

APPENDIX I-B

PROPOSED REGULATION ORDER FOR TRACTOR TRAILER GREENHOUSE GAS AMENDMENTS

Note: Set forth below are the proposed amendments to title 17, California Code of Regulations, subarticle 1, sections 95300, 95301, 95302, 95303, and 95305. Proposed amendments to existing sections are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with [No change] or “* * * *”.

Subarticle 1: Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation

§95300. Purpose.

The purpose of this subarticle is to reduce greenhouse gas emissions from heavy-duty (HD) tractors and 53-foot or longer box-type semitrailers (trailers) that transport freight on a highway within California by establishing emission standards and other requirements applicable to both new 2011 and subsequent model year HD tractors and trailers and to 2010 and earlier model year HD tractors and trailers. The use of compliant aerodynamic technologies and low-rolling resistance tires will ensure reductions of greenhouse gas emissions from affected HD tractors and trailers by reducing the aerodynamic drag and tire rolling resistance forces acting on such HD tractors and trailers.

NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code. Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95301. Applicability.

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(b) The requirements in this subarticle do not apply to the following ~~vehicle~~trailer types and the tractors that pull them:

- (1) drop-frame trailers;
- (2) chassis trailers;

- (3) curtain-side trailers;
- (4) livestock trailers;
- (5) refuse trailers;
- (6) box-type trailers less than 53 feet in length;
- (7) emergency vehicles; and
- (8) military tactical support vehicles.

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code. Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95302. Definitions.

(a) The following definitions apply to this subarticle:

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(19.1) “Emission standard,” as it applies to the compliance with the requirements and standards set forth in this section, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle or motor vehicle engine and means:

(A) a numerical limit on the amount of a given pollutant that a motor vehicle or motor vehicle engine may emit into the atmosphere; or

(B) a requirement that a motor vehicle or motor vehicle engine be equipped with a certain type of pollution-control device or some other design feature related to the control of emissions.

(19.2) “Evaporative emission standards” are a subset of emission standards that refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which the engine is certified.

(19.3) “Exhaust emission standards” or “tailpipe emission standards” are a subset of emission standards that collectively refer to the specific

standards or family certification Level (FCL) and family emission limit (FEL) emission levels to which an engine is certified.

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(43.1) “Phase 1 Certified Tractor” means a tractor that has been certified in accordance with either the Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, as adopted by the USEPA (76 Fed. Reg. 57106 (September 15, 2011)); or the Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-Duty Vehicles, as adopted by the California Air Resources Board, sections 95660 to 95664, Subarticle 12, title 17, California Code of Regulations.

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(53) “Sleeper-cab tractor” means a HD tractor originally manufactured with a tractor body that has a compartment, typically containing a bed, located behind the driving compartment.

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code. Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95303. Requirements and Compliance Deadlines.

(a) Tractor Requirements.

(1) Except as provided in section 95305, *Exemptions*, beginning January 1, 2010, no 2011 through 2013 ~~or subsequent~~ model year sleeper-cab HD tractor pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor is either:

(A) a U.S. EPA SmartWay Certified Tractor, or

(B) a U.S. EPA SmartWay Certified Tractor that has been modified provided:

1. the modification is necessary for the tractor to perform its designed job function,
2. there is no reasonable alternative to the modification that would involve or require a lesser degree of modifications to the tractor, and

3. the Executive Officer has previously approved the modification.

a. An applicant requesting an exemption pursuant to section 95303(a)(1)(B) must submit information to the Executive Officer that describes the proposed modification(s), the need therefor, and the absence or lack of reasonable alternatives to the modification. Such information includes, without limitation, engineering drawings, blueprints, schematics, scientific or technical articles, contract specifications, etc.

b. The Executive Officer will approve or disapprove a request for an exemption pursuant to section 95303(a)(1)(B) upon information submitted by an applicant as specified in section 95303(a)(1)(B)3.a. and good engineering judgment.

(2) Except as provided in section 95305, *Exemptions*, beginning January 1, 2010, no 2011 through 2013 or subsequent model year HD tractor, including but not limited to sleeper-cab HD tractors, pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor's tires are U.S. EPA SmartWay Verified Technologies.

(3) Except as provided in section 95305, *Exemptions*, beginning January 1, 2013, no 2010 or previous model year HD tractor, pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor's tires are U.S. EPA SmartWay Verified Technologies.

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code. Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95305. Exemptions.

(a) *Short-Haul Tractor Exemption Requirements.* ~~To qualify, the following must be met:~~

(1) A short-haul tractor pulling a 53-foot or longer box-type trailer on a California highway is exempt from the requirements of sections 95303(a) (1), 95303(a)(2), and 95303(a)(3), as applicable, if the short-haul tractor

- (A) has been registered in accordance with the requirements of section 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*, and
- (B) is driven less than 50,000 miles annually, including all miles accrued both inside and outside of California.

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(9) A 2014 or subsequent model year tractor that meets the requirements of sections 95305(a)(1)(A) and 95305(a)(1)(B) is an exempt short-haul tractor.

(b) *Local-Haul Tractor Exemption Requirements.*

- (1) A local-haul tractor pulling a 53-foot or longer box-type trailer is exempt from the requirements of sections 95303(a)(1), but still must comply with the requirements of sections 95303(a)(2) and 95303(a)(3), as applicable, if
 - (A) the local-haul tractor has been registered in accordance with the requirements of section 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*, and
 - (B) the tractor-trailer combination is traveling within 100 miles of the local-haul tractor's local-haul base.

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(8) A 2014 or subsequent model year tractor that meets the requirements of sections 95305(b)(1)(A) and 95305(b)(1)(B) is an exempt local-haul tractor.

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(d) *Drayage Tractor-Trailer Exemption Requirements.*

- (1) A drayage tractor pulling a 53-foot or longer box-type trailer on a California highway within 100 miles of a port or intermodal railyard, and the trailer it pulls, are exempt from sections 95303(a) and 95303(b), as applicable, provided:
 - (A) the trailer was off-loaded from an ocean-going vessel or rail car at the port or intermodal railyard prior to being pulled by the drayage tractor, and the driver has documentation indicating the port or intermodal railyard of origin; or

- (B) the drayage tractor is transporting the trailer to the port or intermodal railyard to be loaded onto an ocean-going vessel or rail car, and the driver has documentation indicating the port or intermodal railyard of destination.

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(f) *Relocation Pass for Trailers.*

- (1) An owner that obtains a Relocation Pass for a registered local-haul trailer or a registered storage trailer may operate that vehicle in accordance with the provisions of sections 95305(f)(1)(A) or 95305(f)(1)(B) for a specified period, as determined by the Executive Officer, not to exceed five consecutive days.
 - (A) A registered local-haul trailer traveling under a Relocation Pass may transport freight on a California highway further than 100 miles from its local-haul base while en route to a new local-haul base that is located further than 100 miles from its current local-haul base, or en route to an out-of-state location.
 - (B) A registered storage trailer traveling under a Relocation Pass may transport freight on a California highway while en route to a new storage trailer location, or en route to an out-of-state location.

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(m) *Tractor Exemption for Phase 1 Certified Tractors*

- (1) A 2013 model year Phase 1 Certified Tractor is exempt from the requirements of section 95303(a).

NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code. Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.* * * *