

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

Vehicles Used for Emergency Operations FAQ Revised December 2015

Q – What are emergency operations, in the context of the In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation)?

A – As defined in section 2449(c)(15) of the Off-Road Regulation, emergency operation means helping alleviate an immediate threat to public health or safety. Some examples of emergency operation include repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, other infrequent act of nature, or terrorism. Routine maintenance or construction to prevent public health risks does not constitute emergency operation.

Q – Do my off-road vehicles used solely for emergency operations count towards my total fleet horsepower?

A – No. When a fleet is determining its fleet size, it does not need to include the horsepower of any emergency operation vehicles.

Q – Do off-road vehicles used solely for emergency operations count towards my fleet averages?

A – No, these vehicles are exempt from all of the performance requirements of the regulation. They do not need to be included when calculating a fleet's averages or targets.

Q – Do I need to report and label my off-road vehicles used solely for emergency operations?

A – Yes. All off-road vehicles used for emergency operations must be reported to ARB by the appropriate date and subsequently labeled. For more information about reporting deadlines or ARB's online reporting system (DOORS), please see the DOORS website located at:
https://ssl.arb.ca.gov/ssldoors/doors_reporting/doors_login.html.

For more information on labeling, please see the Labeling FAQ at
<http://www.arb.ca.gov/msprog/ordiesel/faq/faq-labeling.pdf>.

While this document is intended to assist fleets with their compliance efforts, it does not alter or modify the terms of any ARB regulation, nor does it constitute legal advice. It is the sole responsibility of fleets to ensure compliance with the In-Use Off-Road Diesel-Fueled Fleets Regulation.

Q – Do I need to control the emissions from my off-road vehicles used solely for emergency operations?

A – No. Although emergency operation vehicles must be reported and labeled, they are exempt from all performance requirements in sections 2449(d), 2449.1, and 2449.2(d).

Q – What if I control the emissions from an off-road vehicle used solely for emergency operations? For example, what if I install a retrofit on such a vehicle? Can I still get credit for that under the regulation?

A – If a fleet does not report the vehicle as a vehicle used solely for emergency operations, then the fleet can get credit for controlling the vehicle's emissions under the Off-Road Regulation. However, if the vehicle has been reported as a vehicle used solely for emergency operations, then the fleet cannot get credit for actions taken to control the emissions of that vehicle.

Q – What if my off-road vehicles are used only part of the time for emergency operations?

A – If an off-road vehicle is not dedicated to emergency operations, then it must comply with all reporting, labeling, and performance requirements of the Off-Road Regulation. However if the vehicle is low-use, the hours of operation accrued when the vehicle is used for emergency operations do not need to be included when determining the vehicle's permanent or year-by-year hours of low-use. For more information, please see the Frequently Asked Questions (FAQ) document on Low-Use at <http://www.arb.ca.gov/msprog/ordiesel/faq/lowusefaq.pdf>.

Examples of a vehicles not dedicated to emergency operations are loaders owned by a city normally used for construction activities but occasionally used to remove debris from roadways after flooding, earthquakes, or to remove snow.

As discussed further below, off-road vehicles that are used **solely** for emergency operations are exempt from the performance requirements of the regulation (i.e., are not subject to emission control requirements). An example of a vehicle used solely for emergency operations is a dozer owned by a fire department to help extinguish fires.

Q – I use my off-road vehicles for creating firebreaks and other fire hazard abatement activities. Is that considered emergency operations?

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A – No. Off-road vehicles used to perform routine maintenance (including snow removal) or construction to prevent public health risks are not considered emergency operation vehicles.

However, forest fire prevention activities including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, and fire hazard abatement are considered forest operations. Vehicles used solely for forest or agricultural operations are exempt from the Off-Road Regulation. For more information, please see the guidance document for the definition of agricultural operations located at <http://www.arb.ca.gov/msprog/ordiesel/guidance/ag-operations.pdf>.

Q – I use my off-road vehicles for snow removal in the winter. Is that considered emergency operation?

A – No. Snow removal by either a private or public fleet is considered routine maintenance and is not considered emergency operation. For example, mountainous or high elevation locations expect snow at times; its removal is routine and predictable. However, in the case of severe, out of the norm, snow storms in areas not typically receiving measurable snowfall, snow removal by either a private or public fleet may indeed constitute an emergency operation.

It should also be noted that dedicated snow removal vehicles are exempt from performance requirements in sections 2449(d), 2449.1, and 2449.2 of the regulation and are not included in a fleet's calculation of its fleet average index, target rate, fleet size, or when calculating the required horsepower for the Best Available Control Technology (BACT) requirements. Publicly-owned vehicles used exclusively to support snow removal operations but that do not meet the dedicated snow removal vehicle definition are exempt from the performance requirements in sections 2449(d), 2449.1, and 2449.2(d). Both types of snow removal vehicles must still be labeled and reported in accordance with sections 2449(f) and 2449(g). For more information, please see the Applicability FAQ at <http://www.arb.ca.gov/msprog/ordiesel/faq/applicabilityfaq.pdf>.

Q – If I bring an off-road vehicle in from out-of-state for emergency operations, will it be subject to the Off-Road Regulation?

A – Out-of-state off-road vehicles used solely for emergency operations and stay in California for less than three months do not have to be reported to ARB or labeled. For example, if off-road vehicles from Nevada are brought into California to help remove rocks from a landslide and are in California for only a couple days, they do not need to be reported to ARB or labeled. Vehicles brought into the state for emergency operations that last over three months must report the vehicle to ARB within three months of entering the state.

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