

Advanced Clean Truck Regulation
Proposed Draft Regulation Language

Large Entity and Large Fleet Reporting Requirement

California Air Resources Board

Advanced Clean Trucks Workshop

August 21, 2019

POTENTIAL DRAFT REGULATORY LANGUAGE FOR STAKEHOLDER REVIEW:
This document provides potential draft regulatory language for the Advanced Clean Trucks rulemaking. This document is only intended to encourage public feedback, is incomplete, and should not be construed as a formal regulatory proposal.

PROPOSED REGULATION ORDER

**** New Regulation ****

Adopt new sections 2012.0, and 2012.1, title 13, California Code of Regulations, to read as follows:

(Note: The entire text of sections 2012 set forth below is new language in “normal type” proposed to be added to the California Code of Regulations.)

§ 2012.0 Advanced Clean Trucks, Large Entity Reporting Requirement

- (a) *Purpose.* The purpose of this article is to collect information to assess suitability of electric vehicles across multiple business cases and to inform future strategies on how to accelerate the zero-emission vehicle market in California. This article supports future measures to reduce emissions of oxides of nitrogen (NOx), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG) from vehicles.
- (b) *Scope and Applicability.* Except as provided in subsection (c), this regulation shall apply to each of the following:
 - (1) Any entity that does business in California, as defined in the California Revenue and Taxation Code section 23101, including all subsidiaries, subdivisions, or branches, with gross annual revenues for the 2019 tax year greater than \$50 million in the United States; and
 - (2) Any fleet owner with more than 100 vehicles with a GVWR greater than 8,500 lbs. that operated at least one of those vehicles in California in 2019; and
 - (3) Any broker or entity that dispatched more than 100 vehicles with a GVWR greater than 8,500 lbs. in California in 2019; and
 - (4) Any California government agency including all state and local municipalities; and
 - (5) Any Federal government agency operating in California.

(c) *Exemptions.* The following entities are exempt from this regulation:

- (1) K-12 schools and school districts and other entities whose fleet is comprised entirely of school buses, 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; and
- (2) Transit agencies that are subject to the Innovative Clean Transit regulation, section 2023; and
- (3) Transportation network companies.

(d) *Definitions.* The following definitions shall apply for sections XXXX through XXXX:

- (1) “Broker” means an entity or person who, 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.
- (2) “Corporate parent” means a business that possesses the majority of shares in another business, which gives them control of their operational procedures.
- (3) “Fleet” means one or more vehicles with a GVWR greater than 8,500 lbs. that travelled in California in 2020 that are owned by a person, business, or agency as defined in California Vehicle Code section 460. A fleet may fall into one of the following subclassifications:
 - (A) “Federal fleet” means a fleet of vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies including the United States Postal Service. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a military service or an installation; or
 - (B) “Rental or leased fleet” means a fleet of vehicles owned by a person (rental or leasing entity) for the purpose of renting or leasing, as defined in California Uniform Commercial Code section 10103(a)(10), such vehicles to other persons (renters or lessees) for use or operation.

- (4) “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 vehicle is for a period of less than one year.
- (5) “Government agency” means any federal, state, or local governmental agency, including, water districts, or any other public entity with taxing authority.
- (6) “Gross annual revenue” means the total amount of revenue, receipts, and sales reported for the calendar year reported to the Internal Revenue Service.
- (7) “Gross vehicle weight rating” or GVWR has the same meaning as defined in California Vehicle Code, section 350, subdivision (a).
- (8) “Motor carrier” is the same as defined in California Veh. Code section 408
- (9) “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.
- (10) “Pickup and delivery” means services performed using vehicles generally characterized by urban transportation with frequent stops to load or unload goods or other items. This includes but is not limited to parcel delivery, food delivery, beverage delivery, linen and uniform services, armored vehicle cash services, shredder services, and home delivery of groceries, furniture, appliances, and other goods.
- (11) “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, respectively;
- (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.

(12) “Subsidiary” means a company controlled by another company.

(13) “Transportation network company” means any entity or person that uses a digital network to connect riders to automobile drivers who provide prearranged rides.

(e) General Requirements.

- (1) *Reporting Requirement.* All regulated entities must submit to the Executive Officer reporting information as specified in section 2012.1 by April 1, 2021 for their facility operation in 2020 and for any fleet as it was comprised as of January 1, 2021.
- (2) *Record Retention.* The fleet owner or responsible person shall maintain the records of their fleet information required by section 2012.1 until December 31, 2024 for the overall fleet.

NOTE: Authority cited: sections XXXX, Health and Safety Code. Reference: sections XXXX, Health and Safety Code [; section XXXX, [Vehicle Code].

§ 2012.1 Reporting Forms

- (a) *Reporting Information.* A regulated entity, including the corporate parent and each subsidiary, subdivision, or branch under the control of the corporate parent, shall provide the information specified on forms in section 2012.1(a)(1) and 2012.1(a)(2) by email or online. Any parent company, subsidiary, subdivision, or branch that owns vehicles must provide information specified on the form in section 2012.1(a)(3) by email or online for each location the vehicles are assigned, or domiciled.

- (1) Form A: General Entity Information
- (2) Form B: California Facility Type Questionnaire
- (3) Form C. Vehicle Usage by Facility Form

NOTE: Authority cited: sections XXXX, Health and Safety Code. Reference: sections XXXX, Health and Safety Code [; section XXXX, [Vehicle Code].

Discussion Draft

Form A. General Entity Information

1 Entity name: _____

2 Mailing address: _____

3 Contact name: _____

4 Contact email: _____

5 Contact phone: _____

6 Corporate parent name: _____

7 Are you a government or quasi-government entity? (Yes/No) _____

8 Six digit NAICS code (if applicable) _____

Business category description: _____

9 Select from (Construction, Farming, Financial, Hauling freight (for hire), Government, Manufacturing, Non-profit, Passenger/Bus service, Retail/Wholesale, Other) _____

10 Tax ID (if applicable) _____

11 Annual total annual revenue for prior year, except for government agencies (\$millions):
Select from the following: (< \$10, \$10-\$49, \$50-\$99, \$100-\$499, \$500-\$999, >1,000) _____

12 Estimated number of subhauler or subcontractor trucks you dispatched/directed last year? _____

13 What percent of the subhaulers/subcontractors operated under your authority? _____

14 List all motor carrier identification numbers (if applicable): _____

15 Transportation Charter Permit Number (if applicable): _____

All entities must complete Form B using the definitions on the next page.

Entities that own/lease trucks with a GVWR >8500 with facilities in California must complete Form C for each facility vehicles are assigned or domiciled.

Facility Category Definitions

"Store" means any establishment that sells goods or a variety of goods and services to the general public.

"Restaurant" means a business establishment where meals or refreshments may be purchased.

"Distribution Center/Warehouse" means a location used primarily for the storage of goods which are intended for subsequent shipment.

"Manufacturer/Factory/Plant" means a location with equipment for assembling parts, producing finished products, intermediate parts, or energy products.

"Multi-Building Campus-Base" means a property typically operated by a single entity with several buildings, often serving multiple purposes.

"Service Center" means a business that generates revenue by providing a specific service or product, or a group of services or products to a customer:

"Hotel, Motel, and Resort" means commercial establishment offering lodging to travelers and sometimes to permanent residents.

"Medical/Hospital/Care" means any institution primarily engaged in providing, by or under the supervision of physicians, inpatient diagnostic, therapeutic services or rehabilitation

"Administrative/Office Building" means any building or structure used primarily for day-to-day activities that are related to financial planning, record keeping & billing, personnel, physical distribution and logistics, within an business.

"Truck/Equipment Yard" means the location of any establishment that primarily stores or dispatches trucks and equipment.

Form B. California Facility Type Questionnaire

Section B1 - Questions for all facilities grouped by type of facility

<p>For each physical address you operate in California, identify the best fit category description to the right. Although a facility may have multiple uses, each physical address should be counted only once. Respond to the questions for all of the facilities of each category type.</p>	Store	Restaurant	Distribution Center	Manufacturer, Factory, Plant	Multi-Building Campus, Base	Service Center	Hotel, Motel, Resort	Medical, Hospital, Care	Administrative, Office Buildings	Truck/Equipment Yard	All Other Properties
<p>For questions 1 to 12 enter the number of facilities in response to each question.</p> <p>1 How many facilities for each category type do you operate in California? 2 How many of these facilities have dock-height loading bays? 3 How many of these facilities have cold storage rooms? 4 How many of these facilities have EV charging available to the public? 5 How many of these facilities have EV charging for employees? 6 How many of these facilities are on properties shared with other tenants? 7 How many of these facilities do you own? 8 At how many of these facilities do you provide shuttle van or bus service to or from the facility? 9 At how many of these facilities do your own/lease cars or pickups as part of the operation? 10 At how many of these facilities do you own/lease vans or trucks as part of the operation? 11 How many of these facilities have cars or light pickups domiciled there? 12 How many of these facilities have vans/trucks/buses domiciled there?</p>											
<p>For questions 13 to 22, describe how you meet your ground transportation needs (excluding rail). Select (With Own Vehicles, >1 Yr Contract, Both, NA)</p> <p>13 How do you ship your items out of these facilities to out of state locations? 14 How do you ship your items into these facilities from out of state locations? 15 How do you ship your items out of these facilities to California port or rail locations? 16 How do you ship your items into these facilities from California port or rail locations? 17 How do you ship your items into these facilities from other California warehouses you operate? 18 How do you ship your items into these facilities from other California (non-warehouse) facilities you operate? 19 How do you ship goods you sell from these facilities to residential homes? 20 How do you ship goods you sell from these facilities to non-residential locations? 21 How do you transport your intermediate products from these facilities to residential homes? 22 How do you transport your intermediate products from these facilities to non-residential locations by truck?</p>											
<p>For questions 23 to 30, answer how you enter into >=1 year contracts for any of the following? Select (By Facility, Company Wide, Both, NA)</p> <p>24 For linen/uniform delivery to/from these facilities. 25 For parcel delivery to/from these facilities. 26 For maintenance and repair of the facilities. 27 For passenger shuttle bus service to/from the facilities. 28 For armored cash transport service to/from the facilities. 29 With suppliers to deliver food items (non-refrigerated) to the facilities. 30 With suppliers to deliver food items (refrigerated) to the facilities. 31 With suppliers to deliver non-food items to your facilities</p>											

Next Step: For one representative facility of each category type that applies, complete the Representative Facility Questionnaire on the next page.

Section B2. Representative Facility Questionnaire

Complete the following for a single representative facility for each category.	Store	Restaurant	Distribution Center	Manufacturer, Factory, Plant	Multi-Building Campus, Base	Service Center	Hotel, Motel, Resort	Medical, Hospital, Care	Administrative, Office Buildings	Truck/Equipment Yard	All Other Properties
1 What is the location of the representative facility for each category? (City, Zipcode)											
2 What is the total building square footage? (NA, <10,000, 10,000 to 100,000, 100,000 to 500,000, more)											
3 How many dock-height loading bays at this facility?											
4 What is the square footage of cold storage rooms? (NA, <10,000, 10,000 to 100,000, 100,000 to 500,000, more)											
5 How many pickups <8500 lbs. GVWR do you own/lease that are associated with the operation at this facility?											
6 How many cars do you own/lease that are associated with the operation at this facility?											
Estimate number of trips to the facility in a typical week based on the number of pickup and deliveries. Select bins (<1, 1-10, 11-20, 20-99, 100-500, >500)											
7 Linen/uniform cleaning service trucks											
8 Parcel delivery vans/trucks											
9 Armored cash transport trucks											
10 Beverage/water delivery trucks											
11 Food delivery (non-refrigerated) - Straight truck											
12 Food delivery (refrigerated) - Straight truck											
13 Goods delivery (non-food) - Straight Truck											
14 Food delivery (non-refrigerated) - Tractor Trailer											
15 Food delivery (refrigerated) - Tractor Trailer											
16 Goods delivery (non-food) - Tractor Trailer											
17 All other truck or van deliveries											
How many different suppliers shipped items to your facilities last year. Select bins (1, 2-10, 11-20, >20)											
18 Food delivery											
19 Beverage delivery											
20 Linen/uniform cleaning service											
21 Goods delivery (non-food)											
22 All other supplies, tools, equipment (non-goods)											

Next Step: If you own/lease vans or trucks that operate in California, complete the "Vehicle Usage Form".

