

Fleets Subcommittee Meeting Minutes, 6/25/2008, 10:00 a.m.

Member Attendees

Last Name	First Name	Affiliation	Email	Phone
White	Beth	ARB	eiwhite@arb.ca.gov	916-324-1704
Porcher	Dave	Camarillo Engineering	dporcher@camarilloengineering.com	805-389-4655
Pankonin	Michael	AEM	mpankonin@aem.org	414-298-4128
Davis	Bill	SCCA	williamedavis@cox.net	323-726-3511
Michaelson	Rodney	Bay Cities Paving and Grading	rmichaelson@baycities.us	925-688-0282
Adams	Jona	Harris Construction	jladams@harrisconstruction.com	559-251-0301
Brown	Skip	Delta Construction	skipbrown@deltaconstr.com	916-364-0292

Why involved?

Fleets subcommittee members discussed why they chose to be involved in the ORIAG Fleets subcommittee and what their goals were for the subcommittee. Reasons for joining included the following:

- Address particular issues for specific types of fleets; and
- Understand where rental fleet requirements differ from other types of fleets.

The goals that members cited for the subcommittee included the following:

- Determining/Establishing grading permit requirements;
- Determining/Establishing pre-job meeting requirements; and
- Determining/Establishing requirements prior to awarding contracts.

How do we address issues with developers that use noncompliant fleets?

- In order for the regulation to work for fleets, such that there is a level playing field, members would like to see developers held accountable for verifying that a contractor is in compliance before they award contracts. Members stated that if a developer awards a non-compliant contractor work, then the developer should be fined at least the same, if not more, than the contractor that is caught. If developers are not held accountable by substantial fines, then they will simply award a contract to the low bidder and let the contractor worry about what will happen if they are not in compliance. That will hurt compliant contractors who have spent large amounts of capitol and will have put themselves in debt to make their fleets compliant.
 - ARB responded: Staff will inquire about requirements of major developers, especially government agencies (e.g., CalTrans) at pre-job meetings. Questions to be asked include: Will contractors be required to show a

certificate of compliance at pre-job meetings? Will contractors be required to show a certificate of compliance to get a grading permit? To what extent will developers be held responsible during the bidding process?

Questions and Concerns Raised by the Subcommittee

- Can enforcement shut down a site because there is no certificate of compliance?
 - ARB responded: Yes. Staff realizes that there is a concern that the developer will immediately go back into operation with another fleet owner without suffering any consequences.
- Is it possible to pass something through the legislature in order to make developers request certificates of compliance during the bidding process? Can a Guidance Document be prepared for developers regarding this issue?
 - ARB responded: Staff will assess what can be done to address this issue and get that information back to subcommittee members and ORIAG, as a whole.
- Do the rental fleets have to hand out an idling policy to renters?
 - ARB responded: Although idling of a vehicle is the responsibility of the renter or lessee, the rental agreement has to indicate this. It is also up to the fleet owner to develop a written idling policy for their operators. Any additional efforts made by the rental fleet to ensure that the regulation is understood and complied with, cannot hurt.
- Are there any funding possibilities for repowers/new vehicles?
 - ARB responded: Other than Moyer and the funding pilot for guaranteed loans, I am not aware of any. If there is anything else available, I will let the members know.
- Why can't we use a cap instead of the 100-hour requirement for low-use vehicles for rental fleets?
 - ARB responded: This was covered in the Final Statement of Reasons. If a cap was shared among a number of vehicles in the fleet, it would require an increased number of hour meter readings to be completed, recorded, summed, and inspected by enforcement personnel. This in turn would not only make the requirement more complex and expensive for the fleet operator, but more difficult to enforce.
- How long will we the subcommittees continue to meet? Until 2010?
 - ARB responded: It is expected that we will continue to meet until 2010. Each subcommittee can decide if they feel that their goals have been met and if they need to continue to meet past 2010.

Concerns were expressed regarding the scheduling of the outreach training workshops, as they are during peak construction season.

A request was made to have fix-it tickets issued initially for non-compliance with idling requirements. It was suggested that enforcement could go back and check the fleet later and issue a fine if the fleet was still non-compliant.

A request was made to send another mass mailing to licensed contractors. It was suggested that it not be a postcard this time as it was felt that many of these were thrown away without being viewed. It was also suggested that it be sent in an envelope that emphasized that it was an important document from a government agency.

Subcommittee members expressed their desire to be involved in any amendments that will be made to the regulation.

Logistics and Next Steps

- Inquire about requirements of major developers, especially government agencies (e.g., CalTrans) at pre-job meetings and discuss with other subcommittee members at the next meeting.
 - Determine if it is possible to pass something through the legislature in order to make developers request certificates of compliance during the bidding process.
 - Discuss suggested verbiage for any amendments, proposed by ORIAG members, relative to developers' bidding process.
 - Assess if a Guidance Document should be developed to address the issue of developers ensuring that bidders are compliant.
- Determine if there will be mass mailing to licensed contractors and how that will be handled, if so.