Part 5

Emergency Vehicle Emissions Regulations

(September 25, 2026)

Title 17, Sections

95300.0.1, 95301.0.1, 95302.0.1, 95303.0.1, 95304.0.1, 95305.0.1, 95306.0.1, 95307.0.1, 95308.0.1, 95309.0.1, 95310.0.1, 95311.0.1, 95312.0.1, 95660.0.1, 95661.0.1, 95662.0.1, 95663.0.1, and 95664.0.1

[Note: This version of the Final Regulation Order complies with Government Code section 11346.2, subdivision (a)(3). The amendments are shown in underline to indicate additions and strikethrough to indicate deletions from the existing regulatory text. Subsections for which no changes are made in this rulemaking are indicated with "* * * * *." The Final Regulation Order is being presented in two versions. For ease of readability, and to review the amendments in an Accessible format that can toggle between the amendments in strikeout/underline and a "clean" version with the amendments incorporated into the regulatory text, please refer to the Word version of this Final Regulation Order.]

The sections of Title 17, California Code of Regulations that are being amended per this regulatory action are as follows.

Chapter 1. Air Resources Board

Subchapter 10. Climate Change

Article 4. Regulations to Achieve Greenhouse Gas Emission Reductions

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

Section 95300.0.1.	Purpose. (Alternative)
Section 95301.0.1.	Applicability. (Alternative)
Section 95302.0.1.	Definitions. (Alternative)
Section 95303.0.1.	Requirements and Compliance Deadlines. (Alternative)
Section 95304.0.1.	Good Operating Conditions Requirements. (Alternative)
Section 95305.0.1.	Exemptions. (Alternative)
Section 95306.0.1.	Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements. (Alternative)
Section 95307.0.1.	Optional Trailer Fleet Compliance Schedules. (Alternative)
Section 95308.0.1.	Enforcement. (Alternative)
Section 95309.0.1.	Right of Entry. (Alternative)
Section 95310.0.1.	Penalties. (Alternative)
Section 95311.0.1.	Recordkeeping. (Alternative)
Section 95312.0.1.	Severability. (Alternative)

Subarticle 12. Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-Duty Vehicles

Section 95660.0.1.	Purpose. (Alternative)
Section 95661.0.1.	Applicability. (Alternative)
Section 95662.0.1.	Definitions. (Alternative)

Section 95663.0.1.	Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. (Alternative)
Section 95664.0.1.	Severability. (Alternative)

Final Regulation Order

Title 17, California Code of Regulations

Amend Sections 95300.0.1, 95301.0.1, 95302.0.1, 95303.0.1, 95304.0.1, 95305.0.1, 95306.0.1, 95307.0.1, 95308.0.1, 95309.0.1, 95310.0.1, 95311.0.1, 95312.0.1, 95660.0.1, 95661.0.1, 95662.0.1, 95663.0.1, and 95664.0.1, to read as follows:

§ 95300.0.1. Purpose. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

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.

§ 95301.0.1. Applicability. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) This subarticle applies to owners and drivers of the following equipment when driven on a highway within California, as well as motor carriers, California-based brokers, and California-based shippers that use, or cause to be used, the following equipment on a highway within California:

(1) HD tractors that pull 53-foot or longer box-type trailers; and

(2) 53-foot or longer box-type trailers that are pulled by HD tractors.

(b) The requirements in this subarticle do not apply to the following 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;

(8) military tactical support vehicles;

(c) In accordance with the provisions of section 95305, *Exemptions,* specified requirements of this subarticle do not apply to:

(1) local-haul trailers and the tractors pulling local-haul trailers,

(2) local-haul tractors and the trailers pulled by local-haul tractors,

(3) short-haul tractors and the trailers pulled by short-haul tractors,

(4) drayage tractors and the trailers pulled by drayage tractors,

(5) storage trailers and the tractors pulling storage trailers, and

(6) empty 53-foot and longer box-type trailers pulled by HD tractors.

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.

§ 95302.0.1. Definitions. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) The following definitions apply to this subarticle:

(1) "*Aerodynamic technologies*" means components designed to reduce wind resistance on the tractor or trailer resulting in improved overall tractor fuel economy and reduced carbon dioxide emissions. There are two types of aerodynamic technologies: fairings and flow control devices.

(2) "*Box-type trailer*" means a dry-van trailer or refrigerated-van trailer that is not a drop-frame trailer.

(3) "*Broker*" means a person who, for compensation, arranges or offers to arrange the transportation of property by a motor carrier. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker within the meaning of this section 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.

(4) "*Cab side extender*" means an air flow control device placed vertically on the rear side of the tractor that reduces the space between the tractor and trailer.

(5) "*California-based broker*" means a broker that maintains a business location in California.

(6) "*California-based shipper*" means a shipper that operates a facility in California where freight is located prior to its transportation.

(7) "*Chassis trailer*" means a trailer composed of a simple chassis for the mounting of a containerized load.

(8) "*Compliance year*" means the calendar year in which a fleet owner may bring trailers into compliance to meet the minimum fleet conformance threshold that takes effect on January 1 of the following year.

(9) "*Compliant trailer*" means a trailer that complies with the equipment requirements set forth in section 95303(b). For the purposes of the optional trailer fleet compliance schedules, to bring a trailer into compliance means to either retrofit the trailer with the necessary aerodynamic technology or technologies to comply with the equipment requirements set forth in section 95303(b), or remove the trailer from the owner's fleet.

(10) "*Conformance*" means meeting or exceeding the minimum fleet conformance thresholds defined in section 95307, *Optional Trailer Fleet Compliance Schedules*, Tables 1, 2 and 3. A conformance threshold defines the percentage of trailers in a

fleet that are required to be compliant in accordance with a large fleet compliance schedule or a small fleet compliance schedule.

(11) "*Curtain-side trailer*" means a trailer with tarp sides that can be loaded from the sides, top, or rear.

(12) "*Delayed compliance trailer*" means a trailer for which compliance may be delayed pursuant to section 95307(b)(4).

(13) "*Dispatch*" means to coordinate delivery, pickup, and drop-off schedules of vehicles; and monitor the delivery of freight from these vehicles.

(14) "*Drayage tractor*" means any in-use on-road tractor with a gross vehicle weight rating of greater than 26,000 pounds operating on or transgressing through port or intermodal railyard property for the purpose of loading, unloading or transporting freight.

(15) "*Driver*" means a person who physically operates a HD tractor.

(16) "*Drop-frame trailer*" means an enclosed rectangular trailer with a deck that is lower to the ground in the area between the trailer hitch and the trailer wheels, to create more cargo space.

(17) "*Dry-van trailer*" means an enclosed rectangular trailer that is not a refrigerated-van trailer.

(18) "*Early compliance trailer*" means a trailer that has been brought into compliance with the equipment requirements set forth in section 95303(b)(3) as applicable, before January 1, 2010, and for which the owner receives credit, in accordance with the *early compliance option* set forth in section 95307(b)(4), that may be used to delay the compliance of delayed compliance trailers.

(19) "*Emergency vehicle*" means a vehicle as defined in California Vehicle Code section 165.

(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.

(20) "*Empty trailer*" means a trailer that does not contain freight. A trailer that contains only items used for the handling or securing of freight, such as moving blankets, straps, moving dollies, and tool kits that are used in the transport of other items in the trailer, or to maintain the tractor or trailer on the road, is considered an empty trailer.

(21) "*Fairing*" means a structure with smoothly contoured solid surfaces that reduces the wind resistance of the objects it covers.

(22) "*Fleet*" means one or more trailers owned by a person, business, or government agency. A fleet consists of the total number of 53-foot or longer box-type trailers under common ownership or control even if they are part of different subsidiaries, divisions, or other organizational structures of a company or agency.

(23) "*Flow control device*" means a design element that manipulates the air flow around an object by changing the air flow characteristics in order to reduce the pressure force exerted on the vehicle.

(24) "*Freight*" means any item being transported for delivery in a 53-foot or longer box-type trailer. Items that remain in the trailer after all freight is delivered are not considered freight. These include items that are used exclusively to secure items being transported in the trailer, protect items being transported in the trailer, load items being transported in the trailer, or repair the tractor or trailer. Items that are not considered freight could include moving blankets, straps, tool kits, and moving dollies.

(25) "*Fuel tank fairing,*" also known as a chassis skirt, means a fairing located at the base of the cab between the front wheel of the tractor and the forward-most rear wheel, covering the open space and streamlining the fuel tank.

(26) "*Good operating condition*" means the condition of a HD tractor or box-type trailer that meets the applicable standards in section 95304, *Good Operating Condition Requirements*, for continued aerodynamic efficiency.

(27) "*Gross vehicle weight rating*" or "*GVWR*" means the "GVWR" as defined in California Vehicle Code section 350.

(28) "*Heavy-duty tractor*" or "*HD tractor*" means a class 7 or class 8 motor vehicle designed to pull a semitrailer on a highway by means of a fifth wheel mounted over the rear axle(s).

(29) "*Highway*" means a "highway" as defined in California Vehicle Code section 360.

(30) "*Integrated sleeper cab roof fairing*" means a fairing located on the roof of a sleeper-cab-equipped tractor that extends from the front windshield of the tractor cab to the rear edge of the sleeper cab, with enclosed sides that line up with the sides of the sleeper cab.

(31) "*Intermodal railyard*" means any rail facility where trailers are transferred from drayage tractor to train or vice versa.

(32) "*Livestock trailer*" means a semitrailer designed to transport live animals.

(33) "*Local-haul base*" means the location where a local-haul tractor or local-haul trailer is garaged or from which it is routinely dispatched.

(34) "*Local-haul tractor*" means a HD tractor that travels exclusively within a 100-mile radius of its local-haul base.

(35) "*Local-haul trailer*" means a 53-foot or longer box-type trailer that travels exclusively within a 100-mile radius of its local-haul base.

(36) "*Low-rolling-resistance tire*" means a tire that is designed to improve fuel efficiency of a tractor pulling a trailer by minimizing its rolling resistance, which consists of the energy lost as heat within the rubber itself, as well as aerodynamic drag of the tire, and friction between the tire and the road and between the tire and the rim when the tire is rolling under load; rolling resistance is expressed as the energy consumed per unit distance as the tire rolls under load.

(37) "*Military tactical support vehicle*" means a "Military Tactical Support Vehicle" as defined in title 13, California Code of Regulations (CCR), section 1905.

(38) "*Motor carrier*" means a "Motor carrier" as defined in California Vehicle Code section 408.

(39) "*Non-compliant Tractor Pass*" means a temporary permit issued by the Executive Officer in accordance with the requirements of section 95305(h) that allows a HD tractor to pull a 53-foot or longer box-type trailer on a highway within California without meeting the requirements of sections 95303(a) and 95305(b) for a defined time period not to exceed five consecutive days.

(40) "*Ocean-going vessel*" means a commercial, government, or military vessel meeting any one of the following criteria:

(A) A vessel greater than or equal to 400 feet in length overall (LOA) as defined in 50 Code of Federal Regulations (CFR) section 679.2, as adopted June 19, 1996;

(B) A vessel greater than or equal to 10,000 gross tons (GT ITC) pursuant to the convention measurement (international system) as defined in 46 CFR sections 69.51-.61, as adopted September 12, 1989; or

(C) A vessel propelled by a marine compression ignition engine with a per-cylinder displacement of greater than or equal to 30 liters.

(41) "*Open-shoulder tire*" means a tire that is constructed such that the two outer tread ribs, located where the tread and sidewalls meet, are separated into individual tread blocks and is designed to improve traction when traveling on mud or snow covered highways.

(42) "*Owner*" of a tractor or trailer means the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its

equivalent in another state, province, or country (presumed at the time of any citation to be the person or persons identified as the owner on the registration document or title carried on the vehicle), except in the following circumstances:

(A) for a tractor or trailer owned by the federal government and not registered in any state or local jurisdiction, the owner means the branch, agency or other organization within the federal government that operates the tractor or trailer, that is required to maintain accountability for the vehicle, or that is shown by the accountable entity to be responsible for the tractor's or trailer's maintenance.

(B) for a leased tractor, the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (usually the lessor) is the owner for purposes of this subarticle, except that the lessee of the tractor is the owner for purposes of this subarticle if the lessor demonstrates that either the lessor provided the lessee with the following statement on a document separate from the lease agreement, or the lease agreement includes the following statement:

"The lessee of this heavy-duty tractor understands that when using a heavy-duty tractor to pull a 53-foot or longer box-type trailer on a highway within California, the heavy-duty tractor must be compliant with sections 95300-95312, title 17, California Code of Regulations, and that it is the responsibility of the lessee to ensure this heavy-duty tractor is compliant. The regulations may require this heavy-duty tractor to have low-rolling-resistance tires that are U.S. Environmental Protection Agency (U.S. EPA) SmartWay Verified Technologies prior to current or future use in California, or may entirely prohibit use of this tractor in California if it is a model year 2011 or later tractor and is not a U.S. EPA SmartWay Certified Tractor."

(C) for a leased trailer that is leased prior to January 1, 2013, the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (usually the lessor) is the owner for purposes of this subarticle, except that the lessee of the trailer is the owner for purposes of this subarticle if both of the following requirements are met:

1. The lessor demonstrates that the lessor provided the lessee with actual written notice that clearly informed the lessee about the requirements of this subarticle and about the lessee's obligation under terms of the lease to ensure the trailer complies with those requirements prior to use of the trailer in California. This

requirement may be satisfied if either the lessee is provided with the following statement on a document separate from the lease agreement, or the following statement is included in the lease agreement:

"The lessee of this box-type trailer understands that when using a heavy-duty tractor to pull a 53-foot or longer box-type trailer on a highway within California, the box-type trailer must be compliant with sections 95300-95312, title 17, California Code of Regulations, and that it is the responsibility of the lessee to ensure this box-type trailer is compliant. The regulations may require this trailer to have low-rolling-resistance tires and aerodynamic technologies that are U.S. Environmental Protection Agency SmartWay Verified Technologies prior to current or future use in California."

2. The lessor demonstrates and informs the lessee that either:
   a. the lease agreement does not prohibit the lessee from modifying the trailer to be compliant with the requirements of this subarticle; or
   b. the lessor provides a reasonable method to exchange the trailer for one that is compliant with this subarticle.

(D) for a leased trailer that is leased on or after January 1, 2013, the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (usually the lessor) is the owner for purposes of this subarticle, except that the lessee of the trailer is the owner for purposes of this subarticle if either the lessor demonstrates that the lessor provided the lessee with the following statement on a document separate from the lease agreement prior to entering the lease agreement, or the lease agreement includes the following statement:

"*The lessee of this box-type trailer understands that when using a heavy-duty tractor to pull a 53-foot or longer box-type trailer on a highway within California, the box-type trailer must be compliant with sections 95300-95312, title 17, California Code of Regulations,; and that it is the responsibility of the lessee to ensure this box-type trailer is compliant. The regulations may require this trailer to have low-rolling-resistance tires and aerodynamic technologies that are U.S. Environmental Protection Agency SmartWay Verified Technologies prior to current or future use in California.*"

(E) For purposes of this subarticle, the terms "lease agreement," "leased," "lessor," and "lessee" mean the same as "rental agreement," "rented," "owner of the rented vehicle," and "renter," respectively.

(43) "*Person*" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

(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.

(44) "*Port*" means the port property where marine and port terminals are typically located for the loading and unloading of water-borne commerce onto and from ocean-going vessels. Ports covered by this regulation include, but are not limited to, the Port of Long Beach, Port of Los Angeles, Port of Humboldt Bay, Port of San Diego, Port of Hueneme, Port of Oakland, Port of San Francisco, Port of Sacramento, Port of Stockton, Port of Redwood City, Port of Crockett, Port of Richmond, Port of Pittsburg, and the Port of Benicia.

(45) "*Rear trailer fairing*" means a fairing that attaches to the perimeter outer edges of the trailer's rear-facing surface to provide a continuous surface for the air passing over the side and top surfaces of the trailer.

(46) "*Refrigerated-van trailer*" means a rectangular trailer van that has a refrigeration or heating unit built into the front of the trailer to maintain precise temperatures and is designed to haul freight that requires climate control, such as frozen food, fresh produce, hot or warm food, and other perishable items.

(47) "*Refuse trailer*" means a trailer that is used to haul solid waste material. Solid waste includes garbage, construction debris, commercial refuse, and other discarded materials.

(48) "*Register*" means to provide the Executive Officer with the information identified in sections 95306 (b) through (f) and sections 95307(b)(3) and 95307(c)(2), as required, by means of TRUCRS.

(49) "*Relocation Pass*" means a temporary permit issued by the Executive Officer in accordance with the requirements of section 95305(f) that allows a local-haul trailer to relocate to either a new local-haul base or to an out-of-state location while hauling freight, or a storage trailer to relocate to a new storage trailer location or to

an out-of-state location while hauling freight, without meeting all of the applicable requirements of section 95303(b).

(50) "*Semitrailer*" means a "Semitrailer" as defined in section 550 of the California Vehicle Code.

(51) "*Shipper*" means a person that has possession of freight prior to its transportation. This may include, but is not limited to, owners of freight distribution centers, and temporary freight storage facilities.

(52) "*Short-haul tractor*" means a HD tractor that travels less than 50,000 miles per year, including all miles accrued both inside and outside of California.

(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.

(54) "*Storage trailer*" means a trailer that is used for the storage of items at a fixed location.

(55) "*Storage trailer location*" means the street address where a registered storage trailer is used to store items.

(56) "*Tractor*" means a "Truck Tractor" as defined in section 655 of the California Vehicle Code.

(57) "*Trailer*" means a semitrailer.

(58) *"Transfer of Ownership Pass"* means a temporary permit issued by the Executive Officer in accordance with the requirements of section 95305(g) that allows a HD tractor to pull a non-compliant 53-foot or longer box-type trailer on a highway within California without meeting all of the applicable requirements of section 95303(b) for the purpose of delivering that trailer from its current location to the transferee's location.

(59) "*Transport refrigeration unit*" or "TRU" means a refrigeration system powered by an integral internal combustion engine designed to control the environment of temperature sensitive products that are transported in refrigerated-van trailers. TRUs may be capable of both cooling and heating.

(60) "*TRUCRS (Truck Regulation Upload, Compliance, and Reporting System)*" is the on-line reporting tool for this subarticle.

(61) "*U.S. EPA SmartWay Certified Tractor*" means a tractor that has been certified or designated by the United States Environmental Protection Agency (U.S. EPA) to meet the technical specifications and requirements of the U.S. EPA SmartWay Transport Partnership Program.

(62) *"U.S. EPA SmartWay Certified Trailer"* means a 53-foot or longer box-type trailer that has been certified or designated by the U.S. EPA to meet the technical specifications and requirements of the U.S. EPA SmartWay Transport Partnership Program.

(63) "*U.S. EPA SmartWay Transport Partnership Program*" means the U.S. EPA's voluntary program that is a collaboration between the U.S. EPA and the transportation industry to improve energy efficiency, reduce greenhouse gas and air pollutant emissions, and improve energy security. This program establishes incentives for improving freight movement efficiency and the fuel efficiency of freight moving equipment.

(64) "*U.S. EPA SmartWay Verified Technology*" or "*U.S. EPA Smart-Way Verified Technologies*" means one or more aerodynamic technologies or low-rolling-resistance tire models that have been identified by the U.S. EPA as meeting the technical specifications and requirements of the U.S. EPA SmartWay Transport Partnership Program.

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.

§ 95303.0.1. Requirements and Compliance Deadlines. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) Tractor Requirements.

(1) Except as provided in section 95305, *Exemptions*, beginning January 1, 2010, no 2011 through 2013 model year sleeper-cab 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 model year HD tractor, including but not limited to sleeper-cab 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.

(b) Trailer Requirements.

(1) *2011 and Subsequent Model Year Dry-Van Trailer Requirements.*

Except as provided in section 95305, *Exemptions,* beginning January 1, 2010, no 2011 or subsequent model-year 53-foot or longer dry-van trailer shall travel on a highway within California unless such trailer is either:

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

(B) equipped with both:

1. tires that are U.S. EPA SmartWay Verified Technologies; and

2. a dry-van trailer aerodynamic technology or combination of technologies that is either

a. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that has been demonstrated to the U.S. EPA to meet or exceed a 5 percent fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program, or

b. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that met the criteria defined in section 95303(b)(1)(B)2.a., but has been modified in any manner from the U.S. EPA SmartWay Verified Technology configurations. Only modifications that are required to enable a particular SmartWay technology to be installed on a trailer are allowed. Such modifications must not significantly increase the aerodynamic drag of the base, unmodified SmartWay verified configuration, and the modifications may only be used if prior written approval is obtained from the Executive Officer. The Executive Officer will base his or her approval on information submitted that describes the modification, the need therefor, and any test data or other information that demonstrates the proposed modifications would not significantly increase the aerodynamic drag of the SmartWay verified configuration, and on good engineering judgment.

(2) *2011 and Subsequent Model Year Refrigerated-Van Trailer Requirements.*

Except as provided in section 95305, *Exemptions,* beginning January 1, 2010, no 2011 or subsequent model year 53-foot or longer refrigerated-van trailer shall travel on a highway within California unless such trailer is either:

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

(B) equipped with both:

1. tires that are U.S. EPA SmartWay Verified Technologies; and

2. a dry-van trailer or refrigerated-van trailer aerodynamic technology or combination of technologies that is either

a. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that has been demonstrated to the U.S. EPA to meet or exceed a 4 percent fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program, or

b. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that met the criteria defined in section 95303(b)(2)(B)2.a., but has been modified in any manner from the U.S. EPA SmartWay Verified Technology configurations. Only modifications that are required to enable a particular SmartWay technology to be installed on a trailer are allowed. Such modifications must not significantly increase the aerodynamic drag of the base, unmodified SmartWay verified configuration, and the modifications may only be used if prior written approval is obtained from the Executive Officer. The Executive Officer will base his or her approval on information submitted that describes the modification, the need therefor, and any test data or other information that demonstrates the proposed modifications would not significantly increase the aerodynamic drag of the SmartWay verified configuration, and on good engineering judgment.

(3) *2010 or Previous Model Year Dry-Van and Refrigerated-Van Trailer Requirements.*

Except as provided in section 95305, *Exemptions,* a 2010 or previous model year 53-foot or longer box-type trailer pulled by a HD tractor may not travel on a highway within California unless all of the following requirements are met by the compliance dates specified.

(A) By January 1, 2017, a 2010 or previous model year 53-foot or longer box-type trailer not identified in section 95303(b)(3)(F) must be equipped with tires that are U.S. EPA SmartWay Verified Technologies.

(B) By January 1, 2013, a 2010 or previous model year 53-foot or longer dry-van trailer that is not participating in an optional trailer fleet compliance schedule as defined in section 95307, *Optional Trailer Fleet Compliance Schedules,* must either be

1. a U.S. EPA SmartWay Certified Trailer, or

2. equipped with a dry-van trailer aerodynamic technology or combination of technologies that is either

a. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that has been demonstrated to the U.S. EPA to meet or exceed a 5 percent fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program, or

b. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that met the criteria defined in section 95303(b)(3)(B)2.a., but has been modified in any manner from the U.S. EPA SmartWay Verified Technology configurations. Only modifications that are required to enable a particular SmartWay technology to be installed on a trailer are allowed. Such modifications must not significantly increase the aerodynamic drag of the base, unmodified SmartWay verified configuration, and the modifications may only be used if prior written approval is obtained from the Executive Officer. The Executive Officer will base his or her approval on information submitted that describes the modification, the need therefor, and any test data or other information that demonstrates the proposed modifications would not significantly increase the aerodynamic drag of the SmartWay verified configuration, and on good engineering judgment.

(C) By January 1, 2013, a 2010 or previous model year 53-foot or longer refrigerated-van trailer that is not participating in an optional trailer fleet compliance schedule as defined in section 95307, *Optional Trailer Fleet Compliance Schedules,* and not identified in section 95303(b)(3)(F), must either be

1. a U.S. EPA SmartWay Certified Trailer, or

2. equipped with a dry-van or refrigerated-van trailer aerodynamic technology or combination of technologies that is either

a. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that has been demonstrated to the U.S. EPA to meet or exceed a 4 percent fuel savings in accordance with the requirements defined by the U.S. EPA SmartWay Partnership Program, or

b. a U.S. EPA SmartWay Verified Technology or combination of U.S. EPA SmartWay Verified Technologies that met the criteria defined in section 95303(b)(3)(C)2.a., but has been modified in any manner from the U.S. EPA SmartWay Verified Technology configurations. Only modifications that are required to enable a particular SmartWay technology to be installed on a trailer are allowed. Such modifications must not significantly increase the aerodynamic drag of the base, unmodified SmartWay verified configuration, and the modifications may only be used if prior written approval is obtained from the Executive Officer. The Executive Officer will base his or her approval

on information submitted that describes the modification, the need therefor, and any test data or other information that demonstrates the proposed modifications would not significantly increase the aerodynamic drag of the SmartWay verified configuration, and on good engineering judgment.

(D) For dry-van trailers participating in an optional trailer fleet compliance schedule as defined in section 95307, *Optional Trailer Fleet Compliance Schedules,* a 2010 or previous model year 53-foot or longer dry-van trailer must either meet the requirements defined in section 95303(b)(3)(B)1. or the requirements defined in section 95303(b)(3)(B)2. by the applicable compliance dates in section 95307, Optional Trailer Fleet Compliance Schedules.

(E) For refrigerated-van trailers participating in an optional trailer fleet compliance schedule as defined in section 95307, *Optional Trailer Fleet Compliance Schedules,* a 2010 or previous model year 53-foot or longer refrigerated-van trailer must either meet the requirements defined in section 95303(b)(3)(C)1. or the requirements defined in section 95303(b)(3)(C)2. by the applicable compliance dates in section 95307, *Optional Trailer Fleet Compliance Schedules.*

(F) A 2003 through 2009 model year 53-foot or longer refrigerated-van trailer equipped with 2003 or subsequent model year transport refrigeration unit engine must be equipped with tires that are U.S. EPA SmartWay Verified Technologies and either meet the requirements defined in section 95303(b)(3)(C)1. or the requirements defined in section 95303(b)(3)(C)2. by:

1. January 1, 2018 for a 2003 or 2004 model year trailer

2. January 1, 2019 for a 2005 or 2006 model year trailer

3. January 1, 2020 for a 2007, 2008, or 2009 model year trailer

(c) Requirements for Drivers.

(1) A driver may not operate a HD tractor to pull a 53-foot or longer box-type trailer on a highway within California unless both the tractor and the trailer:

(A) comply with the applicable requirements and compliance deadlines set forth in sections 95303(a) and 95303(b); and

(B) are in good operating condition as defined in section 95304, *Good Operating Condition Requirements.*

(2) A driver must, upon request, provide the following information to authorized enforcement personnel identified in section 95308:

(A) driver's license;

(B) vehicle odometer reading, if the tractor is an exempt short-haul tractor;

(C) tractor registration;

(D) trailer registration;

(E) origin of freight;

(F) destination of freight;

(G) if dispatched by a motor carrier, the motor carrier information set forth in section 95303(g)(1)(B);

(H) if dispatched by a broker, the broker information set forth in section 95303(f)(1)(B);

(I) if operating a drayage tractor that is exempt pursuant to the requirements of section 95305(d), documentation indicating the port or intermodal railyard of origin or destination, as applicable; and

(J) if operating a HD tractor pulling a 53-foot or longer box-type trailer that is operating under either a Relocation Pass pursuant to section 95305(f), Transfer of Ownership Pass pursuant to section 95305(g), or Non-compliant Tractor Pass pursuant to section 95305(h), the pass approval number, as applicable.

(3) A driver of a HD tractor pulling a 53-foot or longer box-type trailer that is exempt pursuant to section 95305(l) must, upon request, allow authorized enforcement personnel to directly view the inside of the trailer.

(4) A driver shall not operate a HD tractor to pull a 53-foot or longer box-type trailer on a highway within California if the tractor or the trailer has aerodynamic technologies that are not deployed or not in their operational configuration.

(d) Requirements for Owners of HD Tractors.

(1) An owner of a HD tractor may not use or cause to be used a HD tractor to pull a 53-foot or longer box-type trailer on a highway within California unless both the HD tractor and the box-type trailer:

(A) comply with the applicable requirements and compliance deadlines set forth in sections 95303(a) and 95303(b); and

(B) are in good operating condition as defined in section 95304, *Good Operating Condition Requirements.*

(e) Requirements for Owners of Box-Type Trailers.

(1) An owner of a 53-foot or longer box-type trailer must ensure that the 53-foot or longer box-type trailer will not be pulled by a HD tractor on a highway within California unless the 53-foot or longer box-type trailer:

(A) complies with the requirements and compliance deadlines set forth in section 95303(b); and

(B) is in good operating condition as defined in section 95304, Good Operating Condition Requirements.

(2) An owner of one or more 2010 or previous model year 53-foot or longer box-type trailers that are subject to the requirements of section 95303(b)(3) may elect to follow an alternative compliance schedule, if applicable. Owners that choose to follow an alternative compliance schedule must meet the requirements of section 95307, *Optional Trailer Fleet Compliance Schedules.*

(f) Requirements for California-based Brokers.

(1) A California-based broker must:

(A) only dispatch a HD tractor or a 53-foot or longer box-type trailer for travel on a highway within California if the tractor or trailer complies with the applicable operating requirements and compliance deadlines set forth in sections 95303(a) and 95303(b);

(B) provide the following information to a dispatched driver who will be traveling on a highway within California:

1. broker's business name;

2. broker's street address, state, zip code;

3. broker contact person's name; and

4. broker contact person's business phone number.

(g) Requirements for Motor Carriers.

(1) A motor carrier must:

(A) only dispatch a HD tractor or a 53-foot or longer box-type trailer for travel on a highway within California if the tractor or trailer complies with the applicable operating requirements and compliance deadlines set forth in sections 95303(a) and 95303(b);

(B) provide the following information to a dispatched driver who will be traveling on a highway within California:

1. motor carrier's business name;

2. motor carrier's street address, state, zip code;

3. motor carrier contact person's name; and

4. motor carrier contact person's business phone number.

(h) Requirements for California-based Shippers.

(1) A California-based shipper must not ship freight from its California facility or facilities in a 53-foot or longer box-type trailer pulled by a HD tractor on a highway within California unless the HD tractor and the 53-foot or longer box-type trailer comply with the operating requirements and compliance deadlines set forth in sections 95303(a) and 95303(b).

(i) Requirements for California-licensed Vehicle Dealers.

(1) Any California-licensed vehicle dealer selling a HD tractor or 53-foot or longer box-type trailer subject to this regulation must provide the buyer with the following disclosure in writing:

"A heavy-duty tractor and 53-foot or longer box-type trailer operated in California may be subject to the Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation set forth under sections 95300 - 95312, title 17, California Code of Regulations. These vehicles may be required to use low-rolling-resistance tires and meet aerodynamic equipment requirements to reduce greenhouse gas emissions."

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.

§ 95304.0.1. Good Operating Condition Requirements. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) *Good Operating Condition Criteria for U.S. EPA SmartWay Certified Tractor Aerodynamic Technologies.*

(1) An aerodynamic technology such as an aerodynamic mirror, a cab side extender, a fuel tank fairing, and an integrated sleeper cab roof fairing on a U.S. EPA Certified SmartWay Tractor must meet the following criteria:

(A) Each must be installed in accordance with manufacturer's specifications;

(B) Each must be securely fastened to the tractor; and

(C) Each must not be used if it is damaged to such an extent as to compromise its aerodynamic effectiveness.

(b) *Good Operating Condition Criteria for Trailer Aerodynamic Technologies.*

(1) An aerodynamic technology installed on a box-type trailer must meet the following criteria:

(A) The aerodynamic technology must either be installed:

1. in accordance with the aerodynamic technology manufacturer's specifications such that the technology continues to maintain its verified status in accordance with the requirements of the U.S. EPA SmartWay Transport Partnership Program, or

2. in a configuration approved by the Executive Officer.

(B) The aerodynamic technology must be securely fastened to the trailer;

(C) The aerodynamic technology must not be used with missing sections; and

(D) The aerodynamic technology must not be used if damaged to such an extent as to compromise its aerodynamic effectiveness.

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.

§ 95305.0.1. Exemptions. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) *Short-Haul Tractor Exemption Requirements.*

(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.

(2) A 53-foot or longer box-type trailer is exempt from the requirements of section 95303(b) while it is being pulled by an exempt short-haul tractor.

(3) The use of an exempt short-haul tractor in excess of 50,000 miles traveled during the one year period from the date the owner submitted the applicable information identified in sections 95306(b) through (f) is a violation of this subarticle.

(4) The driver of an exempt short-haul tractor must, upon request, provide the applicable information specified in section 95303(c)(2) to authorized enforcement personnel identified in section 95308, *Enforcement.*

(5) The driver of an exempt short-haul tractor must, upon request, allow authorized enforcement personnel identified in section 95308, *Enforcement,* to directly view the odometer of the exempt short-haul tractor.

(6) For an exempt short-haul tractor that is removed from an owner's exempt short-haul tractor fleet, taken out of service, or is otherwise no longer exempt, the owner must notify the Executive Officer and update the short-haul tractor information submitted in accordance with section 95306(d) to reflect this change in status prior to change in ownership of the tractor or prior to the tractor traveling on a highway within California, whichever occurs first, or within 30 days of the tractor being taken out of service. A tractor that is removed from the owner's short-haul tractor fleet or that for any other reason loses its exempt status is ineligible for the short-haul exemption under that owner for 36 months from the date its exempt status was terminated.

(7) A short-haul tractor exemption remains in effect for a period of one year from the date that the information required in sections 95306(b) through 95306(d) and section 95306(f) is submitted to the Executive Officer if the owner and the exempt tractor are in continuing compliance with the requirements of this section. To extend the exemption for an additional one year from the expiration date of the exemption, the owner must submit to the Executive Officer the tractor's odometer reading taken at the end of the one year period no more than 15 days after the expiration date of the exemption.

(8) The owner of more than one short-haul tractor may consolidate the dates to apply for an extension with approval of the Executive Officer.

(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.

(2) A 2011 or subsequent model year 53-foot or longer box-type trailer is exempt from the requirements of sections 95303(b)(1)(A), 95303(b)(1)(B)2., 95303(b)(2)(A), and 95303(b)(2)(B)2., but still must comply with the requirements of sections 95303(b)(1)(B)1. or 95303(b)(2)(B)1. while it is being pulled by an exempt local-haul tractor.

(3) A 2010 or previous model year 53-foot or longer box-type trailer is exempt from the requirements of sections 95303(b)(3)(B) and 95303(b)(3)(C), but still must comply with the requirements of section 95303(b)(3)(A) while it is being pulled by an exempt local-haul tractor.

(4) The driver of an exempt local-haul tractor must, upon request, provide the applicable information listed in section 95305(c)(2) to authorized enforcement personnel identified in section 95308, *Enforcement.*

(5) A local-haul tractor exemption will remain in effect as long as the owner and the exempt tractor remain in compliance with the requirements of this section.

(6) The owner of an exempt local-haul tractor must notify the Executive Officer if the information submitted in accordance with sections 95306(b) through 95306(d) and section 95306(f) has changed, and must submit the updated information to the Executive Officer within 15 days of change.

(7) For a local-haul tractor that is removed from an owner's local-haul fleet, taken out of service, or is otherwise no longer exempt, the owner must notify the Executive Officer and update the local-haul tractor information submitted in accordance with section 95306(d) to reflect this change in status prior to change in ownership of the tractor, or prior to the tractor traveling on a highway within California, whichever occurs first, or within 30 days of the tractor being taken out of service.

(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.

(c) *Local-Haul Trailer Exemption Requirements*.

(1) A 2011 or subsequent model year local-haul trailer is exempt from the requirements of sections 95303(b)(1)(A), 95303(b)(1)(B)2., 95303(b)(2)(A), and 95303(b)(2)(B)2., but still must comply with the requirements of sections 95303(b)(1)(B)1. or 95303(b)(2)(B)1. if the trailer 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 the following conditions are met:

(A) the local-haul trailer is being pulled by a HD tractor on a California highway within 100 miles of the local-haul trailer's local-haul base, or

(B) the local-haul trailer is traveling under a valid Relocation Pass.

(2) A 2010 or previous model year local-haul trailer is exempt from the requirements of sections 95303(b)(3)(B) and 95303(b)(3)(C), but still must comply with the requirements of section 95303(b)(3)(A) if the trailer 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 the following conditions are met:

(A) the local-haul trailer is being pulled by a HD tractor on a California highway within 100 miles of the local-haul trailer's local-haul base, or

(B) the local-haul trailer is traveling under a valid Relocation Pass.

(3) A local-haul trailer exemption will remain in effect as long as the owner and the exempt trailer are in compliance with the requirements of this section.

(4) The owner of an exempt local-haul trailer must notify the Executive Officer if the information submitted in accordance with sections 95306(b), 95306(c), and 95306(e) has changed, and must submit the updated information to the Executive Officer within 15 days of change.

(5) For an exempt local-haul trailer that is removed from an owner's local-haul fleet, taken out of service, or is otherwise no longer exempt, the owner must notify the Executive Officer and update the local-haul trailer information submitted in accordance with section 95306(e) to reflect this change in status prior to change in ownership of the trailer, or prior to the trailer traveling on a highway within California, whichever occurs first, or within 30 days of the trailer being taken out of service.

(6) A 2011 or subsequent model year sleeper cab HD tractor is exempt from the requirements of section 95303(a)(1), but still must comply with the requirements of section 95303(a)(2), while it is pulling a local-haul trailer that is exempt under section 95305(c).

(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.

(e) *Storage Trailer Exemption Requirements.*

(1) A storage trailer is exempt from the requirements of section 95303(b) if the storage trailer 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 the storage trailer is traveling under a valid Relocation Pass.

(2) A storage trailer exemption will remain in effect as long as the owner and the exempt storage trailer are in compliance with the requirements of this section.

(3) The owner of an exempt storage trailer must notify the Executive Officer if the information submitted in accordance with sections 95306(b) and 95306(e) has changed, and must submit the updated information to the Executive Officer within 15 days of the change.

(4) For an exempt storage trailer that is removed from an owner's storage trailer fleet, taken out of service, or is otherwise no longer exempt, the owner must notify the Executive Officer and update the exempt storage trailer information submitted in accordance with section 95306(e) to reflect this change in status prior to change in ownership of the trailer, or prior to the trailer traveling on a highway within California, whichever occurs first, or within 30 days of the trailer being taken out of service.

(5) A HD tractor is exempt from the requirements of section 95303(a) while it is pulling a storage trailer that is exempt under section 95305(e).

(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.

(2) An owner that obtains a Relocation Pass for a 53-foot or longer box-type trailer that is not a registered local-haul trailer or registered storage trailer may operate that vehicle on a California highway exempt from the requirements of section 95303(b) for a specified period, as determined by the Executive Officer, not to exceed five consecutive days provided that the following requirements are met:

(A) after the trailer's Relocation Pass expires, the trailer may not be used to transport freight on a California highway until it is a registered local-haul trailer and operated in accordance with the provisions of section 95305(c), or

(B) after the trailer's Relocation Pass expires, the trailer will not be used to transport freight on a California highway until it is registered as a storage trailer and operated in accordance with the provisions of section 95305(e), or

(C) after the trailer's Relocation Pass expires, the trailer will not be used to transport freight on a California highway until it complies with the equipment requirements of 95303(b).

(3) An owner that relocates a registered local-haul trailer to a new local-haul base under a Relocation Pass must assign the trailer to the local-haul base of destination prior to beginning travel under the Relocation Pass.

(4) To obtain a Relocation Pass, a request to the Executive Officer must be made prior to the trailer's relocation. In the request, the owner must provide the Executive Officer with the following information:

(A) Owner contact information, as specified in section 95306(b).

(B) Trailer vehicle identification number (VIN).

(C) Street address of location of trailer where travel under the Relocation Pass will begin.

(D) Street address of location of trailer where travel under the Relocation Pass will end.

(E) Anticipated date trailer will begin relocation travel.

(5) Regardless of ownership, a trailer will be granted no more than four Relocation Passes per year that are issued in accordance with the requirements of section 95305(f) .

(6) A trailer that has been issued a Relocation Pass in accordance with section 95305(f)(1) may not be issued another Relocation Pass until 30 days after the Pass was issued.

(7) A trailer that has been issued a Relocation Pass in accordance with section 95305(f)(2) may not be issued another Relocation Pass until 30 days after the trailer was registered as a local-haul trailer or storage trailer in accordance with sections 95305(c) or 95305(e), respectively.

(8) The Executive Officer will respond to a request for a Relocation Pass within 15 days of receiving the information identified in section 95305(f)(4) and notify the owner in writing of the decision.

(A) If approved, and upon confirmation of the date of travel by the owner, the Executive Officer will provide the owner with a Relocation Pass in electronic or written format that will contain the following information:

1. Effective dates of the Relocation Pass which shall not exceed five consecutive days beginning with the date the trailer will begin travel.

2. Relocation Pass Approval Number.

(g) *Transfer of Ownership Pass for Trailers.*

(1) Either party (the transferor or transferee) involved in the transfer of ownership of a 53-foot or longer box-type trailer may obtain a Transfer of Ownership Pass for that trailer up to 30 days prior to the transfer of ownership.

(2) A 53-foot or longer box-type trailer traveling under a Transfer of Ownership Pass for the purpose of delivering such trailer from the transferor to the transferee is temporarily exempt from the requirements of section 95303(b).

(3) To obtain a Transfer of Ownership Pass, a request to the Executive Officer must be made prior to the start of trailer delivery from the transferor to the transferee. The request must be made by whomever is the trailer's registered owner at the time of delivery, either the transferor or transferee. In the request, the transferor or transferee must provide the Executive Officer the following information for each trailer:

(A) Transferor's contact information:

1. Transferor's name, and if a corporate entity or governmental agency is selling the trailer, the responsible official and title (if applicable);

2. Name of transferor's company, corporation, or governmental agency (if applicable);

3. Corporate parent (if applicable);

4. Motor carrier identification number and type (if applicable);

5. Vehicle dealer license number and state where it was issued (if applicable);

6. Street address of transferor or transferor's company including city, state or province, zip code, colonia (Mexico only), and country;

7. Mailing address including city, state or province, zip code, colonia (Mexico only), and country;

8. Physical address of location where records pertaining to the applicable sale will be maintained including city, state or province, zip code, colonia (Mexico only), and country;

9. Transferor's contact person's name;

10. Telephone number of contact person;

11. Email address of contact person (if available);

12. Company taxpayer identification number (if applicable); and

13. TRUCRS identification number of corporate parent (if one has been obtained).

(B) Transferee's contact information:

1. Transferee's name, and if a corporate entity or governmental agency is buying the trailer, the responsible official and title (if applicable);

2. Name of transferee's company, corporation, or governmental agency (if applicable);

3. Corporate parent (if applicable);

4. Motor carrier identification number and type (if applicable);

5. Vehicle dealer license number and state where it was issued (if applicable);

6. Street address of transferee or transferee's company including city, state or province, zip code, colonia (Mexico only), and country;

7. Mailing address including city, state or province, zip code, colonia (Mexico only), and country;

8. Physical address of location where records pertaining to the applicable sale will be maintained including city, state or province, zip code, colonia (Mexico only), and country;

9. Transferee's contact person's name;

10. Telephone number of contact person;

11. Email address of contact person (if available);

12. Company taxpayer identification number (if applicable); and

13. TRUCRS identification number of corporate parent (if one has been obtained).

(C) Trailer identification number (VIN).

(D) Address of trailer location prior to start of delivery.

(E) Address of trailer location when delivery is complete.

(F) Date when trailer is scheduled to begin travel on a California highway under the Transfer of Ownership Pass.

(G) Date when trailer is scheduled to end travel on a California highway under the Transfer of Ownership Pass.

(H) If the total length of time from when the trailer is scheduled to begin travel on a California highway under the Transfer of Ownership Pass to when the trailer is

scheduled to end travel on a California highway under the Transfer of Ownership Pass is greater than five consecutive days, the Executive Officer may request additional information from the transferee.

(4) For transfers of ownership where the transferor or transferee is not a licensed vehicle dealer, once a Transfer of Ownership Pass has been approved for a trailer, the transferor and transferee are not jointly eligible for another Transfer of Ownership Pass for that same trailer until one year from the last effective date of the approved Transfer of Ownership Pass.

(5) For transfers of ownership where the transferor or transferee is a licensed vehicle dealer, once a Transfer of Ownership Pass has been approved for a trailer, the transferor and transferee are jointly eligible for only one additional Transfer of Ownership Pass for that same trailer within the one year period that begins with the last effective date of the first approved Transfer of Ownership Pass.

(6) The Executive Officer will respond to a request for a Transfer of Ownership Pass within 15 days of receiving the information identified in section 95305(g)(3) and notify the transferor or transferee in writing of the decision.

(A) If approved, The Executive Officer will provide a Transfer of Ownership Pass in electronic or written format that will contain the following information:

1. Effective dates of the Transfer of Ownership Pass.

2. Transfer of Ownership Pass Approval Number.

(h) *Non-compliant Tractor Pass*

(1) Until January 1, 2015, a HD tractor traveling under a Non-compliant Tractor Pass while pulling a 53-foot or longer box-type trailer on a highway within California is temporarily exempt from the requirements of section 95303(a) for a specified period, as determined by the Executive Officer, not to exceed five consecutive days.

(2) A 53-foot or longer box-type trailer pulled by a HD tractor traveling under a Non-compliant Tractor Pass on a highway within California is temporarily exempt from the requirements of section 95303(b) for a specified period, as determined by the Executive Officer, not to exceed five consecutive days.

(3) To obtain a Non-compliant Tractor Pass, the tractor owner must make a request to the Executive Officer prior to affected travel. In the request, the owner must provide the following information for each tractor.

(A) Owner contact information, as specified in section 95306(b).

(B) Tractor identification number (VIN).

(C) Date tractor will begin travel, or enter California if traveling from out of state location, under the Non-compliant Tractor Pass.

(4) No owner will be granted more than one Non-compliant Tractor Pass per year

(5) Only one tractor per fleet operating under a common United States Department of Transportation (USDOT) number, motor carrier identification number, or International Registration Plan (IRP) fleet number will be granted a Non-compliant Tractor Pass per year.

(6) The Executive Officer will respond to a request for a Non-compliant Tractor Pass within 15 days of receiving the information identified in section 95305(h)(3) and notify the owner in writing of the decision.

(A) If approved, the Executive Officer will provide the owner with a Non-compliant Tractor Pass in electronic or written format that will contain the following information:

1. Effective dates of the Non-compliant Tractor Pass.

2. Non-compliant Tractor Pass Approval Number.

(i) *Trailer Aerodynamic Equipment Compliance Delay*

(1) An owner of a dry-van or refrigerated-van trailer that is subject to the requirements of section 95303(b) may apply for a Trailer Aerodynamic Equipment Compliance Delay if the trailer is configured such that existing aerodynamic technologies necessary to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers, cannot be installed.

(2) To apply for a Trailer Aerodynamic Equipment Compliance Delay, an owner must provide the Executive Officer the following information

(A) Owner contact information

1. Trailer owner's name, and if a corporate entity or governmental agency owns the trailer, the responsible official and title (if applicable);

2. Street address of owner or owner's company including city, state or province, zip code, colonia (Mexico only), and country;

3. Mailing address including city, state or province, zip code, colonia (Mexico only), and country;

4. Owner contact person's name;

5. Telephone number of contact person;

6. Email address of contact person (if available);

7. TRUCRS identification number (if applicable)

(B) Trailer Information (for each candidate trailer for compliance delay)

1. Trailer vehicle identification number (VIN).

2. Trailer participating in Optional Compliance Schedule? (Y or N)

3. Current scheduled compliance dates of trailers.

4. Narrative description of why exemption is necessary. Description should clearly explain why all available aerodynamic technologies that meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers cannot be installed on the trailer, and why modification of such technologies is infeasible without compromising the aerodynamic effectiveness of the technology or technologies.

5. Additional supporting materials as requested by the Executive Officer

(3) Applications for a Trailer Aerodynamic Equipment Compliance Delay may be submitted to the Executive Officer in written or electronic format no sooner than one year prior to the trailer's current compliance date.

(4) The Executive Officer will respond to the application for a Trailer Aerodynamic Equipment Compliance Delay within 30 days of receipt of the application, and notify the applicant in writing of the decision.

(A) The Executive Officer will review the existing list of U.S. EPA SmartWay verified aerodynamic technologies and determine if any of the existing technologies can be installed to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers.

(B) If the Executive Officer determines that the candidate trailer(s) identified in the application can be equipped with an aerodynamic technology that meets the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers, the application will be denied.

(C) If approved, the Trailer Aerodynamic Compliance Delay will remain in effect until the Executive Officer notifies the applicant that the U.S. EPA has verified an aerodynamic technology that can be installed on the trailer(s) to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers. The

Executive Officer will use the owner contact information provided in accordance with section 95305(i)(2)(A) to contact the applicant. Once notified, the applicant will be required to install the aerodynamic technology on the trailer(s) within one year from notification.

(j) Exemption for 2011 or Subsequent Model Year Tractors with Open-shoulder Drive Tires

(1) Until January 1, 2013, a 2011 or subsequent model year HD tractor pulling a 53-foot or longer box-type trailer subject to the requirements of section 95303(a) may operate on a highway within California with two or more open-shoulder drive tires mounted on the drive axle or axles that are not SmartWay Verified Technologies.

(k) An owner may be prohibited by the Executive Officer from operating his or her vehicles under the provisions of section 95305 if the owner or any of the owner's vehicles that are registered exempt short-haul tractors, local-haul tractors, local-haul trailers, or storage trailers are found in violation of any requirement of section 95305.

(l) *Tractor-Trailer Exemption for Tractors Pulling Empty Trailers*

(1) A HD tractor and the 53-foot or longer box-type trailer it is pulling are exempt from the requirements of sections 95303(a) and 95303(b) if the following conditions are met:

(A) the trailer is empty, and

(B) the driver of the HD tractor pulling the empty trailer, upon request, allows authorized enforcement personnel to directly view the inside of the trailer.

(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).

(n) *Exemption for New Trailers*

(1) A 53-foot or longer box-type trailer is exempt from the requirements of section 95303(b) for three consecutive months following the month of its manufacture. For example, if the month of manufacture is September 2013, the exemption would apply through December 2013.

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.

§ 95306.0.1. Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) To qualify for an exemption set forth in sections 95305(a), 95305(b), 95305(c), or 95305(e), the owner of a HD tractor or the owner of a 53-foot or longer box-type trailer must submit to the Executive Officer all applicable information and statements identified in sections 95306(b) through (f).

(b) *Owner Contact Information:*

(1) Short-haul or local-haul tractor owner's name, and if a corporate entity or governmental agency owns the tractor, the responsible official and title (if applicable);

(2) Local-haul or storage trailer owner's name, and if a corporate entity or governmental agency owns the trailer, the responsible official and title (if applicable);

(3) Name of owner's company, corporation, or governmental agency (if applicable);

(4) Corporate parent (if applicable);

(5) Motor carrier identification number and type;

(6) Street address of owner or owner's company including city, state or province, zip code, colonia (Mexico only), and country;

(7) Mailing address including city, state or province, zip code, colonia (Mexico only), and country;

(8) Owner contact person's name;

(9) Telephone number of contact person;

(10) Email address of contact person (if available);

(11) Company taxpayer identification number (if applicable); and

(12) TRUCRS identification number of corporate parent (if one has been obtained).

(c) *Local-Haul Base Information for Owners of Local-haul Tractors or Trailers* (an owner may have multiple local-haul bases):

(1) Local-haul base contact person's name;

(2) Contact person's title;

(3) Street address of local-haul base including city, state, zip code, colonia (Mexico only), and country; and

(4) Telephone number of local-haul base.

(d) *Short-haul or Local-haul Tractor Fleet Information*. For each tractor to be exempted, the following information:

(1) Type of exemption applied for:

(A) Limit annual miles traveled to 50,000 (short-haul); or

(B) Limit total area of operation to within a 100-mile radius from its local-haul base (local-haul);

(2) Tractor identification number (vehicle identification number (VIN));

(3) Tractor make;

(4) Tractor model;

(5) Tractor model year;

(6) State or province of registration;

(7) Country of registration;

(8) Registration type (state, IRP, temporary, seasonal, monthly, or other);

(9) License plate number;

(10) For short-haul tractors: Odometer reading; and

(11) For local-haul tractors: tractor's local-haul base street address, including city, state, zip code, colonia (Mexico only), and country.

(e) *Local-haul and Storage Trailer Fleet Information*. For each trailer to be exempted, the following information:

(1) Trailer type (dry van or refrigerated van);

(2) Trailer identification number (vehicle identification number (VIN));

(3) Trailer make;

(4) Trailer model;

(5) Trailer model year;

(6) State or province of registration;

(7) Country of registration;

(8) Registration type;

(9) License plate number; and

(10) For a local-haul trailer only, the local-haul trailer's local-haul base street address, including city, state, and zip code.

(f) A dated written submittal by the owner with the information required by sections 95306(b) through 95306(e) and one or all of the following statements, as applicable:

(1) For all local-haul trailers and tractors:

"I agree to limit the use of this [or these] tractor[s] [or trailer[s]] to the area within a 100-mile radius of the local-haul base[s] identified in this submittal when hauling freight with vehicles subject to sections 95303(a) and (b), title 17, California Code of Regulations. I understand that if I transport any freight in the trailer[s] when pulling it [or them] on California highways outside the 100-mile radius, the tractor[s] [or trailer[s]] will be subject to the equipment requirements of this regulation and may lose exempt status if non-compliant. I also understand that if my tractor[s] [or trailer[s]] is [or are] non-compliant, I may be subject to possible enforcement actions for violations of sections 95300-95312, title 17, California Code of Regulations. I also understand that I am allowed to relocate the trailer[s] to a new location, but only if the trailer[s] is [or are] empty or I have obtained a Relocation Pass[es] for the trailer[s]. If stopped for inspection by authorized enforcement personnel, I will allow inspection of the inside[s] of the trailer[s]. I declare under penalty of perjury that the information provided is true, accurate, and complete."

(2) For short-haul tractors:

"I agree to limit use of this [or these] tractor[s] to 50,000 or fewer miles per year. I understand that operation of the equipment for more than 50,000 miles per year may result in loss of exempt status and possible enforcement actions for violations of sections 95300-95312, title 17, California Code of Regulations. If stopped for inspection by authorized enforcement personnel, I will allow visual inspection of the tractor's [or tractors'] odometer[s]. I declare under penalty of perjury that the information provided is true, accurate, and complete."

(3) For storage trailers:

"I agree to limit use of this [or these] trailer[s] exclusively for the storage of items at a fixed location. I understand that I am allowed to relocate the trailer[s] to a new location, but only if the trailer[s] is [are] empty or I have obtained a Relocation Pass[es] for the trailer[s]. Without a Relocation Pass, if I transport any items in the trailer[s] when pulling it [them] on California highways, the trailer[s] may lose exempt status, which may result in enforcement action for violations of sections 95300-95312, title 17, California Code of Regulations. If stopped for inspection by authorized enforcement personnel, I will allow inspection of the inside[s] of the trailer[s]. I declare under penalty of perjury that the information provided is true, accurate, and complete."

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.

§ 95307.0.1. Optional Trailer Fleet Compliance Schedules. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) *Trailer Fleet Compliance Schedule Applicability.*

(1) As specified in section 95303(b)(3), an owner of one or more 2010 or previous model year 53-foot or longer box-type trailers may bring such trailers into compliance in accordance with an applicable compliance schedule set forth in this section.

(2) Trailers participating in Option 1 of the large fleet compliance schedule specified in section 95307(b)(1) must be acquired by the fleet owner prior to July 1, 2010.

(3) Trailers participating in Option 2 of the large fleet compliance schedule specified in section 95307(b)(2) must be acquired by the fleet owner prior to July 1, 2011.

(4) Trailers participating in the small fleet compliance schedule specified in section 95307(c) must be acquired by the fleet owner prior to July, 1, 2012.

(5) Trailer fleet size determination. For purposes of this section, fleet size is the total of all 53-foot or longer box-type trailers within the owner's fleet, including:

(A) trailers that do not operate in California; and

(B) trailers that operate in California, including but not limited to:

1. existing compliant trailers;

2. non-compliant trailers;

3. trailers exempted in accordance with section 95305, *Exemptions*; and

4. refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F).

(6) *Applicable Compliance Schedules*.

(A) A fleet owner with a trailer fleet size of 21 or more trailers, as determined in accordance with section 95307(a)(5) above, may elect to participate in

either of the following two compliance schedule options. A large fleet owner who does not register for one of these options must bring all trailers in the fleet into compliance as specified in section 95303(b)(3)(B) or section 95303(b)(3)(F).

1. Option 1 of the large fleet compliance schedule specified in section 95307(b)(1), or

2. Option 2 of the large fleet compliance schedule specified in section 95307(b)(2).

(B) A fleet owner with a trailer fleet size of 20 or fewer trailers may elect to participate in either of the large fleet compliance schedule options in section 95307(b), or in the small fleet compliance schedule in section 95307(c).

(b) *Large Fleet Compliance Schedule.*

(1) Option 1 of the large fleet compliance schedule:

(A) Minimum fleet conformance thresholds (Table 1): A trailer owner participating in this large fleet compliance schedule option must ensure that the percentage of compliant trailers on the compliance plan base list, as described in section 95307(d)(3), is equal to or greater than:

1. 5 percent by January 1, 2011;

2. 15 percent by January 1, 2012;

3. 30 percent by January 1, 2013;

4. 50 percent by January 1, 2014;

5. 75 percent by January 1, 2015; and

6. 100 percent by January 1, 2016.

Table 1: Minimum Fleet Conformance Thresholds for the Large Fleet Compliance Schedule (Option 1)

Compliance Year (Y)	***Minimum Fleet Conformance Threshold (P_Y)***	***Conformance Threshold Deadline***
2010	5%	January 1, 2011

2011	15%	January 1, 2012
2012	30%	January 1, 2013
2013	50%	January 1, 2014
2014	75%	January 1, 2015
2015	100%	January 1, 2016

(2) Option 2 of the large fleet compliance schedule:

(A) Minimum fleet conformance thresholds (Table 2): A trailer owner participating in this large fleet compliance schedule option must ensure that the percentage of compliant trailers on the compliance plan base list, as described in section 95307(d)(3), is equal to or greater than:

1. 20 percent by January 1, 2012;

2. 40 percent by January 1, 2013;

3. 60 percent by January 1, 2014;

4. 80 percent by January 1, 2015; and

5. 100 percent by January 1, 2016.

Table 2: Minimum Fleet Conformance Thresholds for the Large Fleet Compliance Schedule (Option 2)

Compliance Year (Y)	***Minimum Fleet Conformance Threshold (P_Y)***	***Conformance Threshold Deadline***
2010	--	--
2011	20%	January 1, 2012
2012	40%	January 1, 2013
2013	60%	January 1, 2014

2014	80%	January 1, 2015
2015	100%	January 1, 2016

(3) To participate in either Option 1 or Option 2, a trailer owner must provide the following information to the Executive Officer, electronically or in a document package entitled "Large Fleet Compliance Plan," by July 1, 2010 for Option 1, and by July 1, 2011 for Option 2. This submittal must include the following:

(A) Statement of intent, in accordance with section 95307(d)(1);

(B) Trailer fleet list, in accordance with section 95307(d)(2);

(C) Large fleet compliance plan base number, calculated in accordance with section 95307(e)(1);

(D) Compliance plan base list, in accordance with section 95307(d)(3);

(E) Annual conformance number for each compliance year, calculated in accordance with section 95307(e)(5); and

(F) Early compliance option reporting, if applicable: If a trailer owner elects to delay the compliance of trailers in accordance with section 95307(b)(4), such owner must submit the following trailer information within the compliance plan:

1. Early compliance trailer number: The number of early compliance trailers determined in accordance with section 95307(b)(4);

2. Early compliance trailer list: A trailer owner participating in the early compliance option must clearly identify on the trailer fleet list all early compliance trailers;

3. Delayed compliance trailer number, calculated in accordance with section 95307(e)(3); and

4. Delayed compliance trailer list: A trailer owner participating in the early compliance option must clearly identify on the trailer fleet list all delayed compliance trailers.

(4) Early compliance option: Subject to the requirements and limitations set forth in this section, for every one early compliance trailer in an owner's fleet, a trailer owner

may delay the retrofit or replacement of 1.5 non-compliant trailers until December 31, 2016.

(A) Maximum allowable number of early compliance trailers, as calculated in accordance with section 95307(e)(4): The number of early compliance trailers within a fleet may not exceed the equivalent of 20 percent of the sum of: 1) all trailers that the owner elects to bring into compliance under the large fleet compliance schedule and 2) the total number of trailers within the fleet that are in compliance before January 1, 2010.

(B) A trailer owner must bring all delayed compliance trailers into compliance before January 1, 2017.

(C) Early compliance option report: To participate in the early compliance option, a trailer owner must submit all information required by section 95307(b)(3)(F), as part of the large fleet compliance plan by July 1, 2010 for Option 1, and by July 1, 2011 for Option 2.

(c) *Small Fleet Compliance Schedule*.

(1) Minimum fleet conformance thresholds (Table 3): A trailer owner participating in the small fleet compliance schedule must ensure that the percentage of compliant trailers on the compliance plan base list, as defined in section 95307(d)(3), is equal to or greater than:

(A) 25 percent by January 1, 2014;

(B) 50 percent by January 1, 2015;

(C) 75 percent by January 1, 2016; and

(D) 100 percent by January 1, 2017.

Table 3: Minimum Fleet Conformance Thresholds for the Small Fleet Compliance Schedule

Compliance Year (Y)	***Minimum Fleet Conformance Threshold (P_Y)***	***Conformance Threshold Deadline***
2013	25%	January 1, 2014
2014	50%	January 1, 2015

2015	75%	January 1, 2016
2016	100%	January 1, 2017

(2) Small fleet compliance plan: To participate in the small fleet compliance schedule, a trailer owner must provide the following information to the Executive Officer, electronically or in a document package entitled "Small Fleet Compliance Plan," by July 1, 2012. This submittal must include the following:

(A) Statement of intent, in accordance with section 95307(d)(1);

(B) Trailer fleet list, in accordance with section 95307(d)(2);

(C) Small fleet compliance plan base number, calculated in accordance with section 95307(e)(2);

(D) Compliance plan base list, in accordance with section 95307(d)(3); and

(E) Annual conformance number for each compliance year, calculated in accordance with section 95307(e)(5).

(d) *General Compliance Plan Components.*

(1) Statement of intent: The statement of intent must be provided to the Executive Officer as part of the owner's compliance plan by the applicable compliance plan due date. The statement of intent must include the following:

(A) A statement indicating that the trailer owner elects to participate in an optional trailer fleet compliance schedule;

(B) A statement identifying the compliance schedule in which the trailer owner elects to participate;

(C) For trailer owners electing to participate in the small fleet compliance schedule, a statement affirming that the owner's trailer fleet contains 20 or fewer 53-foot or longer box-type trailers;

(D) A statement affirming that the trailer owner will bring all non-compliant trailers subject to the requirements of this regulation into compliance in accordance with the applicable compliance schedule;

(E) A statement affirming that the trailer owner understands that participation in an applicable compliance schedule may be terminated by the Executive

Officer should the fleet owner, or any of the owner's vehicles, be found in violation of this regulation;

(F) A statement affirming that the trailer owner understands that if participation in a compliance schedule is terminated by the Executive Officer, the owner must bring all affected trailers into compliance within 90 days or by December 31, 2012, whichever is later, but in no case later than December 31, 2015 if participating in the large fleet compliance schedule and December 31, 2016 if participating in the small fleet compliance schedule;

(G) A statement affirming that the trailer owner understands that if participation in an applicable trailer fleet compliance schedule is withdrawn, such owner will not be allowed to operate a non-compliant trailer on a highway within California beginning January 1, 2013, except for refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F) and exempted trailers;

(H) A statement affirming that the trailer owner agrees to allow the Executive Officer, or any person authorized by the Executive Officer, to conduct periodic audits of vehicles and records to ensure compliance with the applicable compliance schedule, this regulation, and other air quality regulations; and

(I) A signature, or electronic attestation, of the trailer owner or, where applicable, a company or governmental official, affirming that all information contained within the compliance plan, including information contained within the statement of intent and the trailer fleet list, is true and correct.

(2) Trailer fleet list: The trailer fleet list, as defined in this section, must be provided to the Executive Officer as part of the owner's compliance plan by the applicable compliance plan due date. Except upon specific Executive Officer approval, the trailer owner may not change the number or identity of trailers included on the trailer fleet list once the submission due date for the applicable compliance plan has passed. The trailer fleet list must include the following:

(A) Name of trailer fleet owner, or responsible official and title if the owner is a business entity or governmental agency;

(B) Name of company, corporation, or governmental agency;

(C) Company's motor carrier identification number and type, if applicable;

(D) Company address including city, state or province, zip code, colonia (Mexico only), and country;

(E) Mailing address including city, state or province, zip code, colonia (Mexico only), and country;

(F) Physical address of location where records pertaining to the applicable compliance schedule will be maintained including city, state or province, zip code, colonia (Mexico only), and country;

(G) Contact person's name;

(H) Telephone number;

(I) Email address (if available);

(J) Company taxpayer identification number (if applicable);

(K) Name of corporate parent (if applicable);

(L) TRUCRS identification number of corporate parent (if applicable);

(M) List of all 2010 and previous model-year 53-foot or longer box-type trailers that are subject to the requirements of this subarticle while the owner is participating in an optional trailer fleet compliance schedule:

1. For an owner who elects to participate in one of the large fleet compliance schedules, the trailer list must include all trailers that will operate in California including compliant trailers, non-compliant trailers, exempted trailers, and refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F);

2. For an owner that elects to participate in the small fleet compliance schedule, the trailer list must include all trailers in the owner's fleet, including compliant trailers, non-compliant trailers, exempted trailers, and refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F). For the sole purpose of documenting the owner's eligibility for the small fleet compliance schedule, the trailer list for those submitting a small fleet compliance plan must also include trailers in the fleet that do not travel on a highway within California;

(N) For each trailer listed, provide the following:

1. Trailer type (dry van or refrigerated van);

2. Vehicle identification number (VIN);

3. Trailer make;

4. Trailer model;

5. Trailer model year;

6. License plate number;

7. State or province of registration;

8. Registration type;

9. Country of registration;

10. Compliance status (compliant or non-compliant);

11. Exemption Status (not exempt, exempt local-haul, exempt storage, dedicated to short-haul or local-haul tractors);

12. California operating status (indicate whether the trailer will operate in California during the applicable optional compliance schedule);

13. Transport refrigeration unit model year (as applicable); and

14. Transport refrigeration unit engine model year (as applicable).

(3) Compliance plan base list: The compliance plan base list is the list of all non-compliant trailers identified on the trailer fleet list as trailers that will be brought into compliance in accordance with the applicable compliance schedule. Trailers that are not early compliance trailers but are in compliance before January 1, 2010, may also be included on the compliance plan base list and used to meet minimum fleet conformance thresholds. The compliance plan base list shall not include the following trailers:

(A) Exempted trailers, including those local-haul trailers and storage trailers exempt under sections 95305(c) and 95305(e);

(B) Refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F);

(C) Early compliance trailers, if applicable;

(D) Delayed compliance trailers, if applicable; and

(E) Trailers that will not operate in California for the duration of the applicable trailer fleet compliance schedule.

(e) *Calculation Methodology.*

(1) Large fleet compliance plan base number: The compliance plan base number for large fleets is the number of trailers that a trailer owner elects to bring into compliance in accordance with the large fleet compliance schedule.

$N_{LB} = N_T - N_D - N_E - N_R - N_X$ (Equation 1)

"N_{LB}" = Large fleet compliance plan base number.

"N_T" = Total number of trailers listed on the trailer fleet list.

"N_D" = Number of delayed compliance trailers, as determined in accordance with section 95307(e)(3), if applicable.

"N_E" = Number of early compliance trailers, not to exceed $N_{E,\ max}$ as determined in accordance with Equation 5, if applicable.

"N_R" = Number of refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F), if applicable.

"N_X" = Number of trailers with a trailer fleet list exemption status of "exempt local-haul," "exempt storage," "dedicated to short-haul tractors," or "dedicated to local-haul tractors," if applicable.

(2) Small fleet compliance plan base number: The compliance plan base number for small fleets is the number of trailers that a trailer owner elects to bring into compliance in accordance with the small fleet compliance schedule.

$N_{CA} = N_T - N_{NC}$ (Equation 2)

"N_{CA}" = Total number of trailers in California fleet.

"N_T" = Total number of trailers listed on the trailer fleet list.

"N_{NC}" = Number of trailers that will not operate in California for the duration of an applicable trailer fleet compliance schedule

$N_{SB} = N_{CA} - N_R - N_X$ (Equation 3)

"N_{SB}" = Small fleet compliance plan base number.

"N_{CA}" = Total number of trailers in California fleet, as determined in accordance with Equation 2.

"N_R" = Number of refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F), if applicable.

"N_X" = Number of trailers with a trailer fleet list exemption status of "exempt local-haul," "exempt storage," "dedicated to short-haul tractors," or "dedicated to local-haul tractors," if applicable.

(3) Large fleet delayed compliance trailer number: The delayed compliance trailer number is the number of trailers for which compliance may be delayed, pursuant to section 95307(b)(4), *Early Compliance Option.*

$N_D = N_E \times 1.5$ (Equation 4)

"N_D" = Number of delayed compliance trailers, if applicable. If N_D is not a whole number, round down to the next whole number.

"N_E" = Number of early compliance trailers, not to exceed $N_{E,\ max}$ as determined in accordance with Equation 5, if applicable.

(4) Large fleet maximum allowable number of early compliance trailers:

The resultant number must be rounded down to the nearest whole trailer.

$N_{E,\ max} = (N_T - N_R - N_X) \times 0.20$ (Equation 5).

"$N_{E,\ max}$" = Maximum allowable number of early compliance trailers. If $N_{E,\ max}$ is not a whole number, round down to the next whole number.

"N_T" = Total number of trailers listed on the trailer fleet list.

"N_R" = Number of refrigerated-van trailers that are eligible for the compliance deadlines set forth in section 95303(b)(3)(F), if applicable.

"N_X" = Number of trailers with a trailer fleet list exemption status of "exempt local-haul," "exempt storage," "dedicated to short-haul tractors," or "dedicated to local-haul tractors," if applicable.

(5) Annual conformance number: The annual conformance number is the number of trailers that a trailer owner must bring into compliance by December 31st of a particular compliance year to ensure that the percentage of compliant trailers within the compliance plan base list meets or exceeds the applicable minimum fleet conformance threshold that takes effect on January 1 of the following year.

$N_Y = (N_B \times P_Y) - N_{C,\,Y-1}$ (Equation 6)

"N_Y" = Annual conformance number for compliance year Y. If N_Y is not a whole number, round up to the next whole number if the fractional part is equal to or greater than 0.5, and round down if less than 0.5.

"N_B" = The compliance plan base number, either N_{LB} as calculated in section 95307(e)(1) for a large fleet or N_{SB} as calculated in section 95307(e)(2) for a small fleet.

"P_Y" = Minimum fleet conformance threshold for compliance year Y, as defined in section 95307(b)(1) for large fleets and 95307(c)(1) for small fleets, expressed as a decimal (e.g. 5 percent is entered into equation as 0.05).

"$N_{C,\,Y-1}$" = Total number of trailers within the compliance base that would already be in compliance prior to January 1 of compliance year Y. This number must not include early compliance trailers.

(f) Reporting Requirements

(1) For each trailer listed in the compliance plan base list that is brought into compliance in order to meet the conformance threshold of a particular year, the owner must provide the trailer identification number (vehicle identification number (VIN)) and the applicable compliance method for the trailer as defined in (A), (B), or (C) below, to the Executive Officer by no later than December 31st of that year.

(A) Install on the trailer aerodynamic devices that meet the requirements defined in section 95303(b)(3), or

(B) Remove the trailer from the owner's fleet, or

(C) Restrict the trailer from traveling on California highways.

(2) For each trailer listed in the compliance plan base list that is re-designated into local-haul or storage trailer service in a specific compliance year, the owner must provide the trailer identification number (vehicle identification number (VIN)) to the Executive Officer by no later than December 31st of that year, and meet all

applicable requirements specified in sections 95305, *Exemptions*, and 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*. Trailers re-designated into local-haul or storage trailer service do not count toward meeting an annual conformance number.

(g) General Requirements for All Compliance Schedules: To participate in a trailer fleet compliance schedule, a trailer owner must comply with the following requirements:

(1) The trailer owner must ensure that, by December 31st of each compliance year, the percentage of compliant trailers on the owner's compliance plan base list is equal to or greater than the applicable minimum fleet conformance threshold for that compliance year;

(2) The trailer owner must ensure that the actual number of trailers brought into compliance each compliance year is equal to or greater than the annual conformance number for that same year;

(3) The trailer owner must allow the Executive Officer, or any other authorized enforcement personnel, to conduct periodic audits of records and equipment to verify compliance with an applicable compliance schedule, the owner's compliance plan, and other applicable air quality regulations;

(4) Should the Executive Officer terminate the trailer owner's participation in a trailer feet compliance schedule, such trailer owner must bring all trailers into compliance within 90 days of such termination or by December 31, 2012, whichever is later, but no later than December 31, 2015 if participating in the large fleet compliance schedule and December 31, 2016 if participating in the small fleet compliance schedule;

(5) Starting January 1, 2013, except for eligible refrigerated-van trailers that the trailer owner elects to bring into compliance in accordance with section 95303(b)(3)(F) and exempted trailers, a trailer owner may not allow the operation of a non-compliant trailer on a highway within California if such owner withdraws participation from an applicable trailer fleet compliance schedule;

(6) The trailer owner must provide to the Executive Officer any documentation and information required by an applicable trailer fleet compliance schedule by the compliance plan due date specified in such compliance schedule;

(7) The trailer owner must ensure that all information and documentation provided to the Executive Officer is accurate and true;

(8) The trailer owner must ensure that all required information and documentation is received by the Executive Officer by the applicable due dates; the Executive Officer will not be responsible for materials lost in transit;

(9) The trailer owner must maintain all documentation pertaining to an applicable compliance schedule at the location indicated on the trailer fleet list;

(10) Upon the request of the Executive Officer or other authorized enforcement personnel, the trailer owner must provide all information and documentation necessary to verify compliance with this subarticle, including applicable compliance schedules and the owner's compliance plan, and information and documentation necessary to verify compliance with any other air quality regulation;

(11) A trailer owner who is participating in the small fleet compliance schedule may not allow a 2010 or previous model year trailer subject to the requirements of this subarticle to operate on a highway within California after July 1, 2012, unless:

(A) the trailer is listed on the owner's trailer fleet list; or

(B) the trailer was acquired after July 1, 2012 and both of the following criteria are met:

1. the owner provides documented proof to the Executive Officer of the trailer's acquisition (purchase or transfer of ownership) date; and

2. the trailer is a compliant trailer, a refrigerated-van trailer that is eligible to be brought into compliance in accordance with the compliance deadlines set forth in section 95303(b)(3)(F), or exempt under section 95305;

(12) A trailer owner may not allow the operation of a non-compliant trailer on a highway within California after December 31st of the compliance year in which the trailer was reportedly brought into compliance;

(13) A compliance plan revision may only be made with the approval of the Executive Officer if the Executive Officer determines that a company merger, acquisition, split, or other changed circumstances affecting operations of the owner, necessitate revisions to the compliance plan;

(14) Executive Officer approval will not be granted to allow a newly-formed business, or an existing business commencing operations in California, to participate in a

compliance schedule after the submission due date for the applicable compliance plan has passed;

(15) The Executive Officer may make non-confidential information provided pursuant to an optional trailer fleet compliance schedule available to the public for the purpose of helping determine the compliance status of a trailer or fleet;

(16) Although participation in an optional trailer fleet compliance schedule does not require the Executive Officer's specific approval, the Executive Officer may terminate a fleet's participation in a compliance schedule if the fleet or any tractor or trailer within the fleet is found in violation of this subarticle. Should the Executive Officer terminate a fleet's participation in a compliance schedule, the owner must bring all trailers into compliance within 90 days or by December 31, 2012, whichever is later, but in no case later than December 31, 2015, if participating in the large fleet compliance schedule, and December 31, 2016, if participating in the small fleet compliance schedule;

(17) A trailer owner who is participating in one of the large fleet compliance schedule options may not allow a trailer subject to the requirements of this subarticle to operate on a highway within California after July 1, 2010 if participating in Option 1, or July 1, 2011, if participating in Option 2, unless:

(A) the trailer is a compliant trailer; or

(B) the trailer is listed on the owner's compliance plan base list and is in compliance with all requirements of the large fleet compliance schedule; or

(C) the trailer is a refrigerated-van trailer that is eligible to be brought into compliance in accordance with a compliance deadline set forth in section 95303(b)(3)(F) and such deadline has not yet passed; or

(D) the trailer is exempt under section 95305;

(18) Any violation of the requirements of this subsection constitutes a violation of this subarticle;

(19) A trailer owner who has elected to participate in Option 1 and submitted information in accordance with section 95307(b)(3) may withdraw such participation and elect to participate in Option 2 instead. The notice to withdraw must be received by the Executive Officer no later than June 30, 2011;

(20) A trailer owner that has identified an exempt storage trailer or an exempt local-haul trailer in his or her trailer fleet list in accordance with section 95307(d)(2)(N) must register that trailer in accordance with the requirements of section 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*, by July 1, 2010, if participating in Option 1, by July 1, 2011, if participating in Option 2, and by July 1, 2012, if participating in the Small Fleet Compliance Schedule;

(21) A trailer owner that elects to withdraw participation in a trailer feet compliance schedule must notify the executive officer and bring all trailers on the compliance plan base list into compliance by January 1, 2013.

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.

§ 95308.0.1. Enforcement. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

Enforcement of this subarticle may be carried out by authorized enforcement personnel, which includes representatives of the California Air Resources Board (CARB); peace officers as defined in California Penal Code, title 3, chapter 4.5, sections 830 et seq. and their respective law enforcement agencies; authorized representatives of air pollution control or air quality management districts; and any other designee of the Executive Officer.

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.

§ 95309.0.1. Right of Entry. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

For purposes of inspecting HD tractors and box-type trailers covered in the subarticle, and inspecting or auditing the records of drivers, owners of trailers and tractors, motor carriers, California-based brokers, California-based shippers, and California-licensed vehicle dealers to determine compliance with this subarticle, an agent or employee of CARB, upon presentation of proper credentials, has the right to enter any facility (with any necessary safety clearances) where HD tractors and box-type trailers are located or HD tractor and box-type trailer records, including dispatch records, are kept.

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.

§ 95310.0.1. Penalties. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

As provided in Health and Safety Code section 38580, any person who violates any requirement of this subarticle is subject to the penalties set forth in Article 3 (commencing with section 42400) of Chapter 4 of Part 4, Division 26 of the Health and Safety Code. Failure to comply with any requirement of this subarticle shall constitute a single, separate violation for each day during any portion of which the person is not in compliance.

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.

§ 95311.0.1. ~~Recordkeeping.~~Record Keeping. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) A California-licensed vehicle dealer of a HD tractor or 53-foot longer box-type trailer that is subject to the disclosure of regulation applicability requirements of section 95303(i) must maintain a record of the disclosure of regulation applicability for three years after the sale.

(b) A lessor of a HD tractor or 53-foot longer box-type trailer that has provided a lessee with a statement or written notice that informs the lessee about the lessee's obligation under terms of the lease to ensure compliance with sections 95300 through 95312, title 17, California Code of Regulations, must maintain a record of this statement or written notice for three years after it is provided to the lessee.

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.

§ 95312.0.1. Severability. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

If any section, paragraph, subparagraph, sentence, clause, phrase, or portion of the subarticle 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 this subarticle.

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.

§ 95660.0.1. Purpose. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

The purpose of this subarticle is to reduce greenhouse gas (GHG) emissions from new medium- and heavy-duty vehicles by establishing emission standards and other requirements applicable to such vehicles. These greenhouse gas emissions include: carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), and hydrofluorocarbons (HFCs).

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39600, 39601, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43205, 43205.5, and 43211, Health and Safety Code.

§ 95661.0.1. Applicability. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

This subarticle applies to all new 2014 and subsequent model medium- and heavy-duty vehicles, including vehicles fueled by conventional and alternative fuels, and electric vehicles. This subarticle contains emission standards and test procedures incorporated by reference that control greenhouse gas emissions from such vehicles.

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39600, 39601, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43205, 43205.5, and 43211, Health and Safety Code.

§ 95662.0.1. Definitions. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) The definitions in Section 1900(b), chapter 1, title 13 of the California Code of Regulations (CCR) apply to these procedures with the following additions:

(1) "Diesel" means relating to a type of reciprocating, internal combustion engine that is not an Otto-cycle engine.

(2) "Day cab" means a type of tractor cab that is not a sleeper cab.

(3) "Deteriorated emission level" means the emission level that results from applying the appropriate deterioration factor to the official emission result of the emission-data vehicle. Note that where no deterioration factor applies, references in this part to the deteriorated emission level mean the official emission result.

(4) "Emission standard," as it applies to compliance with the Greenhouse Gas Requirements for new 2014 and subsequent model medium and heavy-duty vehicles, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle and means:

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

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

(5) "Gross combination weight rating" (GCWR) means the value specified by the vehicle manufacturer as the maximum weight of a loaded vehicle and trailer, consistent with good engineering judgment. For example, compliance with SAE J2807 is generally considered to be consistent with good engineering judgment, especially for Class 3 and smaller vehicles.

(6) "Gross vehicle weight rating" (GVWR) means the value specified by the vehicle manufacturer as the maximum design loaded weight of a single vehicle, consistent with good engineering judgment.

(7) "Heavy-duty engine" means any engine used for (or for which the engine manufacturer could reasonably expect to be used for) motive power in a heavy-duty vehicle.

(8) "Heavy-duty vehicle" means any motor vehicle above 8,500 pounds GVWR or that has a vehicle curb weight above 6,000 pounds or that has a basic vehicle frontal area greater than 45 square feet.

(9) "Manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles and new motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce. In general, this term includes any person who manufactures a vehicle or vehicle for sale in California or otherwise introduces a new motor vehicle into commerce in California. This includes importers who import vehicles or vehicles for resale.

(10) "Medium-duty engine" means any heavy-duty engine that is used to propel a medium-duty vehicle.

(11) "Medium-duty vehicle" means any heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in title 13, CCR section 1956.8(h), having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

(12) "Model year" means the manufacturer's annual new model production period, except as restricted under this definition and 40 CFR part 85, subpart X. It must include January 1 of the calendar year for which the model year is named, may not begin before January 2 of the previous calendar year, and it must end by December 31 of the named calendar year.

(A) The manufacturer who holds the Executive Order for the vehicle must assign the model year based on the date when its manufacturing operations are completed relative to its annual model year period. In unusual circumstances where completion of your assembly is delayed, we may allow you to assign a model year one year earlier, provided it does not affect which regulatory requirements will apply.

(B) Unless a vehicle is being shipped to a secondary manufacturer that will hold the Executive Order, the model year must be assigned prior to introduction of the vehicle into California commerce. The certifying manufacturer must redesignate the model year if it does not complete its manufacturing operations within the originally identified model year. A vehicle introduced into California commerce without a model year is deemed to have a model year equal to the calendar year of its introduction into California commerce unless the certifying manufacturer assigns a later date.

(13) "Motor vehicle" has the meaning given in Health and Safety Code section 39039.

(14) "Sleeper cab" means a type of tractor cab that has a compartment behind the driver's seat intended to be used by the driver for sleeping. This includes cabs accessible from the driver's compartment and those accessible from outside the vehicle.

(15) "Otto-cycle" means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Otto-cycle engines usually use a throttle to regulate intake air flow to control power during normal operation.

(16) "Tractor" has the meaning given for "truck tractor" in 49 CFR §_571.3. This includes most heavy-duty vehicles specifically designed for the primary purpose of pulling trailers but does not include vehicles designed to carry other loads. For purposes of this definition "other loads" would not include loads carried in the cab, sleeper compartment, or toolboxes. Examples of vehicles that are similar to tractors but that are not tractors under this part include dromedary tractors, automobile haulers, straight trucks with trailers hitches, and tow trucks. Note that the provisions of this part that apply for tractors do not apply for tractors that are classified as vocational tractors under 40 CFR §_1037.630.

(17) "Useful life" means the period during which a vehicle is required to comply with all applicable emission standards.

(18) "Vehicle" means equipment intended for use on highways that meets the criteria of paragraph (A)1. or (A)2. of this definition, as follows:

(A) The following equipment are vehicles:

1. A piece of equipment that is intended for self-propelled use on highways becomes a vehicle when it includes at least an engine, a transmission, and a frame. (Note: For purposes of this definition, any electrical, mechanical, and/or hydraulic devices attached to engines for the purpose of powering wheels are considered to be transmissions.)

2. A piece of equipment that is intended for self-propelled use on highways becomes a vehicle when it includes a passenger compartment attached to a frame with axles.

(B) Vehicles may be complete or incomplete vehicles as follows:

1. A complete vehicle is a functioning vehicle that has the primary load carrying device or container (or equivalent equipment) attached. Examples of equivalent equipment would include fifth wheel trailer hitches, firefighting equipment, and utility booms.

2. An incomplete vehicle is a vehicle that is not a complete vehicle. Incomplete vehicles may also be cab-complete vehicles. This may include vehicles sold to secondary vehicle manufacturers.

3. The primary use of the terms "complete vehicle" and

"incomplete vehicle" are to distinguish whether a vehicle is complete when it is first sold as a vehicle.

4. You may ask us to allow you to certify a vehicle as incomplete if you manufacture the engines and sell the unassembled chassis components, as long as you do not produce and sell the body components necessary to complete the vehicle.

(C) Equipment such as trailers that are not self-propelled are not "vehicles" under 40 CFR part 1037.

(19) "Vocational tractor" means a vehicle classified as a vocational tractor under 40 CFR §_1037.630. Vocational vehicle means relating to a vehicle subject to the standards of 40 CFR §_1037.105 (including vocational tractors).

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39600, 39601, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43205, 43205.5, and 43211, Health and Safety Code.

§ 95663.0.1. Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

(a) GHG Exhaust Emission Standards for New 2014 and Subsequent Model Heavy-Duty Vehicles over 14,000 Pounds GVWR

(1) Diesel and Otto-Cycle Vocational Vehicles.

(A) The CO_2 emissions for new 2014 and subsequent model heavy-duty vehicles shall not exceed:

GVWR (pounds)	***CO_2 standard (g/ton-mile) for model years 2014 - 2016***	***CO_2 standard (g/ton-mile) for model year 2017 and later***
GVWR ≤ 19,500	388	373
19,500 < GVWR ≤ 33,000	234	225
GVWR > 33,000	226	222

1. *Averaging, Banking, and Trading and Credits.* The requirements for the optional averaging, banking, and trading program and for generating credits are described in the applicable test procedures incorporated by reference in section (c).
2. *Useful Life Requirements.* Heavy-duty vocational vehicles must comply with the emission standards in this subsection (a)(1)(A) throughout the full useful life, as follows:
   a. 110,000 miles or 10 years, whichever comes first, for vehicles at or below 19,500 pounds GVWR.
   b. 185,000 miles or 10 years, whichever comes first, for vehicles above 19,500 pounds GVWR and at or below 33,000 pounds GVWR.
   c. 435,000 miles or 10 years, whichever comes first, for vehicles above 33,000 pounds GVWR.

(2) Diesel and Otto-Cycle Tractors above 26,000 Pounds GVWR.

(A) The CO_2 emissions for new 2014 and subsequent model tractors above 26,000 pounds GVWR shall not exceed:

GVWR (pounds)	***Sub-Category***	***CO_2 standard (g/ton-mile) for model years 2014 – 2016***	***CO_2 standard (g/ton-mile) for model year 2017 and later***
26,000 < GVWR ≤ 33,000	Low-Roof (all cab styles)	107	104
	Mid-Roof (all cab styles)	119	115
	High-Roof (all cab styles)	124	120
GVWR > 33,000	Low-Roof Day Cab	81	80
	Low-Roof Sleeper Cab	68	66
	Mid-Roof Day Cab	88	86
	Mid-Roof Sleeper Cab	76	73
	High-Roof Day Cab	92	89
	High-Roof Sleeper Cab	75	72

1. *Averaging, Banking, and Trading Program and Credits.* The requirements for the optional averaging, banking, and trading program and for generating credits are described in the applicable test procedures incorporated by reference in section (c).
2. *Useful Life Requirements.* Heavy-duty tractors must comply with the emission standards in this subsection (a)(2)(A) throughout the full useful life, as follows:
   a. 185,000 miles or 10 years, whichever comes first, for vehicles above 26,000 pounds GVWR and at or below 33,000 pounds GVWR.
   b. 435,000 miles or 10 years, whichever comes first, for vehicles above 33,000 pounds GVWR.

(B) *Air Conditioning Leakage.* Loss of refrigerant from air conditioning systems from 2014 and later heavy-duty tractors may not exceed 1.50 percent per year, except as allowed by subsections (a)(2)(B)1. and (a)(2)(B)2. below.

1. For air condition refrigerants other than HFC–134a, the leakage rate is adjusted by multiplying it by the global warming potential of the refrigerant and dividing the product by 1430 (which is the global warming potential of HFC–134a).
2. If the total refrigerant capacity is less than 734 grams, the leakage rate may exceed 1.50 percent, as long as the total leakage rate does not exceed 11.0 grams per year.

(b) GHG Exhaust Emission Standards for New 2014 and Subsequent Model Diesel and Otto-Cycle Medium-Duty Vehicles between 8,501 to 14,000 Pounds GVWR

(1) Diesel and Otto-Cycle Vehicles between 8,501 to 14,000 Pounds GVWR.

(A) *Diesel Fleet-Average Emission Standards.*

1. *CO_2 Fleet-Average Standards.* For each model year, a manufacturer's national fleet-average CO_2 emissions for its diesel medium-duty vehicles shall not exceed the CO_2 fleet-average standard. The CO_2 fleet-average standard is calculated by a national production-weighted average of target values and rounded to the nearest 0.1 grams per mile, as follows:

$$Fleet\ Average\ Standard = \frac{\sum[Target_i \times Volume_i]}{\sum[Volume_i]}$$

The target values, for each vehicle configuration, are calculated as follows:

$$CO_2\ Target\ \left(\frac{g}{mile}\right) = 0.0416 \times WF + 320$$

where WF is the work factor.

$$WF = 0.75 \times (GVWR - Curb\ Weight + xwd) + 0.25 \times (GCWR - GVWR)$$

Where:
xwd = 500 pounds if the vehicle has four-wheel drive or all-wheel drive; xwd = 0 pounds for all other vehicles.

a. *Phase-In Provisions.* A manufacturer must choose either Option A or Option B below for phasing in the diesel fleet-average CO_2 target of this subsection (b)(1)(A).

Option A Phase-In Provisions for Diesel Fleet-Average CO_2 Target	
Vehicle model year	Option A CO_2 target (g/mile)
2014	[0.0478 × (WF)] + 368
2015	[0.0474 × (WF)] + 366
2016	[0.0460 × (WF)] + 354
2017	[0.0445 × (WF)] + 343
2018 and subsequent	[0.0416 × (WF)] + 320
Option B Phase-In Provisions for Diesel Fleet-Average CO_2 Target	
Vehicle model year	Option B CO_2 target (g/mile)
2014	[0.0478 × (WF)] + 368
2015	[0.0474 × (WF)] + 366

2016 – 2018	[0.0440 × (WF)] + 339
2019 and subsequent	[0.0416 × (WF)] + 320

b. *Useful Life Provisions.* A medium-duty vehicle must comply with the emission standards in this subsection (b)(1)(A) throughout its full useful life, of 11 years or 120,000 miles, whichever occurs first.

c. *Production and In-use CO_2 standards.* Each vehicle a manufacturer produces that is subject to the standards of this section has an "in-use" CO_2 standard that is calculated from the test result and that applies for selective enforcement audits and in- use testing. This in-use CO_2 standard for each vehicle is equal to the applicable deteriorated emission level multiplied by 1.10 and rounded to the nearest 0.1 g/mile.

2. *N_2O and CH_4 Emission Standards.* The N_2O emissions for new 2014 and subsequent model medium-duty vehicles shall not exceed 0.05 g/mi, and CH_4 emissions for new 2014 and subsequent model medium-duty vehicles shall not exceed 0.05 g/mi. Alternate standards using CO_2 emission credits may be used and are described in the "California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles," incorporated by reference in section (c).

(B) *Otto-Cycle Fleet-Average Emission Standards.*

1. *CO_2 Fleet-Average Standards.* For each model year, a manufacturer's national fleet-average CO_2 emissions for its Otto-cycle medium-duty vehicles shall not exceed the CO_2 fleet-average standard. The CO_2 fleet-average standard is calculated by a national production-weighted average of target values and rounded to the nearest 0.1 grams per mile, as follows:

$$Fleet\ Average\ Standard = \frac{\sum[Target_i \times Volume_i]}{\sum[Volume_i]}$$

The target values, for each vehicle configuration, are calculated as follows:

$$CO_2\ Target\left(\frac{g}{mile}\right) = 0.0440 \times WF + 339$$

where WF is the work factor.

$$WF = 0.75 \times (\text{GVW}R - Curb\ Weight + xwd) + 0.25 \times (GCWR - GVWR)$$

Where:

xwd = 500 pounds if the vehicle has four-wheel drive or all-wheel drive; xwd = 0 pounds for all other vehicles.

a. *Phase-In Provisions.* A manufacturer must choose either Option A or Option B below for phasing in the Otto-cycle fleet-average CO_2 target of this subsection (b)(1)(B).

Option A Phase-In Provisions for Otto-Cycle Fleet-Average CO_2 Target	
Vehicle model year	Option A CO_2 target (g/mile)
2014	[0.0482 × (WF)] + 371
2015	[0.0479 × (WF)] + 369
2016	[0.0469 × (WF)] + 362
2017	[0.0460 × (WF)] + 354
2018 and subsequent	[0.0440 × (WF)] + 339
Option B Phase-In Provisions for Otto-Cycle Fleet-Average CO_2 Target	
Vehicle model year	Option B CO_2 target (g/mile)
2014	[0.0482 × (WF)] + 371
2015	[0.0479 × (WF)] + 369
2016–2018	[0.0456 × (WF)] + 352
2019 and subsequent	[0.0440 × (WF)] + 339

b. *Useful Life Provisions.* A medium-duty vehicle must comply with the emission standards in this subsection (b)(1)(B) throughout its full useful life, which is 11 years or 120,000 miles, whichever occurs first.

c. *Production and In-use CO_2 standards.* Each vehicle a manufacturer produces that is subject to the standards of this section has an "in-use" CO_2 standard that is calculated from the test result and that applies for selective enforcement audits and in- use testing. This in-use CO_2 standard for each vehicle is equal to the applicable deteriorated emission level multiplied by 1.10 and rounded to the nearest 0.1 g/mile.

2. *N_2O and CH_4 Emission Standards.* The N_2O emissions for new 2014 and subsequent model medium-duty vehicles shall

not exceed 0.05 g/mi, and CH_4 emissions for new 2014 and subsequent model medium-duty vehicles shall not exceed 0.05 g/mi. Alternate standards using CO_2 emission credits may be used and are described in the applicable test procedures incorporated by reference in section (c).

(C) *Air Conditioning Leakage*. Loss of refrigerant from air conditioning systems from 2014 and later medium-duty vehicles may not exceed 1.50 percent per year, except as allowed by subsections (b)(1)(C)1. and (b)(1)(C)2. below.

1. For air condition refrigerants other than HFC–134a, the leakage rate is adjusted by multiplying it by the global warming potential of the refrigerant and dividing the product by 1430 (which is the global warming potential of HFC–134a).
2. If the total refrigerant capacity is less than 734 grams, the leakage rate may exceed 1.50 percent, as long as the total leakage rate does not exceed 11.0 grams per year.

(c) The test procedures for determining compliance with GHG emission standards applicable to 2014 and subsequent model medium- and heavy-duty vehicles are set forth in the "California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles," adopted October 21, 2014, which is incorporated by reference herein.

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39600, 39601, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43205, 43205.5, and 43211, Health and Safety Code.

§ 95664.0.1. Severability. (Alternative)

For purposes of this section, any cross-referenced section in title 13 or title 17 of the California Code of Regulations shall refer to the section identified as the alternative version "(Alternative)" for the corresponding section, to the extent an alternative version of that section exists.

If any section, paragraph, subparagraph, sentence, clause, phrase, or portion of the subarticle 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 this subarticle.

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39600, 39601, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43205, 43205.5, and 43211, Health and Safety Code.