

## **Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation**

### **General Applicability FAQ Revised January 2014**

**Q – What vehicles are generally subject to the In-Use Off-Road Diesel Vehicle Regulation (Off-Road regulation)?**

A – The Off-Road regulation applies to self-propelled off-road vehicles (a.k.a. equipment or machines) with diesel-fueled or alternative diesel fueled (including biodiesel) engines that are 25 horsepower (hp) or greater. The vehicle is considered an off-road vehicle if it cannot be registered and driven safely on-road or was not designed to be driven on-road (this includes vehicles that were designed/manufactured for off-road use, but have since been modified so it can be driven safely on-road). The Off-Road regulation also applies to several types of on-road vehicles, such as workover rigs, and many two-engine vehicles. Vehicles that are covered by the Off-Road regulation include, but are not limited to:

- Aerial lifts
- Aircraft tugs
- Backhoes
- Baggage tugs
- Belt loaders
- Cargo loaders
- Crawler tractors (bulldozers or dozer)
- Excavators
- Forklifts
- Graders
- Loaders
- Mowers
- Rollers
- Rough terrain forklifts
- Rubber tired loaders
- Scrapers
- Skid steer loaders
- Snow blowers
- Tractors
- Trenchers
- Two-engine vehicles (may have on-road drive engines)
- Workover rigs (may have on-road drive engines)

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For more information on two-engine vehicles or workover rigs, please see the “Two-Engine Vehicle FAQ” and the “Workover Rigs FAQ” which are both available in the Off-Road Knowledge Center at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm>.

**Q – What types of vehicles are not subject to the Off-Road regulation?**

A – In-use off-road vehicles with less than 25 hp are not covered by the Off-Road regulation or any other ARB in-use regulation. The Off-Road regulation also does not apply to vehicles that are used exclusively for personal (non-commercial) use. In-use vehicles powered by gasoline, propane, or other alternative fuels, such as forklifts or airport service vehicles, are also not covered by the Off-Road regulation, but may be subject to the Large Spark-Ignition (LSI) Fleet Regulation. For more information on the LSI Fleet regulation, please see their regulatory website at <http://www.arb.ca.gov/lsi>.

Diesel equipment that is not self-propelled (i.e. equipment that does not contain an engine that provides motive power or portable equipment), such as diesel generators and air compressors, are not covered under the Off-Road regulation. Such equipment, if 50 brake horsepower (bhp) and above, are likely subject to either the Stationary Airborne Toxic Control Measure (ATCM) or the Portable ATCM. However, in some cases, the auxiliary engine on a two-engine vehicle may be subject to the Off-Road regulation. Please see the question below regarding two-engine vehicles for additional information on these engines.

For more information on the Stationary Diesel Engine ATCM, please see their regulatory website at [http://www.arb.ca.gov/diesel/sta\\_tporthome.htm](http://www.arb.ca.gov/diesel/sta_tporthome.htm).

For more information on the Portable ATCM, please see their regulatory website at <http://www.arb.ca.gov/diesel/peatcm/peatcm.htm>.

Most vehicles that operate strictly at California ports or intermodal rail yards are not covered by the Off-Road regulation, but instead are subject to the Regulation for Mobile Cargo Handling Equipment. For more information on the Cargo Handling Equipment regulation, please see their regulatory website at <http://www.arb.ca.gov/cargo>.

Additionally, equipment that can only be operated on stationary rails or tracks is exempt from the Off-Road regulation because such equipment is not considered to be a vehicle under California law. For more information about on-rail equipment, please see the “Rail and Track Equipment FAQ” which is available at <http://www.arb.ca.gov/msprog/ordiesel/faq/faqrail.pdf>.

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**Q – Are all two-engine vehicles subject to the Off-Road regulation?**

A – Many two-engine vehicles are subject to the Off-Road regulation, but not all. As stated in section 2449(c)(57) of the regulation:

*“Two-engine vehicle’ means a specially constructed on-road or off-road mobile diesel-powered vehicle that was designed by the original equipment manufacturer to be equipped with two diesel engines: one engine provides the primary source of motive power of the vehicle while the second engine is an auxiliary engine 50 bhp or greater that is permanently attached and integrated into the design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power.”*

Both engines of two-engine cranes, and two-engine water-well drilling rigs (as defined in sections 2449(c)(56) and (c)(58), respectively) are subject to the Off-Road regulation. For all other two-engine vehicles (as defined above), both engines are subject to the Off-Road regulation provided that:

1. The two-engine vehicle is not already subject to the Fleet Rule for Public Agencies and Utilities, title 13, CCR, sections 2022 and 2022.1;
2. The two-engine vehicle is not a two-engine sweeper, as defined in the Truck and Bus regulation, title 13, CCR, section 2025; and
3. The two-engine vehicle does not have a Tier 0 auxiliary engine.

For more information on two-engine vehicles, please see the “Two-Engine Vehicle FAQ” which is available at

<http://www.arb.ca.gov/msprog/ordiesel/faq/two-engine-vehicles.pdf>.

For more information on the Fleet Rule for Public Agencies and Utilities, please see their regulatory website at

<http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>.

For more information on the Truck and Bus Regulation, please see their regulatory website at <http://www.arb.ca.gov/dieseltruck>.

**Q – I am an individual, and I own a piece of diesel equipment solely for personal use on my property. Am I required to report my vehicle and comply?**

A – No. As stated in section 2449(b) of the Off-Road regulation:

*“...off-road diesel vehicles owned and operated by an individual for personal, non-commercial, and non-governmental purposes are exempt from the provisions of this regulation.”*

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Therefore, individuals who own a piece of diesel equipment for personal use are completely exempt from the regulation, and do not need to comply with the reporting, labeling, or performance requirements of the regulation. Examples of such equipment could include a backhoe or lawn tractor used for caring for a personal property.

**Q – Are vehicles used for agricultural purposes subject to the Off-Road regulation?**

A – Vehicles that are used exclusively in agricultural or forestry operations are not subject to the Off-Road regulation. If vehicles are used more than 50% of the time in agricultural operations, they are exempt from the performance requirements of the regulation, but are still subject to the reporting and labeling requirements. If the vehicles are used in agricultural operations, but for less than 50% of the time, they are subject to all requirements of the Off-Road regulation.

For an explanation of what constitutes agricultural or forestry operations, please see the “Agricultural Equipment FAQ” which is available at <http://www.arb.ca.gov/msprog/ordiesel/guidance/ag-operations.pdf>.

**Q – Are vehicles used for emergency operations subject to the Off-Road regulation?**

A – Vehicles used solely for emergency operations (i.e. repairing or preventing damage due to natural disasters, such as earthquakes, floods, or fire) are exempt from the performance requirements of the Off-Road regulation, but are still subject to the reporting and labeling requirements.

For more information on what constitutes emergency operations, please see the “Emergency Use FAQ” which is available at <http://www.arb.ca.gov/msprog/ordiesel/faq/emergencyfaq.pdf>.

**Q – Does the Off-Road regulation cover snow removal vehicles like snow blowers or loaders?**

A – Yes. However, under section 2449(e)(4), if the vehicle meets the definition of dedicated snow removal vehicle (section 2449(c)(11), as shown below), the vehicle is exempt from the performance requirements of the regulation (i.e., the Best Available Control Technology (BACT) and fleet average requirements), but must still be reported and labeled in accordance with sections 2449(f) and (g).

*“Dedicate snow removal vehicle” means a vehicle that is operated exclusively to remove snow from public roads, private roads, or other paths*

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*from which snow must be cleared to allow on-road vehicle access. Dedicated snow removal vehicles must have permanently affixed snow removal equipment such as a snow blower or auger and may include, but are not limited to, motor graders, loaders, and snow blowers.”*

In addition, publically owned vehicles used exclusively to support snow removal operations, but which do not meet the dedicated snow removal definition (such as a loader without a special snow removal attachment), are also exempt from the performance requirements of the Off-Road regulation, but must still be reported and labeled.

**Q – What are some examples of dedicated snow removal vehicles with permanently affixed snow removal equipment?**

A – Vehicles with permanently affixed snow removal equipment can include snow blowers, loaders, graders, and other equipment types. Such vehicles are exempt from the performance requirements of the regulation but must still be reported and labeled. Photographs of some examples are shown below:



Snow blower

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Wheel loader with snow removal attachment



Snow removal vehicle with permanent snow removal attachment



Snow blower

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**Q – What if I have a vehicle used only for snow removal but it does not have any kind of special attachment?**

A – If such a vehicle is publicly owned, it is exempt from the regulation's performance requirements, but must still be reported to ARB and labeled. However, if it is privately owned, it is not exempt.

Thus, a loader without a permanently attached snow blower or auger that is owned by a city or county and that is used exclusively for snow removal would be exempt from the regulation's performance requirements (but must still be reported and labeled). However, the same loader owned by a private company and used exclusively for snow removal would not be exempt, and must comply fully with the Off-Road regulation.

**Q – What if I use my vehicle in the winter for snow removal but in the summer I use it for other purposes?**

A – To be exempt from the performance requirements, the vehicle must be used exclusively for snow removal. Thus, a vehicle used part of the year for non-snow removal purposes would not be eligible for this exemption.

**Q – Is a snow cat that is used to groom ski trails considered a dedicated snow removal vehicle and therefore exempt from the regulation?**

A – No. To be a dedicated snow removal vehicle, a vehicle must be operated exclusively to remove snow from public roads, private roads, or other paths from which snow must be cleared to allow on-road vehicle access. A snow cat used to groom ski trails does not meet this definition.

**Q – What happens when a vehicle that was previously exempt from performance standards (e.g., emergency-only, agricultural 51-99%, and designated snow removal) is no longer designated as such?**

A – If a vehicle no longer has a special designation, the vehicle must meet the most current requirements of the Adding Vehicles provision of the Off-Road regulation (section 2449(d)(6)) at the time the designation was removed. Even if the vehicle has been previously reported and has an EIN, the removal of the special designation causes the vehicle to be treated as a newly added vehicle.

The Adding Vehicles provision is effective beginning on January 1, 2014, following authorization received by the U.S. EPA on September 13, 2013, and restricts vehicles with older engines from being added to a fleet. The chart below

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shows the minimum tier engine that may be added by a fleet beginning January 1 of the given calendar year:

**Adding Vehicle 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 more information regarding this provision, please see the Adding Vehicles Frequently Asked Questions (FAQ) at <http://www.arb.ca.gov/msprog/ordiesel/faq/addingvehicles.pdf>.

**Q – Are water trucks subject to the Off-Road regulation?**

A – Although water trucks may be used off-road, most are on-road trucks that were manufactured and designed to drive on the road. These water trucks would not be considered off-road vehicles, and therefore would not be subject to the Off-Road regulation. Instead, these vehicles would most likely be subject to either the Fleet Rule for Public Agencies and Utilities, or the Truck and Bus regulation. However, if the water truck was designed to be an off-road vehicle, contains an off-road engine, and cannot be registered to drive on the highway, then it would be considered an off-road vehicle, and would be subject to the Off-Road regulation. Additionally, if the water truck has two-engines, and meets the two-engine vehicle criteria of the Off-Road regulation, both engines of that vehicle would be subject to the Off-Road regulation. For information on two-engine vehicles, please see the “Two-Engine Vehicle FAQ” which is available at <http://www.arb.ca.gov/msprog/ordiesel/faq/two-engine-vehicles.pdf>.

In the two photographs below, the top water pull (or water tug) is subject to the Off-Road regulation, while the bottom water truck is subject to the on-road Truck and Bus Regulation.

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Water Pull (Water Tug)



Water Truck

For more information on the Fleet Rule for Public Agencies and Utilities, please see their regulatory website at <http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>.

For more information on the Truck and Bus Regulation, please see their regulatory website at <http://www.arb.ca.gov/dieseltruck>.

**Q – Are sweepers subject to the Off-Road regulation?**

A – If the sweeper was designed to be an off-road vehicle, contains an off-road engine, and cannot be registered to drive on the highway (like a parking lot sweeper), then the sweeper is considered an off-road vehicle, and is subject to the Off-Road regulation. However, if the sweeper is a two-engine sweeper, or has a single on-road engine and can be registered to drive on the road, it is mostly likely subject to either the Fleet Regulation for Public Agencies and Utilities or the Truck and Bus regulation.

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For information on compliance of two-engine sweepers, please see the “Two-Engine Vehicle FAQ” which is available at <http://www.arb.ca.gov/msprog/ordiesel/faq/two-engine-vehicles.pdf>.

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For more information on the Truck and Bus Regulation, please see their regulatory website at <http://www.arb.ca.gov/dieseltruck>.

**Q - I am a fleet that owns off-road diesel vehicles that will be operated inside and outside California. Am I required to report my vehicles that are operated outside California?**

A - You are only required to report vehicles that are operating in California. However, if you own some vehicles not currently in California, but that have operated in California in the past, then you may report them with your initial reporting. You are not allowed to report vehicles that have never been operated in California. Once unreported vehicles enter the State, they must be reported within 30 days. For more information on reporting, please see the DOORS User Guide on Initial Reporting at <http://www.arb.ca.gov/msprog/ordiesel/documents/doors/userguide-initialreporting.pdf>.

When deciding whether to report vehicles that are currently outside California, you should consider the following factors:

- Keep in mind that unless a fleet meets the fleet average targets, then its total horsepower will determine its annual BACT requirements. Thus reporting vehicles that are outside the State could increase a fleet’s annual compliance requirements.
- If you own a vehicle that is a Tier 0 or Tier 1, and you anticipate it will be operated in California, it will most likely be in your best interest to report it along with your initial reporting even if it is not currently in California. This is because in the near future, there will be restrictions on adding older, dirtier vehicles (such as Tier 0s and Tier 1s) into a fleet, and it could therefore become impossible to bring older vehicles into the state if they were not previously reported.

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**Q – I am a non-profit training center that owns and operates off-road diesel vehicles. Am I required to comply with the Off-Road regulation?**

A – Non-profit training centers (as defined in section 2449(c)(35), also shown below) must comply with the regulation. However, as stated in section 2449(c)(24)(C), they are considered small fleets, even if their total horsepower exceeds 2,500 horsepower. This means that non-profit training centers do not need to begin meeting the fleet average targets or fulfilling the BACT requirements until 2019. Further information on the regulation’s requirements for small fleets can be found in the “Overview Fact Sheet” which is available at [http://www.arb.ca.gov/msprog/ordiesel/faq/overview\\_fact\\_sheet\\_dec\\_2010-final.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf).

*“Non-profit training center’ means an entity that operates a program for training in the use of off-road vehicles and that (A) is a community college program that trains students in the use of off-road vehicles or (B) qualifies as a non-profit or not for profit organization under title 26 Internal Revenue Code section 501(a), (c)(3), (c)(5), or (c)(6). Any vehicles that are not used for an off-road training program are not considered part of a non-profit training center and must be considered a separate fleet.”*

**Q – I own off-road diesel vehicles for Job Corps, a non-profit apprenticeship training program. Am I required to report my vehicles and comply?**

A – Job Corps fleets are exempt from the regulation’s performance requirements (as stated in section 2449(e)(13)), however, the vehicles must still be reported to ARB and labeled. For more information on reporting, please see the DOORS User Guide on Initial Reporting at <http://www.arb.ca.gov/msprog/ordiesel/documents/doors/userguide-initialreporting.pdf>.

**Q – Are off-road vehicles used on Native American reservations covered by the Off-Road regulation?**

A – If a fleet operates vehicles ONLY on the reservation, it is exempt from the Off-Road regulation, just like a fleet operating in another state or in a foreign country. However, if a fleet is based on a reservation, but uses its vehicles off reservation property within California, those vehicles are treated as though they are being brought into California from out-of-state (they are treated as an out-of-state fleet, and must meet those requirements).

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**Q – Does the Off-Road regulation cover off-road vehicles that are operated off-shore, like a diesel forklift on an oil drilling platform or a loader on a barge?**

A – Yes. The Off-Road regulation applies to vehicles that are used on land as well as within California territorial waters. California territorial waters are generally defined as within 24-miles of shore.

**Q – Does the Off-Road regulation apply to a vehicle that had been subject to the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (CHE regulation), but is now operating at a location in California other than a port or intermodal rail yard?**

A – The Off-Road regulation would only apply if the vehicle has either permanently left the port or intermodal rail yard (i.e., the owner has indicated in the CHE regulation report that the vehicle has been retired or is no longer operating at a port or intermodal rail yard) or has left the port or intermodal rail yard for a period of one year or more. In those cases, all provisions of the Off-Road regulation, including reporting and labeling requirements and restrictions for adding vehicles with lower tier engines, would apply unless the vehicle is otherwise exempt (e.g., used exclusively in agricultural operations). If a vehicle is relocated to an off-port or off-intermodal rail yard location temporarily (for less than a year), then the vehicle remains subject to the CHE regulation and is not subject to the Off-Road regulation.

**Q – Do vehicles awaiting sale need to meet the reporting, labeling, and emission control requirements of the In-Use Off-Road Diesel Vehicle Regulation?**

A – Vehicles that are awaiting sale and not being used do not need to meet the reporting, labeling, and emission control requirements. However, in order to be considered a vehicle awaiting sale, the vehicle may not be used except to demonstrate its purpose to possible buyers or to move short distances.

Per title 13, section 2449(e)(10), “Vehicles in the possession of dealers, financing companies, or other entities who do not intend to operate the vehicle nor offer the vehicle for hire, that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale or for maintenance purposes are exempt from all requirements in sections 2449, 2449.1, and 2449.2.”

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