

# Appendix A-3

## Proposed 15-day Changes to the Proposed Regulation Order

### Advanced Clean Fleets Regulation

#### Drayage Truck Requirements

~~Note: The entire text of sections 2014 through 2014.3 set forth below is new language in "normal type" proposed to be added to title 13, California Code of Regulations.~~

[Note: The proposed modifications, referred to as Proposed 15-Day Changes to the Proposed Regulation Order are shown below. The originally proposed regulatory language released for a period of at least 45-days on September 2, 2022, is shown in "normal type." The deletions and additions to the originally proposed language that comprise the 15-day Changes that are made public with this Notice and available for comment are shown in strikethrough to indicate deletions and underline to indication additions. The 15-Day Changes are being presented in two versions. This version A-3]

~~Date of Release: August 30, 2022~~

~~Date of Hearing: October 27, 2022~~

also complies with Government Code sections 11346.2, subdivision (a)(3), and 11346.8, subdivision (c). For ease of readability, and to review the 15-Day Changes in an Accessible format, please refer to version A-3.1.]

## 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

## Proposed 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**

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

(b) 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 is 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 ~~to~~ regarding their drayage trucks to CARB. The CARB Online System can be found on the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.

"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 gross vehicle weight rating (GVWR) greater than 33,000 lbs.~~

"Common ownership or control" means being owned or managed on a day-to-day basis by the same persons or entities. 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~~ 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 whose services are under the same company day-to-day control of the hiring entity 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 fleets of drayage trucks under its common ownership or control to serve its 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 any of the emergency conditions or degrees of emergency 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 (PTO) with a hydraulic motor or blower, attached to the trailer that needs the PTO to load or unload and include but are not limited to unit, including:

- (A) Dedicated auto transports;
- (B) Dedicated fuel delivery vehicles;
- (C) Concrete mixers;
- (D) On-road mobile cranes; and
- (E) Dedicated Vehicles that need power take-off vehicles 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 gross vehicle weight rating (GVWR) greater than 26,000 lbs. that is used for transporting cargo, such as containerized, bulk, or break-bulk goods that operate:

- (A) On or transgresses through California seaport or intermodal railyard property to load, unload, or transport cargo, including empty containers and chassis; or
- (B) 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:

- (A) 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
- (B) 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 ~~T~~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:

- (A) 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

- (B) 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 ~~gross vehicle weight rating~~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 (~~IRP)~~" 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~~December 31, 2023.

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

"Manufacturer" means any entity or person who manufactures or assembles on-road motor vehicles, or imports such on-road motor vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, the term manufacturer includes any entity or person who manufactures or assembles an on-road vehicle, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a new on-road motor vehicle into commerce in California. It also includes any intermediate- or final-stage manufacturer that completes vehicle assembly prior to the first purchase of the vehicle other than for resale. This does not include entities or persons who supply parts to the importer or vehicle manufacturer of record.

"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), ~~7~~ 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 section (A) or (B) below, as modified by (C):

(A) 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 United States Environmental Protection Agency (U.S. EPA); or

(B) 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).

(C) 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 sections (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 the production period as assigned by the manufacturer when certifying an engine or vehicle for sale pursuant to title 17, CCR section 95662(a)(16).

"Motor vehicle" means the same as defined in CVC section 415.

"Notice to proceed" means a written direction to a vehicle manufacturer or powertrain conversion installer 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:

- (A) 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.
- (B) 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.
- (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. ~~Environmental Protection Agency (U.S. EPA))~~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 typically 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 of to acquire the legal or equitable title to a zero-emission vehicle or powertrain conversion; 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 thean authorized dealer, powertrain-conversion-installerentity that converts vehicles to zero-emission vehicles, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase includes when the drayage truck owner has executed any one of the following:

(A) Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer-~~or powertrain conversion-installer~~, authorized dealer, or entity that converts vehicles to zero-emission vehicles to begin production of the vehicle either:

1. Under a previously entered purchase contract; or



2. To execute a contract option;

- (B) A written purchase agreement between a drayage truck owner or controlling party and the manufacturer ~~or powertrain conversion installer, 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;
- (C) 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
- (D) 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.

"Weight class" means the category of a vehicle's GVWR as specified below:

- (A) "Class 7" means an on-road vehicle with a GVWR greater than 26,000 lbs. and less than or equal to 33,000 lbs.
- (B) "Class 8" means an on-road vehicle with a GVWR greater than 33,000 lbs.

"Zero-emission powertrain" has the same definition as title 13, CCR section 1956.8(i)(12j)(27).

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

"Zero-emission vehicle fueling infrastructure" means a fueling system that provides the appropriate fuel type to power a zero-emission vehicle (e.g., electric charging infrastructure or cryogenic fueling tank and dispenser).

- (c) Exemptions. The following vehicles are exempt from the requirements of sections 2014, 2014.1, 2014.2, and 2014.3:
  - (1) Dedicated use vehicles;
  - (2) Emergency vehicles as defined in the CVC section 165;

- (3) Military tactical ~~support~~ vehicles;
- (4) Vehicles subject to the regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards commencing with title 13, CCR section 2479; and
- (5) Vehicles operating pursuant to a declared emergency event, ~~shall be exempt from the requirements of this regulation.~~ Drivers operating ~~heavy-duty vehicles operating legacy drayage trucks under these declared emergency orders shall~~ events must keep copies of dispatch records and/or contracts verifying such legacy drayage trucks were operated to support of emergency operations in the vehicle for five 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**

- (a) Requirements and Compliance Deadlines. Drayage trucks subject to this regulation must meet the following requirements:
  - (1) Phase 1 Requirements:
    - (A) ~~Beginning January 1, 2024, all drayage trucks registering for in the first time in The CARB Online System must be equipped with and operate a zero-emission powertrain as a zero-emission vehiclevehicles.~~
    - (B) Beginning January 1, 2024, a legacy drayage truck must visit a regulatedCalifornia seaport or intermodal railyard at least once each calendar year, ~~to remain in compliance.. Trucks. A legacy drayage truck that have~~ does not meet their annual visitmeet this

requirement will be ~~excluded~~removed from ~~the~~ CARB Online System and ~~considered as noncompliant~~, by March 31st of each calendar year, beginning in March 31, 2025.

- (C) Beginning January 1, 2025, ~~all~~any legacy drayage trucks 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 ~~excluded~~removed from ~~the~~ CARB Online System and ~~considered as noncompliant~~, by March 31st of each calendar year, ~~after the later of the time periods specified below in subsection 1. or 2 and can no longer provide drayage services in California.~~

1. ~~Thirteen years from the model year that the engine and emissions control system of that drayage truck was first certified for use by CARB or U.S. EPA; or~~
2. ~~The date that the drayage truck exceeded 800,000 vehicle miles traveled or 18 years from the model year that the engine and emissions control system of that drayage truck was first certified for use by CARB or U.S. EPA (whichever comes earlier).~~

(2) Phase 2 Requirements:

- (A) Beginning January 1, 2035, all drayage trucks in the CARB Online System must be equipped with and operate a zero-emission powertrain. vehicles and only zero-emission drayage trucks can provide drayage service in California.

(3) Sales Disclosure Requirements:

- (A) 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: "A vehicle operated in California may be subject to the California Air Resources Board 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 webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>".

- (B) A copy of such disclosure must be kept for a period of not less than five 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.

~~(3)~~(4) Drayage Truck Owner Requirements:

Drayage truck owners must:

- (A) Submit drayage truck registration information detailed in section 2014.1(a)(8)(C) by one of the following methods:

~~3. Mail to CARB at the address listed directly below:~~

~~a. California Air Resources Board  
Transportation and Toxics  
Division (TTD/Drayage)  
P.O. Box 2815  
Sacramento, CA 95812  
or~~

~~4.1. Electronically submit through the CARB Online System at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>; or~~

~~5.2. Electronically submit by email to: TRUCRS@arb.ca.gov.~~

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

~~6. Odometer reporting shall~~The odometer reading must be given reported to, and in a manner and format prescribed by, the CARB annually on or before Online System no later than February 15th of each calendar year.

1. Report annually the mileage reading~~The odometer reading must reflect the odometer reading as of January 1<sup>st</sup> of the current calendar year~~ and the date the reading was

recorded from a properly functioning odometer or hubodometer.

2. If the drayage truck's originally equipped odometer has failed and is replaced, report the following information within 30 calendar days of the date the original odometer failure was replaced: the original odometer's final reading, the new odometer's initial reading, and the date of replacement;
  - a. If the ~~vehicle's~~ drayage truck's originally equipped odometer is not functional ~~has failed~~ and is not being replaced, the drayage truck owner must equip the vehicle with a hubodometer. Drayage truck owners must report the serial number from a hubodometer with a non-resettable odometer within 30 calendar days of the date the hubodometer was installed.
3. Documentation must include VIN, engine family name, license plate number and state of issuance, odometer reading, and date. Acceptable documentation can include:
  - a. Unaltered photograph of the odometer or hubodometer and registration for the vehicle;
  - b. Smoke opacity test;
  - c. California Highway Patrol-Truck and or Tractor Maintenance and Safety Inspections Forms (108-Form);
  - d. Basic (previously Biennial) Inspection of Terminals (BIT) Inspection forms;
  - e. Maintenance or service work orders, invoices or receipts; or
  - f. Driver logs or Inspection sheets.

~~(B)~~ — 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 at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>~~Demonstrate that the hiring entity has informed the drayage truck operator about the information required under 2014.1(a)(3)(B) and provided documentation, such as an annually signed affidavit or contract to any CARB staff or the Executive Officer, upon request.~~

(C)   ”;

~~(C)~~(D) Beginning January 1, 2024, the any owner of drayage trucks, or any controlling party with common ownership or control of drayage trucks shall ensure that each drayage trucks under theirits control areis compliant with all provisions of this regulation.

~~(C)~~ Drayage truck owners may exclude an existing legacy drayage truck from the requirements in section 2014.1(a)(1)(C) if the zero-emission vehicle is ordered one year in advance of the compliance date for the legacy drayage truck being replaced and the newly purchased zero-emission vehicle will not be delivered by the compliance deadline for reasons beyond the drayage truck owner’s control if the criteria for section 2014.2(a) are met.

~~(D)~~(E) Drayage truck owners may receive a one-year extension from the requirements of section 2014.1(a)(1)(C) and delay delivery of ordered zero-emission vehicles that would be reliant on the fueling infrastructure for one year, if the criteria describedthat comply with section 2014.1 may utilize extensions specified in section 2014.2(b) are met.

#### ~~(4)~~(5) Drayage Truck Operator Requirements

(A) Drayage truck operators shall, must maintain the information or documentation specified in sections 2014.1(a)(5)(B) and 2014.1(a)(5)(C) for a period of not less than five years, and must also upon request by CARB staff or CARB’s Executive Officer, make available allthe information collectedor documentation specified in sections 2014.1(a)(45)(B-) and 2014.1(a)(5)(C) to CARB staff or theCARB’s Executive Officer within 72 hours of an officiala

written or ~~verbal~~ request by either CARB staff or CARB's Executive Officer:

(B) ~~Provide documentation~~ Documentation of the dispatching drayage motor carrier's contact information:

1. ~~1.~~ 4.—The drayage motor carrier's business name;
2. ~~2.~~ 2.—Contact person's name;
3. ~~3.~~ 3.—Drayage motor carrier's street address, city, state, and zip code;
4. ~~4.~~ 4.—Contact person's business phone number;
5. ~~5.~~ 5.—Contact person's email;
- 5.6. ~~6.~~ U.S. Department of Transportation Number;
- 6.7. ~~7.~~ 6.—Motor Carrier Number; and
- 7.8. ~~8.~~ 7.—Signed contract; and \_\_\_\_\_.
8. ~~Signed Affidavit that notification was given to the hired entity as required above, if not in the contract.~~

(C) ~~Identify and provide documentation on~~ Documentation of the origin and destination of the cargo, chassis, and intermodal equipment (container, etc.). Documentation can include a:

1. Delivery receipt;
2. Pick-up receipt;
3. Equipment interchange receipt;
4. Release number; or
5. 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.

~~(5)(6) Drayage Motor Carrier and Controlling Party Requirements~~

~~Each drayage motor carrier and controlling party shall do the following:~~

- ~~(D)~~ Provide a copy of this regulation or a CARB approved summarized version to each drayage truck owner that it contracts with for deliveries to seaports and intermodal railyards.
- (A) 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 at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>;
- ~~(E)~~ Only contract with or dispatch drayage trucks that meet the requirements and compliance deadlines set forth in 2014.1(a)(1) and (2).
- ~~(A)(B)~~ Only contract or dispatch drayage trucks to seaports and intermodal railyards that are registered in the CARB Online System and are compliant with this regulation.
- ~~(B)(C)~~ Only contract with or dispatch drayage trucks whose operators acknowledge they have been informed that they must provide maintain the drayage motor carrier information- listed above in section 2014.1(a)(45)(A).
- ~~(C)(D)~~ 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 five 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 an ~~official~~ a written or ~~over~~ bal request.
1. Truck dispatch date ~~and time~~;
  2. Shipping paper or tracking number;
  3. Truck license plate number and state of issuance; and
  4. Drayage truck identification number.



~~(F) Controlling parties may exclude an existing legacy drayage truck from the requirements in section 2014.1(a)(1)(C) if the zero-emission vehicle is ordered one year in advance of the compliance date for the legacy drayage truck being replaced and the newly purchased zero-emission vehicle will not be delivered by the compliance deadline for reasons beyond the controlling party's control if the criteria for section 2014.2(a) are met.~~

~~(G) Controlling parties may receive a one-year extension from the requirements of section 2014.1(a)(1)(C) and delay delivery of ordered zero-emission vehicles that would be reliant on the fueling infrastructure for one year if the criteria described in section 2014.2(b) are met.~~

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

~~(6)~~(7) Marine and Seaport Terminal and Intermodal Railyard Requirements

Each marine or seaport terminal and intermodal railyard shall do the following:

(A) 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 section 2014.1(a)(7)(A) shall be kept for a period of not less than five 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.

1. ~~Entry date and time;~~

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

3. Drayage truck's VIN.

~~1. Exit date and time;~~

~~2.1. Drayage truck's license plate number and state of issuance;~~  
~~and~~

~~3.1. Drayage truck's VIN.~~

(B) Beginning January 1, 2024, collect~~Beginning January 1, 2024, in lieu of requirements in section 2014.1(a)(7)(A), marine and seaport terminals and intermodal railyards that do not have automatic reporting systems, for instance Radio Frequency Identification Devices or Automatic License Plate Recognition, may collect the following information for each drayage truck subject to this regulation that enters the facility or property. All information collected in section 2014.1(a)(7)(B) shall be kept for a period of not less than five years and is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or verbal request.~~

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

2. Drayage truck's VIN

(B)(C) 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 ~~section 2014.1(a)(6)(B7)(C)~~ shall be kept for a period of not less than five years from the truck entry date and is to be made available to CARB staff or CARB Executive Officer within 72 hours of ~~an official~~ a written or oral request.

1. Dispatching drayage motor carrier:

a. Business name of dispatching drayage motor carrier;

b. Contact person's name;

c. Contact person's email;

e.d. Street address, city, state, zip code;

d.e. Phone number of the dispatching drayage motor carrier; and

e.f. Shipping paper or tracking number.

2. Drayage truck:

a. Entry date~~and time;~~

- a. ~~Exit date and time;~~
- b. Registered owner's name;
- c. Registered owner's email;
- ~~e.~~d. Operator's name;
- ~~d.~~e. Operator's license number;
- ~~e.~~f. Drayage truck's license plate number and state of issuance; and
- ~~f.~~g. Drayage truck's VIN.

~~(C)~~(D) Report the information collected in section 2014.1(a)(67)(A) ~~above or~~ section 2014.1(a)(7)(B) above to their respective seaport or railyard authorities annually on or before February 15th no later than January 31 of each 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.

~~(D)~~(E) Report the information collected in section 2014.1(a)(6)(B7)(C) ~~above to their respective Sseaport or Rrailyard 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

(F) Beginning January 1, 2025, seaport and railyard authorities shall report the respective information collected by seaport terminals and intermodal railyards, as detailed in sections 2014.1(a)(7)(A) and 2014.1(a)(7)(B), to CARB annually on or before March 1 of each calendar year. Reporting parameters are detailed on the CARB Advanced Clean Fleets website at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.

~~(E)(G)~~ Beginning January 1, 2024, seaport and railyard authorities shall report the respective information collected by the seaport terminals and intermodal railyards, as detailed in sections 2014.1(a)(6)(B7)(C) and (D), 2014.1(a)(7)(E) to CARB, and shall provide the information required by section 2014.1(a)(7)(E) according to Schedule B below. Reporting parameters are detailed on CARB's the CARB Advanced Clean Fleets website at <https://ww2.arb.ca.gov/resources/documents/drayage-trucks-seaports-and-railyards-our-work/programs/advanced-clean-fleets>.

Schedule B: Seaport and Railyard Authority Reporting Schedule

<u>Schedule A Information Reported to Seaport or Railyard Authority</u>	<u>Date by which Information is to be Reported to CARB</u>
<u>April 15</u>	May 15
<u>July 15</u>	August 15
<u>October 15</u>	November 15
<u>January 15</u>	February 15

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

~~(F)(I)~~ 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 sections 2014.1(a)(7)(C) and 2014.1(a)(7)(E).

~~(7)(8)~~ CARB Online System Truck Registry Requirements  
Drayage Truck Owner Requirements:

(A) No later than Starting December 31, 2023, all drayage trucks that begin or continue operations at a seaport or intermodal railyard must be registered with the CARB Online System to operate at a seaport or intermodal railyard.

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

2. ~~Mail to CARB at the address listed directly below:~~

a. ~~California Air Resources Board~~  
~~Transportation and Toxics~~  
~~Division (TTD/Drayage)~~  
~~P.O. Box 2815~~  
~~Sacramento, CA 95812~~  
~~or~~

1. Electronically submit through the CARB Online System on the CARB Advanced Clean Fleets website at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>; or
2. Electronically submit by email to: TRUCRS@arb.ca.gov.

(C) Owners of all drayage trucks covered by the regulation ~~and doing business at a seaport or intermodal railyard~~ must register the truck through ~~the~~ CARB Online System. The information shall include:

1. Entity name;
  - a. Fictitious business name, if applicable;
2. Entity owner name;
3. Entity physical and mailing addresses;
4. Designated contact person name;
5. Designated contact person phone number;
6. Designated contact person email;
7. Federal Taxpayer Identification Number;
8. The following operating authority numbers, if applicable:  
~~motor carrier identification~~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;
9. Identify whether the vehicle is a "drayage truck", as defined in section 2014(b);

10. Identify whether the ~~fleet is a federal fleet~~drayage truck is replacing a legacy drayage truck that is non-repairable;
  11. Identify whether the vehicle is owned by a federal, state, or local government;
  - ~~11.12.~~ Name of the responsible official;
  - ~~12.13.~~ VIN;
  - ~~13.14.~~ Vehicle make and model;
  - ~~14.15.~~ Vehicle model year;
  - ~~15.16.~~ Vehicle license plate number and state or jurisdiction of issuance;
  - ~~16.17.~~ Vehicle GVWR;
  - ~~17.18.~~ Vehicle body type;
  - ~~18.19.~~ Fuel and powertrain type;
  - ~~19.20.~~ Whether the vehicle will be designated under ~~or was purchased pursuant to any exemption or extension provision of section 2014(c) or 2014.2~~;
  - ~~20.21.~~ Odometer, or if applicable, hubodometer readings for legacy drayage trucks that are 12 years or older as specified in section 2014.1(a)(34)(B);
  - ~~21.22.~~ Engine family for legacy drayage trucks with a vehicle model year that are is 12 years old or older;
  - ~~22.23.~~ Engine model year for legacy drayage trucks with a vehicle model year that are is 12 years old or older; and
  - ~~23.24.~~ Whether the vehicle being reported by the controlling party is owned by another entity, if applicable.
- (D) After registering the truck, the drayage truck owner ~~is required to~~must make updates in the CARB Online System within 30 calendar days of any change to the information above in section 2014.1(a)(78)(C).

- (E) Registration cannot be transferred between truck owners.
- (F) Legacy drayage trucks, that are not zero-emission, ~~shall not~~cannot remain in ~~the~~ CARB Online System and cannot ~~reregister~~re-register after they are sold.
- (G) ~~Trucks in Legacy drayage service shall not~~ trucks cannot be repowered to extend compliance. ~~Legacy vehicles repowered after January 1, 2024, will be prohibited from conducting drayage activities in California. However, vehicles with an internal combustion engine~~engine to extend the minimum useful life of the vehicle.
1. Drayage truck owners that have been upgradedconvert a drayage truck to havea zero-emission powertrainvehicle must report the vehicle's new fuel type within 30 calendar days of being converted.
- ~~(G)~~(H) Legacy drayage trucks that need to be temporarily replaced due to an accident or other onetime event due to circumstances beyond the fleet owner's control, such as fire or catastrophic failure, that damages both the engine and vehicle such that the vehicle is not repairable may be eligible to replaced by a non-zero-emission vehicle with an engine that is the same or newer model year. This replacement must occur no later than 180 calendar days from the date the vehicle became non-repairable. The replacement vehicle can register in the CARB Online System and remain in compliance until the non-repairable vehicle would have reached its minimum useful life threshold. The useful life of the replacement vehicle will be based on the engine model year of the non-repairable vehicle and the mileage accrued on the non-repairable vehicle plus the mileage accrued on the replacement vehicle. The non-repairable vehicle 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), specific to the replacement vehicle in this section, that would otherwise apply to any purchased commercial motor vehicles as defined in CVC section 34601.
1. To apply, drayage truck owners must submit the following information and documentation to TRUCRS@arb.ca.gov prior to adding the used vehicle to CARB Online System:

- a. A copy of a police report or a statement from the insurance company indicating the vehicle is non-repairable;
  - b. The VIN of the non-repairable vehicle;
  - c. The following clear and legible digital photographs of the replacement used vehicle:
    - i. VIN/GVWR label (typically located on the driver side door or door jamb);
    - ii. License plate with driver side of the vehicle visible;
    - iii. Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
    - iv. Entire right side of the vehicle with doors closed showing the vehicle's body configuration;
2. Drayage truck owners approved to replace their legacy drayage truck that has been in an accident and are non-repairable as specified in section 2014.1(a)(8)(H) must keep and make available to CARB staff records of the police report or insurance statement, photographs, and information to CARB for a period of five years from the date the replacement truck is registered in the CARB Online System. This information is to be made available to CARB staff or CARB Executive Officer within 72 hours of a written or verbal request.
- (l) Drayage truck owners that submit their reporting information specified in sections 2014.1(a)(8)(C)(21), 2014.1(a)(8)(C)(22), and 2014.1(a)(8)(C)(23) 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 ~~claim or apply for~~request the following extensions if ~~the drayage truck complies with the requirements that are in effect, and it would otherwise be impossible to~~they comply with the next upcoming regulation requirement. ~~Drayage truck owners or controlling parties requesting or utilizing any extensions must meet all applicable reporting and recordkeeping requirements for each extension as specified in sections 2014.3(a)(6-9).~~requirements. Any extensions ~~approved for~~granted to a drayage truck owner or controlling party are not transferrable to another owner or controlling party. The Executive Officer will respond to ~~exemption~~extension requests as ~~described~~specified in sections 2014.32(a)(7) and 2014.32(b)(5).

~~(b) If zero-emission vehicles are ordered at least one year prior to the next compliance date, drayage truck owners or controlling parties may submit information below to receive an extension and continue to remain in compliance.~~

~~(a) Drayage truck owners or controlling parties may claim a Vehicle Delivery Delay Extension by emailing~~Vehicle Delivery Delay Extension. Drayage truck owners or controlling parties may request an extension as specified in sections 2014.1(a)(4)(E) and 2014.1(a)(6)(E) until a zero-emission vehicle they have ordered is received if they have placed an order for a zero-emission vehicle prior to the drayage truck owner's or controlling party's next applicable compliance date as specified in section 2014.1(a)(1)(C) but the zero-emission vehicle cannot be delivered to the drayage truck owner or controlling party by the next applicable compliance date for reasons beyond the drayage truck owner's or controlling party's control. The drayage truck owner or controlling party must meet the following criteria:

(1) 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.

~~(A) Identify the VIN of the vehicle that is to be replaced by the forthcoming zero-emission vehicle.~~

~~(A) Submit the purchase agreement showing the zero-emission vehicle was ordered at least one year prior to the next compliance~~

~~date to remain in compliance due to delays beyond the legacy~~  
~~drayage truck owner's or controlling party's control. The purchase~~  
~~agreement must meet the following criteria: for which the~~  
~~extension is being requested.~~

(B) A purchase agreement or a truck leasing agreement that meets the following criteria:

1. It is a written, signed, and dated legally binding contract signed at least one year before the upcoming vehicle compliance date for the vehicle being replaced. 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 that are contingent upon other decisions that remain unresolved within one year of the upcoming deadline, are not sufficient to qualify for the extension;
2. The purchase agreement must identify ~~that a~~ the specific vehicle or agreement with zero-emission vehicle that the owner or controlling party committed to purchase, or that the owner or controlling party committed to lease a zero-emissions powertrain conversion installer was purchased 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 drayage truck owner or controlling party in California, or that the lease term was to begin as of a certain date; and
3. 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].

- (2) If a vehicle manufacturer cancels a purchase agreement for a zero-emission vehicle used to qualify for the extension for reasons due to circumstances 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 submit a copy of both the manufacturer cancellation notice within 9030 calendar days of the cancellation and must submit the new zero-emission vehicle purchase agreement within 180 calendar days to TRUCRS@arb.ca.gov to maintain the provision.

- (3) If a drayage truck owner or controlling party cancels a purchase or lease agreement used to qualify for theis extension, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.
- (4) All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (5) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2014.2(a).
- (6) The Executive Officer will notify the drayage truck owner or controlling party by email whether any extension requests that are required to be submitted to TRUCRS@arb.ca.gov are approved within 45 calendar days from receipt of a complete submission.
- ~~(4)(7)~~ Drayage truck owners and/or controlling parties utilizing the vehicle delivery delayVehicle 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.
  - ~~(A)~~ All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- ~~(2)~~ Requests and required information for Executive Officer consideration of the extensions of sections 2015.2(a), 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.
- ~~(5)(8)~~ Drayage truck owners and controlling parties that utilize the Vehicle Delivery Delay extension of section 2015.2(a) must keep and provide copies of the purchase agreement used to qualify for the extension, and any records or documentation of order cancellations by the manufacturer

outside the control of the drayage truck owner or controlling party submitted to CARB as specified in section 2014.2(a) to support their request and qualifications for the extension.

~~(6)~~(9) 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 ~~eight~~five 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 an ~~official~~a written or ~~over~~erbal request.

(b) A-Infrastructure Delay Extensions. The drayage truck owner or controlling party may request the following extensions as specified in sections 2014.1(a)(4)(E) and 2014.1(a)(6)(E) if they experience delays due to circumstances beyond their control on a project to install zero-emission vehicle fueling infrastructure. Drayage truck owners or controlling parties may only request the following extensions for the legacy drayage trucks being replaced at the site experiencing the delay. These extensions also apply for the locations where the fleet owner has entered into a contract of one year or longer to charge or fuel their ZEVs at a single location prior to beginning the infrastructure project. The drayage truck owner or controlling party must request the following extensions at least 45 calendar days prior to the next applicable compliance date for CARB to consider the request.

~~(c)~~—Infrastructure Construction Delays. The drayage truck owner or controlling party may request the Infrastructure Delay ~~E~~extension if they experience a construction ~~delays~~delay due to circumstances beyond their control on a project to purchase zero-emission vehicles and install zero-emission vehicle charging or fueling stations. The Executive Officer will grant ~~a single extension~~ an extension for up to two years, beginning on the applicable compliance date for the number of vehicles that qualify for the extension, per project to delay the vehicle delivery for one year, if they determine the drayage truck owner or controlling party ~~satisfies~~meets the criteria ~~for the delay, based on the information submitted~~specified below and the exercise of good engineering judgment.

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

(A) Submit documentation~~Documentation~~ showing the executed contract for the zero-emission vehicle fueling infrastructure installation ~~including~~a construction project start permit indicating the permit issuance date is at least one year prior to the

next immediately applicable compliance date for the purchased vehicle deadline.

- (B) ~~Submit documentation~~ Documentation showing the delay is a result of any of the following circumstances ~~beyond the drayage truck owner's or controlling party's control~~ that occurred after obtaining the drayage truck owner or controlling party obtained the construction permits; permit identified in section 2014.2(b)(1)(A): change of a general contractor; delay in manufacture and shipment of zero-emission vehicle 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.
- (C) ~~Submit a~~ A letter signed by CARB ~~from the responsible official explaining the reason for the delay, why retail zero-emission vehicle fueling infrastructure cannot be used, the estimated completion date of the project, and a letter~~ documentation supporting the reason for the delay from the licensed contractor performing the work ~~or the, related utility, building department, or other organizations involved in the project to CARB which includes an explanation of the reasons for the delay, why retail infrastructure cannot be used, and the estimated completion date of the project.~~
- (D) Documentation showing the executed zero-emission vehicle purchase agreement.
- (E) All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (F) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2014.2(b)(1).

(E)(G) The Executive Officer will notify the drayage truck owner or controlling party by email whether the extension request is any extension requests that are required to be submitted to TRUCRS@arb.ca.gov are approved within 3045 calendar days from receipt of a complete submission.

(F)(H) Drayage truck owners or controlling parties that utilize the Infrastructure Delay Exemption infrastructure delay extensions in section 2014.2(b) must keep and provide copies of all documents, letters, and contracts, and purchase agreements used submitted to CARB as specified in section 2014.2(b) to support their request and qualifications for the exemption.

(G)(I) 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 85 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 an official written or oral request.

(2) Infrastructure Site Electrification Delays. Until January 1, 2030, drayage truck owners or controlling parties may request 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. 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.

(A) 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 this delay, based on the information submitted below and the exercise of their good engineering judgment. The drayage truck owner or controlling party must meet the criteria and submit the documentation or information specified below by email to TRUCRS@arb.ca.gov:

1. Drayage truck owners or controlling parties may request an initial extension for a period of up to 3 years from the applicable compliance date, based on the amount of time

the utility determines it needs to supply the needed power to the site. Drayage truck owners or controlling parties can request an additional two-year extension if the utility still cannot supply the needed power by the end of any granted initial extension period. To renew the extension, a drayage truck owner or controlling party must submit updated supporting documentation at least 45 calendar days prior to the expiration of the initial extension period.

2. A drayage truck owner or controlling party may request an extension for the number of zero-emission vehicles for which the utility cannot supply sufficient power. The drayage truck owner or controlling party must deploy the maximum number of zero-emission vehicles needed to meet its compliance obligations and that can be supported by the utility, and must deploy any additional zero-emission vehicles that can be supported by utility upgrades to the site's electrical capacity each calendar year during the delay until the project is complete to maintain the extension.

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

1. A copy of the application submitted to the utility requesting site electrification that is consistent with the number of zero-emission vehicles the drayage truck owner must deploy to meet their next upcoming compliance date;
2. The utility's response showing 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 must 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;
3. Documentation indicating the reason for the delay, an estimate provided by the utility of the available electrical capacity in kilowatts the utility can supply to the site within one year of the extension request and for each year of the requested delay, and estimated project completion date;

4. Information about the zero-emission vehicle fueling infrastructure equipment that can be installed consistent with the utility's capacity estimate and the associated number, configuration, and weight class of the zero-emission vehicles that can be supported by such equipment within one year of the extension request, and for each year of the requested extension. The information must include:
    - a. The number, type, and rated capacity for chargers in kilowatts; or
    - b. For hydrogen stations, dispensing capacity in kilograms per day and the electrical demand in kilowatts.
  5. Drayage truck owners or controlling parties with 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 with the information required to be submitted in sections 2014.2(b)(2)(B)(3) and 2014.2(b)(2)(B)(4).
- (C) All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (D) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2014.2(b)(2).
- (E) The Executive Officer will notify the drayage truck owner or controlling party by email whether any extension requests that are required to be submitted to TRUCRS@arb.ca.gov are approved within 45 calendar days from receipt of a complete submission.
- (F) 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 five 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**

- (a) 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.
- (b) Right of Entry. ~~For the purpose of on-road vehicles covered in this regulation, and their records to determine compliance with these regulations, an~~An agent or employee of CARB, upon presentation of proper credentials, has the right to enter any 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.~~
- (c) 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.
- (d) Severability. If any ~~sub~~section, 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.