**Appendix A-3**

Preliminary Regulation Order
Advanced Clean Fleets Regulation

Drayage Truck Requirements

Note: The entire text of sections 2014 through 2014.3 set forth below was originally presented in the Initial Statement of Reasons released on August 30, 2022 and is shown here in underline/strikeout to identify the preliminary changes to be discussed at the February 13, 2023 Workshop.

Chapter 1. Motor Vehicle Pollution Control Devices

Section 2014. In-Use On-Road Heavy-Duty Drayage Trucks Applicability, Definitions, and Exemptions

Section 2014.1 In-Use On-Road Heavy-Duty Drayage Trucks Requirements and Compliance Deadlines

Section 2014.2 In-Use On-Road Heavy-Duty Drayage Trucks Extensions

Section 2014.3 In-Use On-Road Heavy-Duty Drayage Trucks Enforcement

**PRELIMINARY DRAFT REGULATORY LANGUAGE FOR FEBUARY 13TH WORKSHOP: This document provides preliminary draft regulatory language for the Advanced Clean Fleets rulemaking to be discussed at the February 13, 2023 workshop. This document is only intended to encourage feedback and should not be construed as a formal regulatory proposal.**

**Draft Preliminary Regulation Order**

Title 13, California Code of Regulations

Adopt Section 2014 of title 13, California Code of Regulations, to read as follows:

# Section 2014. In-Use On-Road Heavy-Duty Drayage Trucks Applicability, Definitions, and Exemptions

## Applicability. Beginning November 1, 2023, this regulation applies to owners and operators of on-road heavy-duty drayage trucks that operated at California seaports and intermodal railyards, drayage motor carriers, and marine or seaport terminals, intermodal railyards, and railyard and seaport authorities that operate in California.

## Definitions. The following definitions apply for section 2014 through 2014.3.

### “Authorized dealer” means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is both authorized by a motor vehicle manufacturer to perform repairs on drayage trucks and are in fact capable of performing repairs needed to maintain drayage trucks to factory specifications, including performing warranty repair work.

### "Beneficial cargo owner" means a cargo owner, the person or entity for whose account the ocean or rail transportation is provided, the person or entity to whom delivery is to be made, a shippers' association, or an ocean or rail transportation intermediary that accepts responsibility for payment of all applicable charges.

### "Bill of lading" means a document that states the terms of the contract between a shipper or consignor and a receiver or consignee. It serves as a document of title of the goods shipped, a contract of carriage, and a receipt for goods.

### “Broker” means any person that, as a principal or agent, sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by a drayage motor carrier for compensation. A drayage motor carrier, or person who is an employee or bona fide agent of a drayage motor 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.

### "CARB" means the California Air Resources Board.

### “CARB Online System" means a CARB online system that drayage truck owners or entities with common ownership or control of drayage trucks shall report specified information regarding their drayage trucks to CARB. The CARB Online System can be found on the CARB Advanced Clean Fleets website.

### “Class I railroad” means a railroad that is defined as Class I by the Surface Transportation Board.

### “Class 7” vehicle means an on-road vehicle with a gross vehicle weight rating (GVWR) greater than 26,000 and less than or equal to 33,000 lbs.

### “Class 8” vehicle means an on-road vehicle with a GVWR greater than 33,000 lbs.

### “Common ownership or control” means being owned or managed on a day-to-day basis by the same person or entity. Vehicles managed by the same directors, officers, or managers, or by distinct corporations that are controlled by the same majority stockholders are under common ownership or control, even if their titles are held by different business entities or they have different taxpayer identification numbers. Furthermore, a vehicle is under an entity’s control if the vehicle is operated using that entity’s state or federal operating authority or other registration. Vehicles owned by different entities but operated using common or shared resources to manage the day-to-day operations using the same drayage motor carrier number, displaying the same name or logo, or contractors who represent the same company are under common ownership or control. Common ownership or control of a federal government vehicle shall be the primary responsibility of the governmental agency that is directly responsible for the day-to-day operational control of the vehicle. Common ownership or control includes relationships where the controlling party has the right to direct or control the vehicle as to the details of when, where, and how work is to be performed or where expenses for operating the vehicle, such as fuel or insurance, are shared. Common ownership or control does not include agreements for individual loads that are competitively bid and issued to the lowest qualifying bid.

### “Concrete mixer” means a vehicle that has a permanently affixed unit used to mix concrete or cement.

### “Controlling party” means the drayage motor carrier, broker, or entity that directs, or otherwise manages the day-to-day operation of one or more drayage trucks under its common ownership or control to serve the customers or clients.

### “Declared emergency event” means the time period of an emergency event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during the emergency conditions described in California Government Code section 8558.

### "Dedicated auto transport” means a vehicle that has permanently affixed equipment that is designed to move other motor vehicles from one location to another.

### “Dedicated fuel delivery vehicle” means a vehicle fixed with a tank and pumping equipment, designed to deliver or supply fuel.

### “Dedicated use vehicles" means uni-body vehicles that do not have separate tractors and trailers or are vehicles using a power take-off unit, including :

#### Dedicated auto transports;

#### Dedicated fuel delivery vehicles;

#### Concrete mixers;

#### On-road mobile cranes; and

#### Vehicles that need power take-off units to operate.

### "Dispatch" means providing direction or instruction for routing a vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering or receiving cargo, property, or goods, or providing a service.

### "Drayage motor carrier" means any person or entity, or broker, that contracts with a beneficial cargo owner, ship companies, seaport terminals, intermodal railroads, or others for pick-up and delivery of goods in California with a drayage truck owner, or who dispatches drayage trucks to California seaports and/or intermodal railyards to pick up and/or deliver goods.

### "Drayage truck" means any in-use on-road vehicle with a GVWR greater than 26,000 lbs. that is used for transporting cargo, such as containerized, bulk, or break-bulk goods that operate:

#### On or transgresses through California seaport or intermodal railyard property to load, unload, or transport cargo, including empty containers and chassis; or

#### Off seaport or intermodal railyard property transporting cargo or empty containers or chassis that originated from or is destined to a seaport or intermodal railyard property.

### Drayage trucks are not:

#### Vehicles operating off of seaport or intermodal railyard properties that transport cargos that have originated from a seaport or intermodal railyard property but have been off-loaded from the equipment (e.g., a trailer or container) that transported the cargo from the originating seaport or intermodal railyard; or

#### Vehicles operating off of seaport or intermodal railyard properties that transport cargos that are destined for a seaport or intermodal railyard but will be subsequently transferred into or onto different equipment (e.g., a trailer or container) before being delivered to a seaport or intermodal railyard.

### "Drayage truck identification number" means a unique identifier issued to the owner of a drayage truck upon registering in the CARB Online System that corresponds to the drayage truck registered.

### "Drayage truck operator" means the driver of a drayage truck or any person, party or entity that controls the operation of a drayage truck at a California seaport or intermodal railyard facility.

### "Drayage truck owner" means:

#### The person registered as the owner of a drayage truck as indicated by the Department of Motor Vehicles, or its equivalent in another state, province, or country; or the International Registration Plan; or

#### The lessee of the truck, as indicated on the drayage truck's registration pursuant to California Vehicle Code (CVC) section 4453.5.

### “Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to a declared emergency event. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, federal, or other responsible emergency management agency. Routine operation to prevent public health risks does not constitute emergency operation.

### “Executive Officer” means the Executive Officer of the California Air Resources Board, or their delegated representative.

### “Governmental agency” means any federal, state, or local public agency, or any other public entity with taxing authority.

### "Gross vehicle weight rating” or “GVWR)" means the same as CVC section 350, as indicated by the characters in the 4-8 positions in a standard 17-character Vehicle Identification Number (VIN).

### "Heavy-duty" means a manufacturer's GVWR of greater than 26,000 lbs.

### “Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

### “Intermodal railyard” means a facility owned or operated by a Class I Railroad that receives both drayage trucks and locomotives.

### "Internal combustion engine” means a powertrain powered by gasoline, diesel, natural gas, propane, or other fuel where the sole source of power is from the combustion of the on-board fuel to provide motive power.

### “International registration plan" means a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.

### “Legacy drayage truck” means a non-zero-emission drayage truck with a 2010 or newer engine model year that was registered in the CARB Online System on or before January 1, 2024.

### "Lessee" has the same meaning as in CVC section 371.

### "Marine or seaport terminals" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or goods from vessel to shore or shore to vessel, including structures which are devoted to receiving, handling, holding, consolidating, and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment. For the purposes of this regulation, the term includes but is not limited to production or manufacturing areas, warehouses, storage facilities, and private or public businesses or entities located on or surrounded by seaport property.

### "Military tactical support vehicles" are defined in title 13, California Code of Regulations (CCR), section 1905.

“Minimum useful life” means the minimum time period a vehicle may remain in the CARB Online System as a drayage truck. It is the later of the dates specified in subsection (A) or (B) below, as modified by (C):

#### Thirteen years commencing from the model year that the engine and emissions control system in a vehicle was first certified for use by CARB or U.S. EPA; or

#### The date that the vehicle exceeded 800,000 vehicle miles traveled or 18 years from the model year that the engine and emissions control system of that vehicle was first certified for use by CARB or U.S. EPA (whichever is earlier).

#### If the vehicle no longer has its originally equipped engine, or the model year of the originally equipped engine is not able to be determined, the model year of the vehicle less one year must be used to determine when the thresholds described in subsections (A) and (B) above are met.

### “Mobile crane” means an on-road crane that can hoist, lower, and horizontally move a suspended load.

### “Model year” means a designation meeting the definition of “model year” under title 17, CCR section 95662(a)(16).

### “Notice to proceed” means a written direction to a vehicle manufacturer or entity that converts vehicles to zero-emission vehicles or to commence production or conversion of a vehicle as provided in a contract.

### "On-road" means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under CVC sections 4000 et seq. or DMV's equivalent in another state, province, or country; or the International Registration Plan. A vehicle covered under CARB's In-Use Off-Road Regulation, title 13, CCR, section 2449 is not an on-road vehicle.

### "Power take-off unit” means the same as defined in title 13, CCR, section 1968.2.

### “Railyard authority" means those entities, either public or private, that are responsible for the operation of intermodal railyards.

### "Railyard property" means the property constituting the physical boundaries of intermodal railyards. For the purposes of this regulation, railyard property also includes privately owned property located within intermodal railyard boundaries.

### “Receiver” means the person, party, or entity that receives shipped goods, cargo, or commodities.

### “Repower” means to replace an older engine with a newer model engine.

### “Responsible official” means one of the following:

#### For a corporation: A president, chief executive officer, chief financial officer, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or a delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation.

#### For a partnership or sole proprietorship: A general partner or the proprietor, the delegate or designee of the aforementioned, or any other person who performs similar policy or decision-making functions for the business, or the chief executive officer, or the chief financial officer.

#### 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. Environmental Protection Agency (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.

### "SAE J1667" means SAE Recommended Practice SAE J1667 “Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles,” as issued February 1996 (“1996-02”), which is incorporated herein by reference.

### "Seaport" means the property where marine and seaport terminals are located for the loading and unloading of water-borne commerce onto and from ocean-going vessels. For purposes of this regulation, seaport does not include seaport property that is not primarily used to engage in water-borne commerce.

### "Seaport or port authority" means those entities, either public or private, that are responsible for the operations of seaports.

### "Seaport property" means publicly or privately owned property where a seaport is located. It is the property that includes the physical boundaries, either contiguous or non-contiguous, of the seaport and may include other properties owned by the seaport. For the purposes of this regulation, seaport property includes privately owned property located within a publicly or privately owned seaport property's boundaries.

### “Shipper” means the person, party, or entity who owns or supplies the commodities shipped by a drayage motor carrier.

### “Shipping paper” means a shipping order, bill of lading, manifest or other shipping document.

### “Smoke opacity test” means a test of a vehicle's emissions for smoke opacity level conducted using the procedures specified in SAE J1667 Recommended Practice: Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles.

### "Vehicle" is as defined in CVC section 670.

### “Vehicle Identification Number” or “VIN)” means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle.

### “Vehicle purchase” or “purchase” means an action wherein a drayage truck owner or controlling party has: placed an order to acquire the legal or equitable title to a zero-emission vehicle; to convert a legacy drayage truck to zero-emission vehicle; or to enter into a lease agreement with a contract term of one year or more. The action taken must be for immediate delivery or installation and the purchaser has already paid for or has entered into a binding agreement with an authorized dealer, entity that converts vehicles to zero-emission vehicles, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase includes where the drayage truck owner has executed any one of the following:

#### Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer, authorized dealer, or entity that converts vehicles to zero-emission vehicles to begin production of the vehicle either:

##### Under a previously entered purchase contract, or

##### To execute a contract option;

#### A written purchase agreement between a drayage truck owner or controlling party and the manufacturer, authorized dealer, or entity that converts vehicles to zero-emission vehicles that specifies the date when the work to manufacture or convert the vehicle is to proceed;

#### A written purchase agreement between a drayage truck owner or controlling party and another party for the purchase and immediate delivery of a used vehicle; or

#### A signed written lease agreement between a drayage truck owner and the manufacturer or authorized dealer for a new vehicle to be placed in service for a contract term of one year or more.

### “Zero-emission powertrain” has the same definition as title 13, CCR section 1956.8(i)(12).

### "Zero-emission vehicle" means an on-road vehicle with a drivetrain that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

## Exemptions. The following vehicles are exempt from the requirements of sections 2014, 2014.1, 2014.2, and 2014.3:

### Dedicated use vehicles;

### Emergency vehicles as defined in the CVC section 165;

### Military tactical support vehicles;

### Vehicles subject to the regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards commencing with title 13, CCR section 2479; and

### Vehicles operating pursuant to a declared emergency event. Drivers operating legacy drayage trucks under declared emergency events must keep copies of dispatch records and/or contracts verifying such legacy drayage trucks were operated to support emergency operations for 5 years from when the emergency event was declared. The driver and/or vehicle owner shall make the records available to CARB staff or appropriate California official, such as a California Highway Patrol officer, within 72 hours upon request.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2014.1 of title 13, California Code of Regulations, to read as follows:

# Section 2014.1 In-Use On-Road Heavy-Duty Drayage Trucks Requirements and Compliance Deadlines

## Requirements and Compliance Deadlines. Drayage trucks subject to this regulation must meet the following requirements:

### Phase 1 Requirements:

#### Beginning January 1, 2024, all drayage trucks registering for the first time in the CARB Online System must be zero-emission vehicles.

#### Beginning January 1, 2024, a legacy drayage truck must visit a California seaport or intermodal railyard at least once each calendar year. A legacy drayage truck that does not meet this requirement will be removed from the CARB Online System by March 31 of each calendar year, beginning March 31, 2025.

#### Beginning January 1, 2025, any legacy drayage truck registered in the CARB Online System must not exceed its minimum useful life threshold. Any legacy drayage truck that exceeds its minimum useful life threshold will be removed from the CARB Online System by March 31 of each calendar year and can no longer provide drayage services in California.

### Phase 2 Requirements:

#### Beginning January 1, 2035, all drayage trucks in the CARB Online System must be zero-emission vehicles and only zero-emission drayage trucks can provide drayage service in California

### Sales Disclosure Requirements

#### Any person subject to this regulation selling a vehicle subject to this regulation must provide the following disclosure in writing to the purchaser on or with the bill of sale, sales contract addendum, or invoice: “An on-road vehicle operated in California may be subject to the CARB Advanced Clean Fleets regulations or other regulations. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets website.

####  A copy of such disclosure must be kept for a period of not less than 5 years from the date the disclosure was provided to drayage truck operators and must also provide a copy of the written sales disclosure to CARB staff or CARB’s Executive Officer within 72 hours of either CARB staff or CARB’s Executive Officer written or verbal request.

### Drayage Truck Owner RequirementsDrayage truck owners must:

#### Submit drayage truck registration information detailed in section 2014.1(a)(7)(C) by one of the following methods:

##### Electronically submit through the CARB Online System on the CARB Advanced Clean Fleets website; or

##### Electronically submit by email to: TRUCRS@arb.ca.gov.

#### Beginning January 1, 2025, drayage truck owners must annually report odometer reading, engine family, and engine model year, for all legacy drayage trucks that are 12 years old or older using documentation listed in 2014.1(a)(3)(B)(4) and comply with the following reporting requirements:

##### The odometer reading must be reported to the CARB Online System no later than February 15th of each calendar year. The odometer reading must reflect the odometer reading as of January 1st of the current calendar year.

##### Report annually the odometer reading and the date the reading was recorded from a properly functioning odometer or hubodometer.

##### If the odometer is replaced, report the following information within 30 calendar days of the date the original odometer was replaced: the original odometer’s final reading, the new odometer’s initial reading, and the date of replacement;

###### If the vehicle’s odometer is not functional and is not being replaced, report the serial number from a hubodometer with a non-resettable odometer.

##### Documentation must include VIN, engine family name, license plate number and state of issuance, odometer reading, and date. Acceptable documentation can include:

###### Unaltered photograph of the odometer or hubodometer and registration for the vehicle;

###### Smoke opacity test;

###### California Highway Patrol-Truck and or Tractor Maintenance and Safety Inspections Forms (108-Form);

###### Basic Inspection of Terminals (BIT) Inspection forms;

###### Maintenance or service work orders, invoices or receipts; or

###### Driver logs or Inspection sheets.

#### Drayage truck owners must provide the following disclosure in writing to drayage truck operators either in the hiring contract or agreement or as an addendum to the hiring contract or agreement: “Drayage trucks with a GVWR greater than 26,000 lbs. that are used for transporting cargo, such as containerized, bulk, or break-bulk goods to and from California seaports and intermodal railyards may be subject to the CARB Advanced Clean Fleets regulation. Such trucks may therefore be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets website;

#### Beginning January 1, 2024, any owner of drayage trucks, or any controlling party of drayage trucks shall ensure that each drayage truck under its control is compliant with all provisions of this regulation.

#### Drayage truck owners that comply with section 2014.1 may utilize extensions specified in section 2014.2.

### Drayage Truck Operator Requirements

#### Drayage truck operators must maintain the information or documentation specified in sections 2014.1(a)(4)(B) and (C) for a period of not less than 5 years, and must also upon request by CARB staff or CARB’s Executive Officer, make available the information or documentation specified in section 2014.1(a)(4)(B) and (C) to CARB staff or CARB’s Executive Officer within 72 hours of a written or verbal request by either CARB staff or CARB’s Executive Officer:

#### Documentation of the dispatching drayage motor carrier's contact information:

##### The drayage motor carrier's business name;

##### Contact person's name;

##### Drayage motor carrier's street address, city, state, and zip code;

##### Contact person's business phone number;

##### Contact person’s email;

##### U.S. Department of Transportation Number;

##### Motor Carrier Number; and

##### Signed contract.

#### Documentation of the origin and destination of the cargo, chassis, and intermodal equipment (container, etc.). Documentation can include a:

##### Delivery receipt;

##### Pick-up receipt;

##### Equipment interchange receipt;

##### Release number; or

##### Shipping paper or other documentation that identifies the origin and destination of the cargo and the pickup and termination destination of the chassis and intermodal equipment.

### Controlling Party RequirementsEach controlling party shall do the following:

#### Provide the following disclosure in writing to drayage truck operators either in the hiring contract or agreement or as an addendum to the hiring contract or agreement: “Drayage trucks with a GVWR greater than 26,000 lbs. that is used for transporting cargo, such as containerized, bulk, or break-bulk goods to and from California seaports and intermodal railyards may be subject to the CARB Advanced Clean Fleets regulation. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets website;

#### Only contract or dispatch drayage trucks that are registered in the CARB Online System and are compliant with this regulation.

#### Only contract with or dispatch drayage trucks operators that acknowledge they have been informed that they must maintain the drayage motor carrier information listed above in section 2014.1(a)(5)(A).

#### Keep a record of all contracted or dispatched drayage trucks sent to a seaport or intermodal railyard containing the information below for a minimum of 5 years from the contracted or dispatched date. All detailed and summary dispatch records are to be made available to CARB staff or the Executive Officer within 72 hours of a written or verbal request.

##### Truck dispatch date and time (hour and minute);

##### Shipping paper or tracking number;

##### Truck license plate number and state of issuance; and

##### Drayage truck identification number.

#### Owners or controlling parties that comply with section 2014.1 may utilize extensions specified in section 2014.2.

### Marine and Seaport Terminal and Intermodal Railyard RequirementsEach marine or seaport terminal and intermodal railyard shall do the following:

#### Beginning January 1, 2024, collect the following information for each drayage truck subject to this regulation that enters the facility or property. All information collected in 2014.1(a)(7)(A) shall be kept for a period of not less than 5 years from the truck entry date and is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or verbal request.

##### Entry date and time (hour and minute);

##### Exit date and time (hour and minute);

##### Drayage truck's license plate number and state of issuance; and

##### Drayage truck's VIN.

#### Beginning January 1, 2024, collect or record the following information for each drayage truck that is subject to this regulation, that enters the facility or property, and is not compliant as determined by information or status contained within the CARB Online System. All information collected or recorded in 2014.1(a)(6)(B) shall be kept for a period of not less than 5 years from the truck entry date and is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or oral request.

##### Dispatching drayage motor carrier:

###### Business name of dispatching drayage motor carrier;

###### Contact person's name;

###### Contact person’s email;

###### Street address, city, state, zip code;

###### Phone number of the dispatching drayage motor carrier; and

###### Shipping paper or tracking number.

##### Drayage truck:

###### Entry date and time (hour and minute);

###### Exit date and time (hour and minute);

###### Registered owner's name;

###### Registered owner’s email;

###### Operator's name;

###### Operator's license number;

###### Drayage truck's license plate number and state of issuance; and

###### Drayage truck's VIN.

#### Report the information collected in 2014.1(a)(6)(A) above to their respective seaport or railyard authorities annually no later than January 31 of the following calendar year. For instance, seaport terminals must report data collected for calendar year 2027 to their authorities no later than January 31 of 2028.

#### Report the information collected in 2014.1(a)(6)(B) above to their respective seaport or railyard authorities according to Schedule A below.

Schedule A: Marine and Seaport Terminal and Intermodal Railyard Reporting Schedule

|  |  |
| --- | --- |
| **Date Truck Enters Terminal or Intermodal Railyard** | **Date by which Information is to be Reported to Seaport or Railyard Authority** |
| January 1 – March 31 | April 15 |
| April 1 – June 30 | July 15 |
| July 1 – September 30 | October 15 |
| October 1 – December 31 | January 15 |

#### Beginning January 1, 2025, seaport and railyard authorities shall report the respective information collected by seaport terminals and intermodal railyards, as detailed in 2014.1(a)(6)(A) and (C), to CARB annually on or before March 1 of each calendar year. Reporting parameters are detailed on the CARB Advanced Clean Fleets website.

#### Beginning January 1, 2024, seaport and railyard authorities shall report the respective information collected by the seaport terminals and intermodal railyards, as detailed in 2014.1(a)(6)(B) and (D), to CARB according to Schedule B below. Reporting parameters are detailed on the CARB Advanced Clean Fleets website.

Schedule B: Seaport and Railyard Authority Reporting Schedule

|  |
| --- |
| **Date by which Information is to be Reported to CARB** |
| May 15 |
| August 15 |
| November 15 |
| February 15 |

#### Seaport or port and railyard authorities shall ensure their respective terminals and/or intermodal railyards abide by all reporting requirements and deadlines in 2014.1(a)(7)(A) and 2014.1(a)(7)(C).

#### Seaport or port and railyard authorities shall ensure their respective terminals and/or intermodal railyards abide by all Schedule A reporting requirements and deadlines in 2014.1(a)(7)(B) and 2014.1(a)(7)(D).

### CARB Online System Truck Registry Requirements Drayage Truck Owner Requirements:

#### Starting December 31, 2023, all drayage trucks must be registered with the CARB Online System to operate at a seaport or intermodal railyard.

#### Owners must submit drayage truck reporting information detailed in section 2014.1(a)(8)(C) by one of the following methods:

##### Electronically submit through the CARB Online System on the CARB Advanced Clean Fleets website; or

##### Electronically submit by email to: TRUCRS@arb.ca.gov.

#### Owners of all drayage trucks covered by the regulation must register the truck through the CARB Online System. The information shall include:

##### Entity name;

###### Fictitious business name if applicable.

##### Entity owner name;

##### Entity physical and mailing addresses;

##### Designated contact person name;

##### Designated contact person phone number;

##### Designated contact person email;

##### Federal Taxpayer Identification Number;

##### 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;

##### Identify whether the vehicle is a “drayage truck”, as defined in section 2014(b);

##### Identify whether the drayage truck is replacing a legacy drayage truck that was in an accident and is non-repairable;

##### Identify whether the vehicle is owned by a federal, state, or local government;

##### Name of the responsible official;

##### VIN;

##### Vehicle make and model;

##### Vehicle model year;

##### Vehicle license plate number and state or jurisdiction of issuance;

##### Vehicle GVWR;

##### Vehicle body type;

##### Fuel and powertrain type;

##### Whether the vehicle will be designated under or was purchased pursuant to any extension provision of section 2014.2;

##### Odometer, or if applicable, hubodometer readings for legacy drayage trucks specified in section 2014.1(a)(3)(B);

##### Engine family for legacy drayage trucks with a vehicle model year that is 12 years old or older;

##### Engine model year for legacy drayage trucks with a vehicle model year that is 12 years old or older; and

##### Whether the vehicle being reported by the controlling party is owned by another entity, if applicable.

#### After registering the truck, the drayage truck owner must make updates in the CARB Online System within 30 calendar days of any change to the information above in 2014.1(a)(7)(C).

#### Registration cannot be transferred between truck owners.

#### Legacy drayage trucks, that are not zero-emission, cannot remain in the CARB Online System and cannot re-register after they are sold.

#### Legacy drayage trucks cannot be repowered with an internal combustion engine to extend the minimum useful life of the vehicle.

#### Legacy drayage trucks that have been in an accident and are non-repairable may be temporarily replaced by a non-zero-emission vehicle with an engine that is the same or newer model year. The replacement vehicle can register in the CARB Online System and remain in compliance until the legacy drayage truck involved in the accident would have reached its minimum useful life threshold. The legacy drayage truck involved in the accident will be removed from the CARB Online System. By using this option, drayage truck owners must acknowledge that they knowingly and voluntarily waive the provisions of Health and Safety Code 43021(a) that would otherwise apply to any purchased commercial motor vehicles as defined in CVC section 34601 except for new non-zero-emission vehicles purchased pursuant to an exemption.

#### Drayage truck owners that submit their reporting information specified in section 2014.1(a)(7)(C)(20-22) late will be subject to removal from the CARB Online System by March 31 of that current calendar year.

Note: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667,43000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104 and 43205.5, Health and Safety Code.

Adopt Section 2014.2 of title 13, California Code of Regulations, to read as follows:

# Section 2014.2 In-Use On-Road Heavy-Duty Drayage Trucks Extensions

Drayage truck owners or controlling parties may apply for the following extensions pursuant to the provisions set forth in this subsection. Any extensions granted to a drayage truck owner or controlling party are not transferrable to another owner or controlling party. The Executive Officer will respond to extension requests as described in section 2014.2(a) and 2014.2(b).

## If a drayage truck owner or controlling party orders a zero-emission vehicle prior to its compliance date as specified in section 2014.2(a)(1)(B), and delivery of that vehicle is delayed for reasons beyond the drayage truck owner’s or controlling party’s control, the drayage truck owner or controlling party may request a Vehicle Delivery Delay extension from the requirement of section 2014.1(a)(1)(C) until the ordered zero-emission vehicle is received in accordance with the following procedures: .

### The drayage truck owner or controlling party must email the following information to TRUCRS@arb.ca.gov no later than February 1 of each calendar year, with extension filing occurring during the month of January during each calendar year.

#### The VIN of the vehicle that is to be replaced by the forthcoming zero-emission vehicle.

#### A purchase agreement or a truck leasing agreement that meets the following criteria:

##### It is a written, signed, and dated legally binding contract . The extension cannot be claimed if the purchase or lease agreement is modified by the drayage truck owner or controlling party within one year of the compliance deadline. Letters of intent or other agreements that are not binding or are contingent upon other decisions that remain unresolved within one year of the upcoming deadline, are not sufficient to qualify for the extension.

##### The purchase agreement must identify the specific zero-emission vehicle that the owner or controlling party committed to purchase, or that the owner or controlling party committed to lease a specific model of zero-emission vehicle, the date of the purchase or lease, and either that the purchase is for immediate delivery to the ultimate purchaser in California or that the lease term was to begin as of a certain date;

##### The purchase or truck leasing agreement shows the new zero-emission vehicle was ordered at least one year prior to the next upcoming removal of a legacy drayage truck that has reached the minimum useful life threshold of section 2014.1(a)(1)(C). If the order was placed before January 1, 2024, the purchase agreement must show the order was placed on or before {Insert Regulation Effective Date}.

### If a manufacturer cancels a purchase agreement used to qualify for the extension for reasons beyond the control of the drayage truck owner or the controlling party, the drayage truck owner or controlling party must secure and submit another purchase or lease agreement for zero-emission vehicles and a copy of the manufacturer cancellation notice within 180 calendar days to maintain the provision.

### If a drayage truck owner or controlling party cancels a purchase agreement used to qualify for the extension, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.

### All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.

### Once the Executive Officer designates an extension request is complete, they will approve or disapprove the request within 30 calendar days. The Executive Officer will approve an extension request if the information submitted by the applicant and good engineering judgment support a determination that delivery of the zero-emission vehicle (either via a purchase agreement or a lease agreement) was due to circumstances beyond the control of the owner or controlling party.

### Drayage truck owners or controlling parties utilizing the Vehicle Delivery Delay extension will have 30 calendar days to report the delivery of the newly added zero-emission vehicle and to remove the legacy drayage truck from the CARB Online System.

### Drayage truck owners and controlling parties that utilize the Vehicle Delivery Delay extension of section 2014.2(a) must keep and provide copies of the purchase agreement used to qualify for the extension, and documentation of order cancellations by the manufacturer outside the control of the drayage truck owner or controlling party.

### Records of reported information must be kept by the drayage truck owner or controlling party and made available to CARB staff for audit for a period of 5 years from the date the information is used to demonstrate compliance. This information is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or verbal request.

### A drayage truck owner or controlling party may apply for the following infrastructure delay extensions if they experience delays beyond their control on a project to install zero-emission charging or fueling stations. The drayage truck owner or controlling party must apply for the following extensions at least 45 calendar days prior to the next compliance date for CARB to consider the request.

## The drayage truck owner or controlling party may apply for the Infrastructure Construction Delay extension if they experience a construction delay beyond their control. The Executive Officer will grant an extension for up to two years per project to delay delivery of ordered zero-emission vehicles if they determine the drayage truck owner or controlling party has a construction permit issued at least one year ahead of the compliance deadline.

### The drayage truck owner or controlling party must submit all of the following information by email to TRUCRS@arb.ca.gov to apply:

#### Documentation showing the executed contract for the infrastructure installation with necessary construction permit showing a permit issue date that is at least one year prior to the next upcoming compliance deadline.

#### Documentation showing the delay is a result of any of the following circumstances beyond the drayage truck owner’s or controlling party’s control after obtaining construction permits: change of a general contractor; delay in manufacture and shipment of zero-emission charging and fueling infrastructure equipment; delays obtaining power from a utility; delays due to unexpected safety issues on the project; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act, Public Resources Code Division 13, Section 21000 et. seq.; or natural disasters..

#### A letter to CARB from the responsible official explaining the reason for the delay, why retail infrastructure cannot be used, the estimated completion date of the project, and documentation supporting the reason for the delay from the licensed contractor performing the work, related utility, building department, or other organization involved in the project.

#### Documentation showing the executed zero-emission vehicle purchase agreement.

#### Requests and required information for Executive Officer consideration of the extensions of section 2014.2(b), must be submitted via email to TRUCRS@arb.ca.gov. The Executive Officer will notify the drayage truck owner or controlling party by email whether the extension request is approved within 30 calendar days from receipt of a complete submission. The Executive Officer will approve an extension request if the information submitted by the applicant and good engineering judgment support a determination that installation of the zero-emission charging or fueling station was due to circumstances beyond the control of the owner or controlling party.

#### Drayage truck owners or controlling parties that utilize the Infrastructure Construction Delay extension in section 2014.2(b) must keep and provide copies of all documents, letters, and contracts submitted to CARB per section 2014.2(b) to support their request and qualifications for the extension.

#### Records of reported information must be kept by the drayage truck owner or controlling party and made available to CARB staff for audit for a period of 5 years from the date the information is used to demonstrate compliance. This information is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or oral request.

### Until January 1, 2030, drayage truck owners or controlling parties may apply for the Infrastructure Site Electrification Delay extension if their electric utility provider determines it cannot provide the requested power to the site where zero-emission vehicles will be charged or refueled before the next compliance deadline. This extension also applies for locations where the drayage truck owner or controlling party has entered into a contract of one year or longer to charge or fuel their zero-emission vehicles at a single location. Drayage truck owners or controlling parties utilizing this extension must deploy as many zero-emission vehicles as can be supported by the power the utility can serve over time needed to meet their compliance requirement.

#### The Executive Officer will grant an extension for the time-period specified in section 2014.2(b)(2)(A)(1) and number of vehicles specified in section 2014.2(b)(2)(A)(2) if they determine the drayage truck owner or controlling party satisfies the criteria for the delay, based on the information submitted below and the exercise of good engineering judgment.

##### The initial extension shall be granted for a period of up to 3 years based on the amount of time the utility determines it will take to deliver the needed power to the site. An additional two-year extension will be granted if the utility still cannot deliver the needed power by the end of the initial delay period. A drayage truck owner or controlling party must renew the extension with updated supporting documentation to extend the delay at least 45 calendar days prior to the expiration of the initial delay period.

##### CARB will evaluate the request and if approved, will grant the drayage truck owner or controlling party the same number of extensions as the number of zero-emission vehicles the executed contract with the utility determines it cannot provide power for. The drayage truck owner or controlling must deploy the number of zero-emission vehicles the utility determines it can immediately support and is needed to meet their compliance requirement. Also, the drayage truck owner or controlling party must deploy any additional zero-emission vehicles it can support or is needed to meet their compliance requirement for each calendar year during the delay until the project is complete to maintain the extension.

#### The drayage truck owner or controlling party must and submit the documentation or information specified below by email to TRUCRS@arb.ca.gov:

##### A copy of the application that the drayage truck owner or controlling party submitted to the utility requesting site electrification, the utility’s response indicating that the project will take longer than a year, and the executed utility contract.

###### If a utility is unable or unwilling to execute a contract, a drayage truck owner or controlling party can submit the initial contract or application requesting site electrification to the utility, and a signed attestation from the utility stating they will proceed with the project-.

###### If the owner or controlling party cannot provide the information specified in section 2014.2(b)(2)(B)(1) and 2014.2(b)(2)(B)(1)(a), the drayage truck owner or controlling party must submit documentation indicating the reason for delay; the estimated project completion date; the number of zero-emission vehicles; and charging or hydrogen fueling equipment the site can immediately support and the equipment the site can support during each year of the requested extension until the project is complete.

##### Drayage truck owners or controlling parties that own or operate drayage trucks operating from multiple sites where vehicles are domiciled must submit a copy of each site’s infrastructure capacity evaluation from the utility or a third-party licensed professional electrical engineer that indicates the number of zero-emission vehicles and charging or hydrogen fueling equipment the site can immediately support, as well as the owner’s or controlling party’s estimate of the number of zero-emission vehicles and charging or hydrogen fueling equipment needed at each of the sites to align with zero-emission vehicle phase-in requirements for the next ten years. The plan must also identify what time charging will occur and at what rate. The plan must also identify what time charging will occur and at what rate.

#### All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.

#### Requests and required information for Executive Officer consideration of the extensions of section 2014.2(b), must be submitted via email to TRUCRS@arb.ca.gov.

#### Drayage truck owners or controlling parties that utilize the infrastructure delay extensions of section 2014.2(b) must keep and provide copies of all documents, letters, and contracts submitted to CARB per section 2014.2(b) to support their request and qualifications for the extension.

#### Records of reported information must be kept by the drayage truck owner or controlling party and made available to CARB staff for audit for a period of 5 years from the date the information is used to demonstrate compliance. This information is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or verbal request.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2014.3 of title 13, California Code of Regulations, to read as follows:

# Section 2014.3 In-Use On-Road Heavy-Duty Drayage Trucks Enforcement

## Penalties. Any person who fails to comply with the requirements of this regulation, who fails to timely submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to penalties.

## Right of Entry. For the purpose of on-road vehicles covered in this regulation, and their records to determine compliance with these regulations, an agent or employee of CARB, upon presentation of proper credentials, has the right to enter any drayage motor carrier, broker, or hiring entity facility (with any necessary safety clearances) where on-road vehicles are located or on-road vehicle records, including hiring and brokering records, are kept to verify compliance with requirements outlined in this chapter.

## Enforcement. Enforcement of this section may be carried out by authorized representatives of CARB, seaport, and railyard authorities; peace officers as defined in California Penal Code, Title 3, chapter 4.5, sections 830 et seq. and their respective law enforcement agencies; and authorized representatives of air pollution control or air quality management districts.

## Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.