

# FINAL REGULATION ORDER

## Advanced Clean Trucks Regulation

### **Section 2012. Advanced Clean Trucks, Large Entity Reporting Requirement**

- (a) *Purpose.* The purpose of sections 2012, 2012.1, and 2012.2 is to collect information to assess suitability of zero-emission vehicles in multiple use cases and to inform future strategies on how to accelerate the zero-emission vehicle market in California. These sections support future measures to reduce emissions of oxides of nitrogen (NO<sub>x</sub>), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG) from vehicles.
- (b) *Scope and Applicability.* Except as provided in section 2012(c), this regulation applies to each of the following entities:
  - (1) Any entity with gross annual revenues greater than \$50 million in the United States for the 2019 tax year, including revenues from all subsidiaries, subdivisions, or branches, who operated a facility in California in 2019 and had one or more vehicles over 8,500 lbs. GVWR under common ownership or control that were operated in California in 2019;
  - (2) Any fleet owner in the 2019 calendar year that had 50 or more vehicles with a GVWR greater than 8,500 lbs. under common ownership or control and operated a facility in California;
  - (3) Any broker or entity that dispatched 50 or more vehicles with a GVWR greater than 8,500 lbs. into or throughout California, and operated a facility in California, in the 2019 calendar year;
  - (4) Any California government agency including all state and local municipalities that had one or more vehicles over 8,500 lbs. GVWR that were operated in California in 2019; and
  - (5) Any federal government agency that had one or more vehicles over 8,500 lbs. GVWR that were operated in California in 2019.
- (c) *Exemptions.* The following entities, facilities, or vehicles are exempt from the requirements of sections 2012 through 2012.2:
  - (1) K-12 schools and school districts and other entities whose fleet is comprised primarily of school buses as defined in the California Vehicle Code section 545, which for the purposes of this regulation, means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, who operates or directs the operation of any

such bus on either a for-hire or not-for-hire basis;

- (2) Transit vehicles that are subject to the Innovative Clean Transit regulation, 13 CCR section 2023, and their vehicles used exclusively to support transit service;
  - (3) Light-duty vehicles dispatched but not owned by transportation network companies;
  - (4) Military tactical vehicles as described in 13 CCR section 1905 and military tactical facilities owned or operated by the United States Department of Defense and/or the United States military services;
  - (5) Vehicles awaiting sale as defined in section 2012(d)(23); or
  - (6) Emergency vehicles as defined in the California Vehicle Code section 165.
- (d) *Definitions.* The following definitions shall apply for sections 2012 through 2012.2:
- (1) “Backup vehicle” means a self-propelled motor vehicle designed for on-highway use that is used intermittently to maintain service during periods of routine or unplanned maintenance, unexpected vehicle breakdowns, or accidents but is not used in everyday or seasonal operations.
  - (2) “Broker” means an entity or person who has broker authority from the Federal Motor Carrier Safety Administration and, for compensation, arranges or offers to arrange the transportation of property by an authorized motor carrier. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.
  - (3) “Common ownership or control” means being owned or managed day to day by the same person or entity. 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. Common ownership or control of a federal government vehicle shall be the primary responsibility of the unit that is directly responsible for its day to day operational control.
  - (4) “Corporate parent” means a business that possesses the majority of shares in another business, which gives them control of their operational procedures.
  - (5) "Dispatched" means provided direction or instruction for routing a vehicle(s), whether owned or under contract, to specified destinations for

specific purposes, including but not limited to delivering cargo, passengers, property or goods, providing a service, or assisting in an emergency.

- (6) "Executive Officer" means the Executive Officer of the California Air Resources Board (CARB) or his or her authorized representative.
- (7) "Facility" means any property with one or more unique physical addresses.
- (8) "Facility category" means a classification of different facility types based on a facility's primary purpose. Facility categories are defined as the following:
  - (A) "Administrative/office building" means a building or structure used primarily for day-to-day activities that are related to administrative tasks such as financial planning, record keeping & billing, personnel, physical distribution and logistics, within a business.
  - (B) "Distribution center/warehouse" means a location used primarily for the storage of goods which are intended for subsequent shipment.
  - (C) "Hotel/motel/resort" means a commercial establishment offering lodging to travelers and sometimes to permanent residents.
  - (D) "Manufacturer/factory/plant" means a location with equipment for assembling parts, producing finished products, intermediate parts, or energy products.
  - (E) "Medical/hospital/care" means an institution engaged in providing inpatient diagnostic and therapeutic services or rehabilitation services by or under the supervision of physicians.
  - (F) "Multi-building campus/base" means a property typically operated by a single entity with several buildings, often serving multiple purposes.
  - (G) "Restaurant" means a business establishment where the primary purpose is serving meals or refreshments.
  - (H) "Service center" means a facility that supports a business operation that generates revenue by providing a specific service or product, or a group of services or products to a customer.
  - (I) "Store" means an establishment that sells goods or a variety of goods and services to the general public.
  - (J) "Truck/equipment yard" means an establishment that primarily stores or dispatches trucks and equipment such as a garage or

parking lot.

- (K) "Any other facility type" means any facility that is not included in 2012(d)(8)(A-J).
- (9) "Fleet" means one or more self-propelled on-road vehicles under common ownership or control of a person, business, or agency as defined in California Vehicle Code section 460. This includes vehicles that are rented or leased from a business that regularly engages in the trade or business of leasing or renting motor vehicles without drivers where the vehicle rental or leasing agreement for the use of a vehicle is for a period of one or more years.
- (10) "Fleet owner" means, except as modified below in paragraphs (A) and (B), either the person registered as the owner or lessee of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; as evidenced on the vehicle registration document carried in the vehicle.
  - (A) For vehicles that are owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which have responsibility for maintenance of the vehicles.
  - (B) For a vehicle that is rented or leased from a business that is regularly engaged in the trade or business of leasing or renting motor vehicles without drivers, the owner shall be the rental or leasing entity if the rental or lease agreement for the use of a vehicle is for a period of less than one year, otherwise the owner shall be the renter or lessee.
- (11) "Government agency" means any federal, state, or local governmental agency, including, water districts, or any other public entity with taxing authority.
- (12) "Gross annual revenue" means the total revenue, receipts, and sales reported to the Internal Revenue Service for a consecutive 12 month period.
- (13) "Gross vehicle weight rating" or GVWR has the same meaning as defined in California Vehicle Code, section 350.
- (14) "Motor carrier" is the same as defined in California Vehicle Code section 408.
- (15) "Municipality" means a city, county, city and county, special district, or a

public agency of the State of California, and any department, division, public corporation, or public agency of this State.

- (16) “Responsible official” means one of the following:
- (A) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or their delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation;
  - (B) For a partnership or sole proprietorship: A general partner or the proprietor, or the delegate or designee of the aforementioned, or any other person who performs similar policy or decision-making functions for the business; or
  - (C) For a municipality, state, federal, or other governmental agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the U.S. EPA). For the purposes of the Department of Defense Military Services, a principal executive officer includes a commanding officer of an installation, base, or tenant organization.
- (17) “Subsidiary” means a company controlled by another company.
- (18) “Subhauler” means a for-hire motor carrier who enters into an agreement to provide transportation services on the behalf of another motor carrier or broker.
- (19) “Transportation network company” means any entity or person that provides prearranged transportation services for compensation using an online-enabled application or platform (such as smart phone apps) to connect drivers using their personal vehicles with passengers.
- (20) “Vehicle” means self-propelled equipment intended for use on highways, and does not include motorcycles.
- (21) “Vehicle body type” means commonly used vehicle body descriptions to be used in responding to questions about the fleet of vehicles including the following: beverage truck, boom/bucket, box reefer, box dry van, bus-shuttle, bus-other, car/SUV, car carrier, concrete mixer, concrete pump, crane, drill rig, dump, flatbed or stake bed, garbage front loader, garbage side loader, garbage packer, garbage roll-off, other, pickup bed, service body, sweeper, tank, tractor day cab, tractor sleeper cab, tow, vacuum, water, van-cargo, van-step, van-passenger, on-road or off-road yard

tractor.

- (22) "Vehicle home base" means the location where a vehicle is domiciled meaning a business location where a vehicle is typically kept when not in use. Vehicles that are kept at a personal residence or kept at a location that is not operated by the entity shall use the location where the vehicle is dispatched from or where the vehicle is repaired or maintained.
  - (23) "Vehicles awaiting sale" means vehicles in the possession of dealers, financing companies, or other entities that do not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage.
  - (24) "Weight class bin" means a list of vehicles categorized by GVWR. The weight class bins are one of the following:
    - (A) "Light-duty" means a self-propelled motor vehicle designed for on-highway use with a GVWR of 8,500 lbs. or less. Also referred to as Class 1-2a. This includes passenger cars, sport utility vehicles, minivans, and light pickup trucks.
    - (B) "Class 2b-3" means a self-propelled motor vehicle designed for on-highway use with a GVWR from 8,501 lb. to 14,000 lb. The types of vehicle in this category generally includes full-size pickup trucks, smaller utility trucks, cargo vans, and passenger vans.
    - (C) "Class 4-6" means a self-propelled motor vehicle designed for on-highway use with a GVWR from 14,001 lb. to 26,000 lb.
    - (D) "Class 7-8" means a self-propelled motor vehicle designed for on-highway use with a GVWR greater than 26,000 lbs.
- (e) General Requirements.
- (1) *Reporting.* All regulated entities must submit information specified in sections 2012.1 and 2012.2 to the Executive Officer. Subsidiaries, parent companies, or joint ventures may independently report, or the corporate parent or joint venture business may report on their behalf, as long as all information for subsidiaries, corporate parents, and joint ventures with vehicles over 8,500 lbs. are reported. These entities with brokerage and/or motor carrier authority must be reported even if no vehicles are owned by that subsidiary, corporate parents, or joint venture. Vehicles that are under common ownership or control may be submitted separately by each fleet owner. Complete information must be reported by April 1, 2021. Vehicle data must be reported as the fleet was comprised on a date of the fleet owner's choosing any time after January 1, 2019. To the extent reports submitted contain confidential data, entities may choose to

designate that information as confidential per 17 CCR sections 91000 to 91022.

- (2) *Method of Reporting.* Reports submitted to comply with sections 2012.1 and 2012.2 must be submitted online through CARB's Advanced Clean Trucks webpage.
- (3) *Record Retention.* The fleet owner or responsible official shall maintain the records of their information required by sections 2012.1 and 2012.2 until December 31, 2024, for the overall fleet. In addition, the fleet owner or responsible person must maintain all fleet, vehicle, contract, and facility records used to compile responses to sections 2012.1 and the data and analysis period used for 2012.2. Records must include the following:
  - (A) For owned on-road vehicles and off-road yard tractors, mileage records and dates from records such as maintenance logs, vehicle logs, odometer readings, or other records with the information that the reporting entity used to determine their response;
  - (B) For on-road vehicles and off-road yard tractors not owned but dispatched by the entity, dispatch records and dates, contracts, or other records with the information that the reporting entity used to determine their responses;
  - (C) Vehicle registration for each owned vehicle in the California fleet; and
  - (D) Contracts with entities, or contracts with subhauliers, or other records with the information that an entity used to determine their responses.
- (4) *Request to Clarify Reported Data.* A fleet must respond to requests for clarification of reported information within 14 days of receiving the request from the Executive Officer.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 43013, 43018, 43101 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 43000, 43000.5, 43013, 43018, 43101 Health and Safety Code.

### **Section 2012.1. General Entity Information Reporting.**

All entities subject to the regulation must report the following general information about their entity and business practices:

- (a) General information.
  - (1) Entity name and fictitious business name if applicable;

- (2) Mailing address including street name or P.O. box, city, state, and ZIP code;
- (3) Designated contact person name;
- (4) Designated contact person's email address;
- (5) Designated contact person's phone number;
- (6) Corporate parent name or governing body (if applicable);
- (7) Federal Taxpayer Identification Number of Corporate Parent or other entities with which your entity has vehicles under common ownership or control (if applicable);
- (8) For government entities, identify the jurisdiction (federal, state, or local);
- (9) If the regulated entity has reported vehicles or company information in CARB's Truck Regulation Upload, Compliance, and Reporting System (TRUCRS), report all active account identification numbers, otherwise known as "TRUCRS ID";
- (10) Federal Taxpayer Identification Number (if applicable);
- (11) Primary six digit North American Industry Classification System (NAICS) code (if applicable);
- (12) For non-governmental entities, identify the total annual revenue for the entity in the United States for 2020. Respond by using the following bins in millions of dollars (<\$10, \$10-\$49, \$50-\$99, \$100-\$499, \$500-\$999, >\$1,000);
- (13) Identify if your entity has broker authority under the Federal Motor Carrier Safety Administration;
- (14) The following operating authority numbers, if applicable: Motor carrier identification number, United States Department of Transportation number, California Carrier Identification number, California Public Utilities Commission transportation charter permit number, International Registration Plan number;
- (15) Identify the number of entities with whom you had a contract to deliver items or to perform work in California using vehicles over 8,500 lbs. GVWR in 2019 or 2020 to serve your customers while representing your entity's brand. Respond using the following bins (0, 1-10, 11-20, 20-50, or more than 50);
- (16) If your entity has motor carrier or broker authority and contracts with



subhaulers to serve your customers, identify the following for the year 2019 or 2020; if you do not have motor carrier or broker authority, mark "Does not apply":

- (A) The number of subhaulers you contracted with in California to transport goods or other property. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 20-50, or more than 50);
  - (B) Estimated number of vehicles operated by your subhaulers on your behalf in California. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 20-99, 100-500, >500); and
  - (C) Estimated number of vehicles operated by subhaulers that operated under your motor carrier authority in California. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 20-99, 100-500, >500).
- (17) Identify whether your entity has a written sustainability plan to reduce your carbon footprint. Respond with (Yes, No, Does not apply);
- (18) Identify whether your entity's written sustainability plan includes transportation emissions reduction goals. Respond with (Yes, No, Does not apply);
- (19) Identify the number of vehicles with a GVWR over 8,500 lb. your entity owned and operated in California in either 2019 or 2020 that do not have a vehicle home base in California.
- (20) Identify whether the data used to respond to the questions in section 2012.1 were from 2019, 2020, or a combination thereof.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 43013, 43018, 43101 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 43000, 43000.5, 43013, 43018, 43101 Health and Safety Code.

## **Section 2012.2. Vehicle Usage by Facility Reporting.**

Regulated entities that own or operate any vehicles under common ownership or control, or that broker to use vehicles with a GVWR greater than 8,500 lbs. must report general information about the vehicle home base where all on-road vehicles and off-road yard tractors are domiciled or assigned as specified in section 2012.2(a), and information about vehicle operating characteristics for vehicles domiciled or assigned to each vehicle home base in California as specified in section 2012.2(b). Vehicles that accrue a majority of their annual miles in California, but are not assigned to a particular location in California, must be reported as part of the headquarters or another location where the vehicles' operation is managed.

- (a) All regulated entities must report the following information for each vehicle home base:
- (1) Facility address including street name, city, state, and ZIP code;
  - (2) Facility type category as listed in section 2012(d)(8);
  - (3) Contact person name;
  - (4) Contact person email address;
  - (5) Identify whether the facility is owned or leased by the entity;
  - (6) Identify what type of fueling infrastructure is installed at the facility, by selecting all of the fuel types dispensed at the facility as listed below in section 2012.2(a)(6)(A) to 2012.2(a)(6)(G):
    - (A) Diesel;
    - (B) Gasoline;
    - (C) Natural gas;
    - (D) Electricity for on-road vehicle charging (Level 2 or higher power);
    - (E) Hydrogen;
    - (F) Other fuel; or
    - (G) Not applicable.
  - (7) Identify what fueling infrastructure was initially installed on or after January 1, 2010 for the fueling options listed in section 2012.2(a)(6)(A) to 2012.2(a)(6)(G);
  - (8) Identify what types of trailers you pull if you have tractors assigned or domiciled at this facility:
    - (A) Van-dry;
    - (B) Van-reefer;
    - (C) Tanker;
    - (D) Flatbed;
    - (E) Shipping container;
    - (F) Low bed;

- (G) Curtain side; or
- (H) Other.

(b) For each vehicle home base with a vehicle above 8,500 lbs. GVWR, report information specified in section 2012.2(b)(1) to 2012.2(b)(6) for all vehicles above 8,500 lb. GVWR including off-road yard tractors. Responses must be grouped by vehicle body type as listed in section 2012(d)(21), weight class bin specified in section 2012(d)(24), and fuel type listed in section 2012.2(a)(6)(A) to 2012.2(a)(6)(G). Alternatively, responses may be completed for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. Separately report vehicles dispatched under your brokerage authority, if applicable. Each vehicle should only be counted once for each response. Additional guidance for analysis periods used to respond to questions in this section is located in 2012.2(b)(7). Additional guidance on reusing vehicle operational information between similar locations is located in 2012.2(b)(8). Vehicles dispatched under your brokerage authority but not owned by your entity are not subject to reporting information from sections 2012.2(b)(2)(A) through 2012.2(b)(2)(E) and additional guidance for brokers is located in 2012.2(b)(9).

- (1) How many vehicles in each vehicle group;
- (2) The percent of the vehicles in each vehicle group that have the operations listed in sections 2012.2(b)(2)(A) through 2012.2(b)(2)(Q), except section 2012.2(b)(2)(J), represented by 90 percent of a vehicle's operating days for the analysis period selected per 2012.2(b)(7). Respond by estimating the percent of the total vehicles that apply to the category and rounding to the nearest 10 percent. For yard tractors, sections 2012.2(b)(2)(A-E) and (K) are optional. Do not include backup or non-operational vehicles in calculating vehicle group mileage averages.
  - (A) Operate up to 100 average miles per day;
  - (B) Operate up to 150 average miles per day;
  - (C) Operate up to 200 average miles per day;
  - (D) Operate up to 300 average miles per day;
  - (E) Operate more than 300 average miles per day;
  - (F) Has a predictable usage pattern. For example, refuse trucks or package delivery trucks typically have predictable usage patterns because they tend to serve the same neighborhoods each week;
  - (G) Fuels on-site as the primary means of fueling;
  - (H) Typically returns to this vehicle home base daily. For example, if a

vehicle returns to a personal residence nearly all days of the year and does not return to the vehicle home base often, the vehicle would not be counted; however, a vehicle that returns to the vehicle home base nightly for 9 out of 10 work days, or always stays at home base, would be counted;

- (I) Has onboard GPS or mileage tracking;
  - (J) Whether most of the vehicles in the group stay within approximately 50 miles of this facility on a typical day (indicate either Yes or No);
  - (K) Tows a trailer more than 100 miles a day;
  - (L) Commonly operates at its weight limit;
  - (M) Is not registered in California;
  - (N) Is regularly parked at the facility more than 8 hours each day;
  - (O) The highest approximate percent of the vehicle group that was dispatched at the same time over the last 3 years on the behalf of a local, state or federal government to support an emergency operation such as repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature;
  - (P) Is equipped with all-wheel drive; and
  - (Q) Are not being operated or are used as backup vehicles.
- (3) The average annual mileage for a typical vehicle in this vehicle group. Respond by using one of the following that is closest to the average miles (5,000 or less, 10,000, 20,000, 30,000, 40,000, 50,000, 60,000, 70,000, 80,000, 90,000, 100,000, or more than 100,000).
- (4) For vehicle types represented in this group, identify how long you typically keep vehicles after acquisition. Respond in number of years by using one of the following bins: (Less than 4, 5-10, 11-15, 16-20, or more than 20).
- (5) Identify whether your entity is the fleet owner for this group of vehicles, or if they are dispatched under your brokerage authority.
- (6) Identify the start and end date of the analysis period selected per section 2012.2(b)(7).
- (7) Entities must either use annual or quarterly data averaged for work days during the period selected to determine responses or alternatively may select a different time period. A shorter analysis period may be used if the respondent deems it more representative of periods of high vehicle

utilization when answering questions about typical daily operation. For example, if an entity selects annual data to determine vehicle daily mileage, average the annual mileage accrued by the number of workdays that year. Otherwise, if an entity with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response. If an alternative analysis period is used, the respondent must be prepared to describe their reasoning at the request of the Executive Officer per section 2012(e)(4).

- (8) Responses for items in section 2012.2(b)(1) through 2012.2(b)(5) for a vehicle group at one location may be repeated for the same vehicle group at another vehicle home base if the respondent that is familiar with the vehicle operation determines the operation at that location is substantially similar to another location.
- (9) A broker is only expected to provide information about vehicle usage that is dispatched under contract with a fleet owner. For example, if a broker hires a truck to move a load, only the miles driven under that contract should be considered for the responses and the broker is not expected to have information about the miles driven outside the contract, but may voluntarily report the information if known.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 43013, 43018, 43101 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 43000, 43000.5, 43013, 43018, 43101 Health and Safety Code.