

ISSUE: California Heavy-Duty Vehicle Greenhouse Gas Regulation

STATUS: A proposed regulation was published on October 24, 2008. The California Air Resources Board (CARB) is scheduled to hold an adoption hearing in Sacramento, California on December 11-12, 2008. Public comments can be submitted prior to and at the hearing. If adopted, compliance requirements are scheduled to be phased-in beginning January 1, 2010.

BACKGROUND: California Assembly Bill 32, which was signed into law in 2006, required the CARB to identify a list of “discrete early action greenhouse gas reduction (GHG) measures” by June 30, 2007. These measures are to be developed into regulations which are enforceable by January 1, 2010. CARB initially adopted three discrete early action measures in June 2007 but, due to intense political pressure, expanded the list in October 2007 to include six additional measures, including the Heavy-Duty Vehicle GHG regulation (see www.arb.ca.gov/regact/2008/ghghdv08/ghghdv08.htm).

REQUIREMENTS: This regulation would require 53-foot or longer dry-van and refrigerated trailers as well as the tractors pulling these trailers to be equipped with SmartWaySM approved technologies. These technologies must be maintained in “good operating condition.” Tractor and trailers traveling in California, regardless of where they are domiciled, would be subject to the requirements. A “short-haul” exemption is provided for tractors or trailers operating within a 100-mile radius of where they are garaged and dispatched. This exemption also applies to tractors that operate 50,000 miles or less annually. Drayage tractors pulling 53-foot or longer dry-van or refrigerated trailers which originated or are destined for a port or rail yard within 100 miles are also exempt.

Tractors Requirements:

(Applies to tractors pulling 53-foot dry-van or refrigerated trailers when traveling in California)

- 2011 or subsequent model-year sleeper cab tractors must be U.S. EPA SmartWay Certified
- 2011 or subsequent model-year day cab tractors must use SmartWay-approved low-rolling resistance tires (LRRTs)
- By 2012, all model-year tractors must use LRRTs

Trailer Requirements:

(Applies to 53-foot or longer dry-vans and refrigerated trailers traveling in California)

- Must be SmartWay Certified; OR
- Equipped with SmartWay-approved LRRTs and side skirts (and, for dry-vans, either front or rear trailer fairings); OR
- Equipped with SmartWay-approved LRRTs and aerodynamic technologies meeting 4 percent fuel savings for refrigerated trailers or 5 percent fuel savings for dry-vans.

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Compliance would begin in 2010 for 2011 and subsequent model-year trailers. By 2013, all affected model-year trailers would need to comply. Trailer owners could elect to submit optional compliance plans for pre-2011 model-year trailers in accordance with the following schedules.

Optional Year-End Compliance Schedules – Pre-2011 Model-Year Trailers

Compliance Plan Options	2010	2011	2012	2013	2014	2015	2016
Small Fleet Only (≤20 trailers)	--	--	--	25%	50%	75%	100%
Small or Large Fleet	5%	15%	30%	50%	75%	100%	--

Owners could receive compliance delay credits equal to 1.5 trailers for each trailer brought into compliance prior to 2010. Compliance delay credits can be used to defer compliance until 2017 but cannot exceed 30 percent of a fleet's trailers. The optional compliance plans also allow model-year 2003-2008 refrigerated trailers to delay compliance until 2017-2019. Small or Large Fleet compliance plans would need to be submitted to CARB by July 1, 2010. Small Fleet compliance plans would need to be submitted by July 1, 2012.

Owners of tractors or trailers which qualify for the "short haul" exemption would need to apply annually for this exemption by providing CARB with specific owner, tractor and/or tractor information. Enforcement would be conducted through inspections at roadside and facility locations as well as through record audits. Equipment found operating in violation of these requirements would be subject to penalties, with the driver, equipment owner, motor carrier, California-based broker, and California-based shippers all potentially liable for the use of non-compliant equipment. Fines could range from the hundreds to the thousands of dollars.