

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

### **Public Fleet Size Determination FAQ Revised December 2014**

**Q – Why is fleet size important in the In-Use Off-Road Diesel Vehicle Regulation (Off-Road Regulation)?**

A – Compliance requirements for ARB’s Off-Road Regulation vary for each fleet, and are determined based on the total off-road horsepower contained in the fleet. In the Off-Road Regulation, there are three “fleet size categories”: small, medium, and large; a fleet will have different reporting and compliance requirements depending upon their fleet category classification.

To determine the fleet size category, the horsepower of all mobile off-road vehicles under common ownership or control must be summed. Low-use vehicles, dedicated snow-removal vehicles, and vehicles used solely for emergency operations should not be included in this sum when determining the fleet size category.

**Q – What do you mean by common ownership or control?**

A – If vehicles are under common ownership or control, this means they are owned or managed day to day by the same person, corporation, partnership, or association. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities.

**Q – How do Federal and State agencies determine their fleet size?**

A – Vehicles owned by agencies of the United States and the State of California, or agencies thereof (i.e., an agency in the judicial, legislative, or executive branch of the federal or state government), must meet the large fleet requirements. In order to correctly calculate fleet requirements, federal agencies must report a Parent DOORS ID of 9 and State agencies must report a Parent DOORS ID of 10 on the ‘Owner Information’ page in DOORS.

Federal and state fleets may still comply and report as separate entities or as an identified fleet portion; however, they must still meet the large fleet requirements, regardless of total off-road horsepower in the fleet.

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**Q – Are school districts and universities exempt from the Off-Road Regulation?**

A – No. All school districts and public universities are subject to the Off-Road Regulation. Please see the questions and answers below for more information on determining fleet size for these entities.

**Q – Are California state universities such as the University of California and State University campuses considered state fleets?**

A – Yes. University of California (UC) and California State University (CSU) campuses are all considered state fleets under the Off-Road Regulation. Therefore, UCs and CSUs that own off-road equipment affected by the regulation must report and comply with the large fleet requirements and deadlines, regardless of the total horsepower at each campus. Each campus may report and comply individually, as long as each campus meets the compliance requirements and deadlines for large fleets.

**Q – Are private universities considered state or public fleets?**

A – No. Private universities are not considered state or public fleets. To determine the fleet size for a private university, please see the FAQ for private fleet size determination, located at <http://www.arb.ca.gov/msprog/ordiesel/faq/private-fleet-size.pdf>.

**Q – Are private schools considered local municipal fleets?**

A – No. Private schools are not considered local municipal fleets. To determine the fleet size for a private school, please see the FAQ for private fleet size determination, located at <http://www.arb.ca.gov/msprog/ordiesel/faq/private-fleet-size.pdf>.

**Q – What is a local municipality?**

A – A “local municipality” means a city, county, city and county, special district, or other public agency, or two or more public entities acting jointly, or the duly constituted body of an Indian reservation or rancheria. Agencies of the United States of America or the State of California, and departments, divisions, public corporations, or public agencies of this State or of the United States are not considered local municipalities.

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**Q – How do local municipalities determine their fleet size?**

A – For the purpose of determining the fleet size category of a local municipality, a municipality should first determine if it is a low-population county local municipality fleet (see below). Such fleets are considered small no matter what their horsepower. Then, local municipalities must consider that departments within a county or city or other local municipality are considered under common ownership and control because they are under the same management or “director”. Therefore, the total horsepower of all the departments must be summed to determine the overall fleet size category of small, medium, or large to be used for each department’s fleet\*. The departments of a city or county or other local municipality can still report and comply separately; however, they must comply with the requirements of the fleet size category of the local municipality. For example, if the road maintenance department of a county was a small fleet, but the county overall contained over 5,000 hp (a large fleet), the road maintenance department could report and comply separately from the rest of the county fleets, but they would still have to meet the requirements of a large fleet beginning in 2014.

However, if a separate agency related to a city or county, such as a special district, has its own funding source and management, it would be considered a separate local municipality and fleet because it is not under common ownership or control with the city or county. A local municipal fleet of this type would determine its fleet size category based solely on the total horsepower in its fleet, and would not have to comply with the fleet size category requirements of the city or county in which it resides.

**Q – What is a low-population county local municipality fleet?**

A – A “low-population county local municipality fleet” is a fleet that meets one of the following criteria:

- A fleet owned by a local municipality that is located in a county as defined in title 13, CCR, section 2022(b)(2) and identified in section 2022(c)(2), Table 2. The low population counties per title 13, CCR, section 2022(c)(2) are: Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba county. A map of the low population counties is shown in Figure 1 below.

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\* This is different than how fleet ownership is handled in ARB’s Fleet Rule for Public Agencies and Utilities. Under that regulation, individual departments in a city or county can be completely separate fleets because the regulation’s provisions do not differ based on fleet size.

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- A fleet owned by a local municipality that is not located in a low-population county but that has requested and has received ARB Executive Officer approval to be treated like a municipality in a low population county using the criteria set forth in title 13, CCR, section 2022.1(c)(4).



Figure 1: Low population counties

Low-population local municipal fleets are treated as small fleets even if their total horsepower exceeds 2,500 horsepower.

To apply for the low-population county local municipality fleet status, or to obtain information on the Fleet Rule for Public Fleets and Utilities, please see ARB’s website at <http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>.

**Q – What is a captive attainment area fleet?**

A – Captive attainment area fleets are fleets or fleet portions in which all of the vehicles operate exclusively within the following counties: Alpine, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Monterey, Plumas,

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San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sierra, Siskiyou, Trinity, Tehama, Yuba, and the portion of Sonoma County that lies within the boundaries of the North Coast Air Basin. Captive attainment area fleets are treated as small fleets even if their total horsepower exceeds 2,500 horsepower. Federal and State agencies cannot be considered captive attainment area fleets and must meet the large fleet requirements.

**Q – What is a non-profit training center, and what is my fleet size if I qualify as this type of fleet?**

A – A non-profit training center is 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. Non-profit training centers are treated as small fleets even if their total horsepower exceeds 2,500 horsepower.

**Q – My fleet’s total horsepower is less than 500 hp. Do I still have to meet the small fleet requirements?**

A – No. As an option, you can choose to phase out all of your fleet’s Tier 0 and Tier 1 vehicles and replace them with Tier 2 or greater vehicles according to the phase-out schedule specified in section 2449(e), and shown below.

**Optional Compliance Schedule for Fleets with 500 HP or Less**

<b>Compliance Date: January 1 of Year</b>	<b>Percent of Fleet (by horsepower) Which Must Have a Tier 2 or Higher Engine</b>
<b>2019</b>	25
<b>2022</b>	50
<b>2026</b>	75
<b>2029</b>	100

**Q – Are public fleets responsible for reporting contractors’ vehicles?**

A – No. Every fleet owner is only responsible for the reporting and compliance of the vehicles they own. However, please note that for vehicles leased for more than one year, the lessee may be responsible for the reporting and compliance of those vehicles if it is stated as such in the lease or rental contract. For more

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information on rental/leased vehicles, please refer to the Rental/Leased Equipment FAQ which is located at <http://www.arb.ca.gov/msprog/ordiesel/faq/rentalfaq.pdf>.

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