject to the Off-Road Regulation, then both engines must meet the “adding vehicles” requirements if they are off-road certified engines. If the two-engine vehicle contains one off-road engine and one on-road engine, only the off-road engine must meet the “adding vehicles” requirements. For more information, please see the Two-Engine Vehicles FAQ available at <http://www.arb.ca.gov/msprog/ordiesel/faq/two-engine-vehicles.pdf>.

Q – I am currently a small fleet (2,500 hp or less), but I would like to add a Tier 1 vehicle that would change my fleet size to medium. The “adding vehicles” provision prohibits medium and large fleets from adding Tier 1 vehicles after January 1, 2014. Can I still add the vehicle, even if it changes my fleet size?

A – Yes. Since your fleet is considered to be a small fleet at the time of purchase or acquisition, the “adding vehicles” requirements for medium and large fleets would not apply to your fleet at that time. However, once your fleet grows in size, the “adding vehicles” requirements for the current fleet size will apply immediately and the fleet would be prohibited from subsequently adding another Tier 1.

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