

CALIFORNIA AIR RESOURCES BOARD (CARB) STATEWIDE DIESEL TRUCK & BUS RULE

(CALIFORNIA LAW UNDER TITLE 13 OF CODE OF REGULATIONS AS OF DECEMBER 14TH, 2011)



On Wednesday, December 14, 2011, the Office of Administrative Law approved amendments to the Truck and Bus Regulation. The amendments are effective immediately, with the first compliance date being January 1, 2012. By that date, fleets with vehicles having a gross vehicle weight rating (GVWR) greater than 26,000 pounds must do either of the following:

- Retrofit 1996-1999 model year engines with Air Resources Board (ARB) verified particulate matter (PM) filters, OR
- Have 30 percent of the heavier vehicles in the fleet equipped with a PM filter (either a retrofitted verified PM filter or an original equipment PM filter installed on a 2007 or later model-year vehicle).

There are no PM filter requirements for trucks with a GVWR of between 14,000 and 26,001 pounds, or for small fleets (1 to 3 trucks).

Be advised that truck owners must report to ARB by January 31, 2012 to take advantage of the PM filter phase-in option or other flexibility provisions in the regulation. Small fleets (1 to 3 trucks) with a GVWR greater than 14,000 pounds must also report to delay compliance for their heavier trucks until January 1, 2014. The online reporting system and user guide are available at: <http://www.arb.ca.gov/msprog/onrdiesel/reportinginfo.htm>.

In order to avoid potential enforcement action by ARB, fleets that have not met the PM filter requirements by January 1, 2012 are strongly advised to make every effort to bring the fleet into compliance as soon as possible.

Background

On December 11, 2008, the Board approved for adoption the Truck and Bus regulation to control emissions from nearly all existing diesel powered heavy-duty trucks and buses operating in California. The regulation became effective under California law on January 8, 2010. The regulation applies to diesel fueled trucks and buses with a GVWR greater than 14,000 pounds that are owned by private persons, including businesses, and by the federal government. The regulation also applies to publicly and privately owned school buses. Local and state government owned diesel fueled trucks and non-school buses are already subject to other ARB regulations. Reducing emissions from in-use trucks and buses is necessary to meet federally imposed clean air standards and to reduce the adverse health effects from truck and bus pollution.

On December 17, 2010, the staff recommended amendments to the regulation that were subsequently adopted by the Board on September 19, 2011 and approved by the Office of Administrative Law on December 14, 2011. The amended Truck and Bus Regulation delays the initial requirement to phase-in installation of PM filters by one year to January 1, 2012 and extends the time before a vehicle equipped with a PM filter would have to have an engine that meets 2010 model year emission standards. The amendments also defer initial engine replacements for older vehicles without PM filters for two years until January 1, 2015 at the earliest. Prior to 2020, replacements are limited only to 20 year old or older trucks that are not equipped with PM filters. By January 1, 2023, most vehicles will need to be equipped with an engine meeting 2010 model year emission standards.

Applicability and Exemptions

Who is subject to the Rule and what vehicles are affected?

The statewide regulation applies to:

- any person, business, federal government agency, school district or school transportation provider that owns or operates, leases, or rents, affected vehicles that operate in California.
- The regulation also applies to persons that sell affected vehicles in California.
- Affected vehicles are those that operate on diesel-fuel, dual-fuel, or alternative diesel-fuel that are registered to be driven on public highways, were originally designed to be driven on public highways whether or not they are registered, yard trucks with on-road engines or yard trucks with off-road engines used for agricultural operations, both engines of two-engine sweepers, schoolbuses, and have a manufacturer's gross vehicle weight rating (GVWR) greater than 14,000 pounds (lbs).

Who is excluded from the rule?

This regulation does not apply to: (1) Vehicles subject to the solid waste collection vehicle rule commencing with title 13, CCR, section 2021; (2) Vehicles On-road diesel-fueled heavy-duty vehicles over 14,000 pounds owned or operated by a municipality, as defined in title 13, CCR, section 2020(b), that comply with the Best Available Control Technology (BACT) requirements of title 13, CCR, section 2022.1(a)(1); (3) Vehicles subject to the fleet rule for public transit agencies commencing with title 13, CCR, section 2023; (4) Vehicles subject to the rule for mobile cargo handling equipment at ports and intermodal rail yards commencing with title 13, CCR, section 2479; (5) Military tactical support vehicles, as described in title 13, CCR, section 1905; (6) Authorized emergency vehicles as described in California Vehicle Code (Veh. Code), section 165; (7) Off-road vehicles equipped with engines subject to title 13, CCR, sections 2401, 2411, 2421, 2432, and 2449; (8) Dedicated snow-removal vehicles as defined in section 2025(d)(18)(15); (9) Historic vehicles as defined in section 2025(d)(41)(36); (10) Motor homes for non-commercial private use; (11) Except as specified in section 2025(i) vehicles subject to the regulation for drayage trucks commencing with title 13, CCR, section 2027 until January 1, 2023; (12) Trucks with a GVWR of 19,500 lbs or less with pick-up beds used exclusively for personal use, non-commercial, or non-governmental use; and (13) Except for two-engine sweepers, other two-engine on-road vehicles that are subject to title 13, CCR, section 2449, including but not limited to, water well drilling rigs, workover rigs, and cranes, in which one engine provides the motive power for the vehicle and a second engine is an auxiliary engine 50 horsepower or greater that is integrated into the design of the vehicle and provides power for the vehicle to perform a specialized function.

What vehicles get a compliance extension under the rule?

The following vehicle types receive compliance extensions under the Regulation:

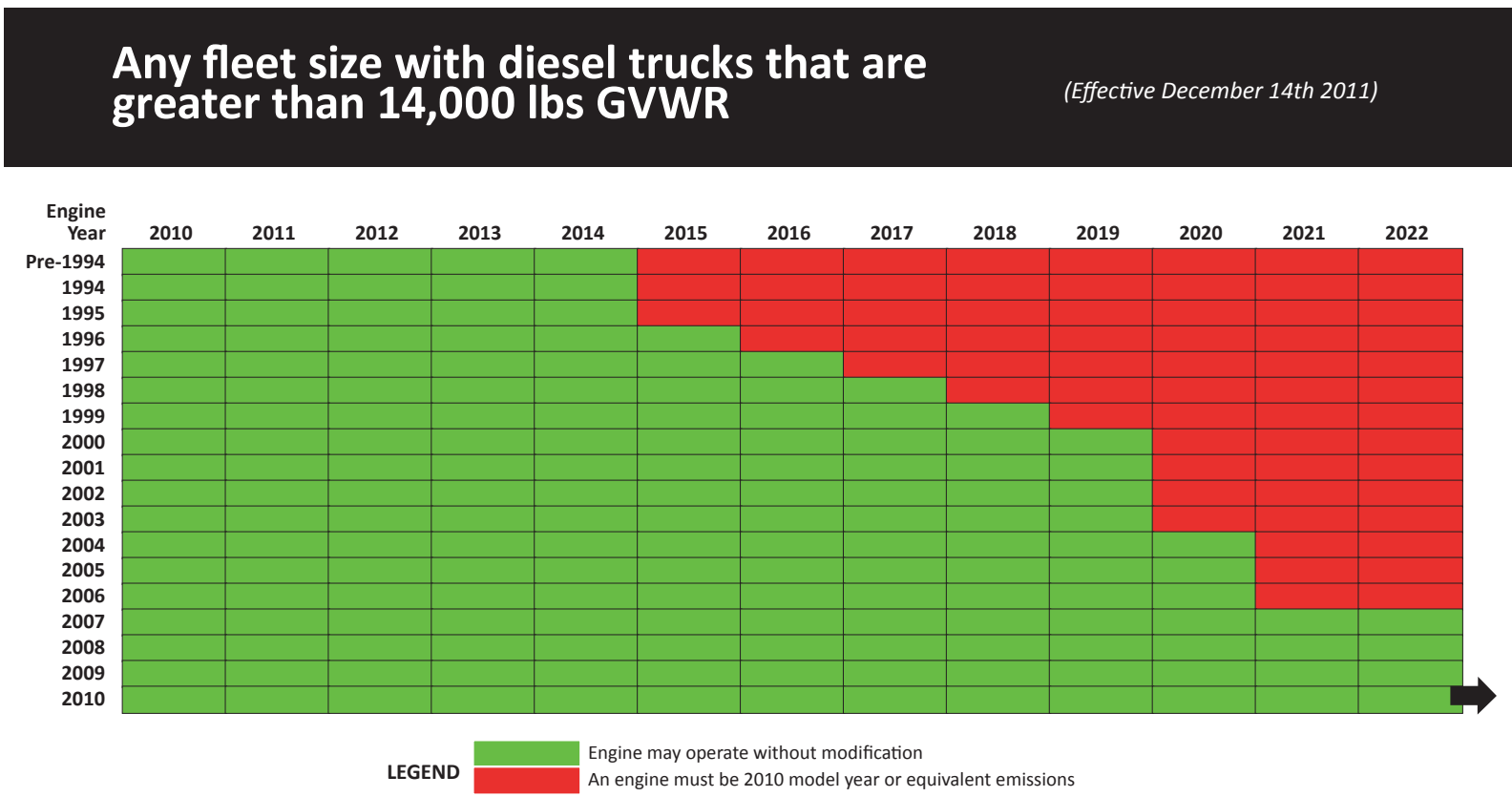
- Agricultural Vehicles
- Low Use Vehicles (less than 1,000 miles per year)
- Small Fleets (a fleet owner with one to three covered vehicles)
- Low Mileage Construction Trucks

Each compliance extension has unique reporting and recordkeeping requirements and your truck sales or service representative can assist you in locating accurate information.

DISCLAIMER: This document has been prepared for our customers to provide information on the California Air Resources Board (CARB) rule effective on December 14, 2011. Affected fleets have multiple compliance options and no warranty, express or implied, is given. Interested parties should verify the regulation's content with CARB by contacting the CARB Diesel Hotline at 1-866-6DIESEL.

MEDIUM DUTY TRUCKS SCHEDULE (IN A FLEET OF ONE OR MORE TRUCKS)

The approved amendments to the Truck and Bus Regulation effective in 2011 reduced requirements for a fleet of any size that owns diesel trucks greater than 14,000 lbs GVWR up to and including 26,000 lbs. Prior the amendments, these "medium duty" trucks had action required between 2011 and 2014. The table below illustrates the relaxed schedule requiring retirement, sale or retrofit on January 1 of the year indicated in red. Note that no engine less than 15 years old has a requirement, but all pre-2010 engines are replaced by 2023.



SMALL FLEETS SCHEDULE (TRUCKS GREATER THAN 26,000 LBS GVWR)

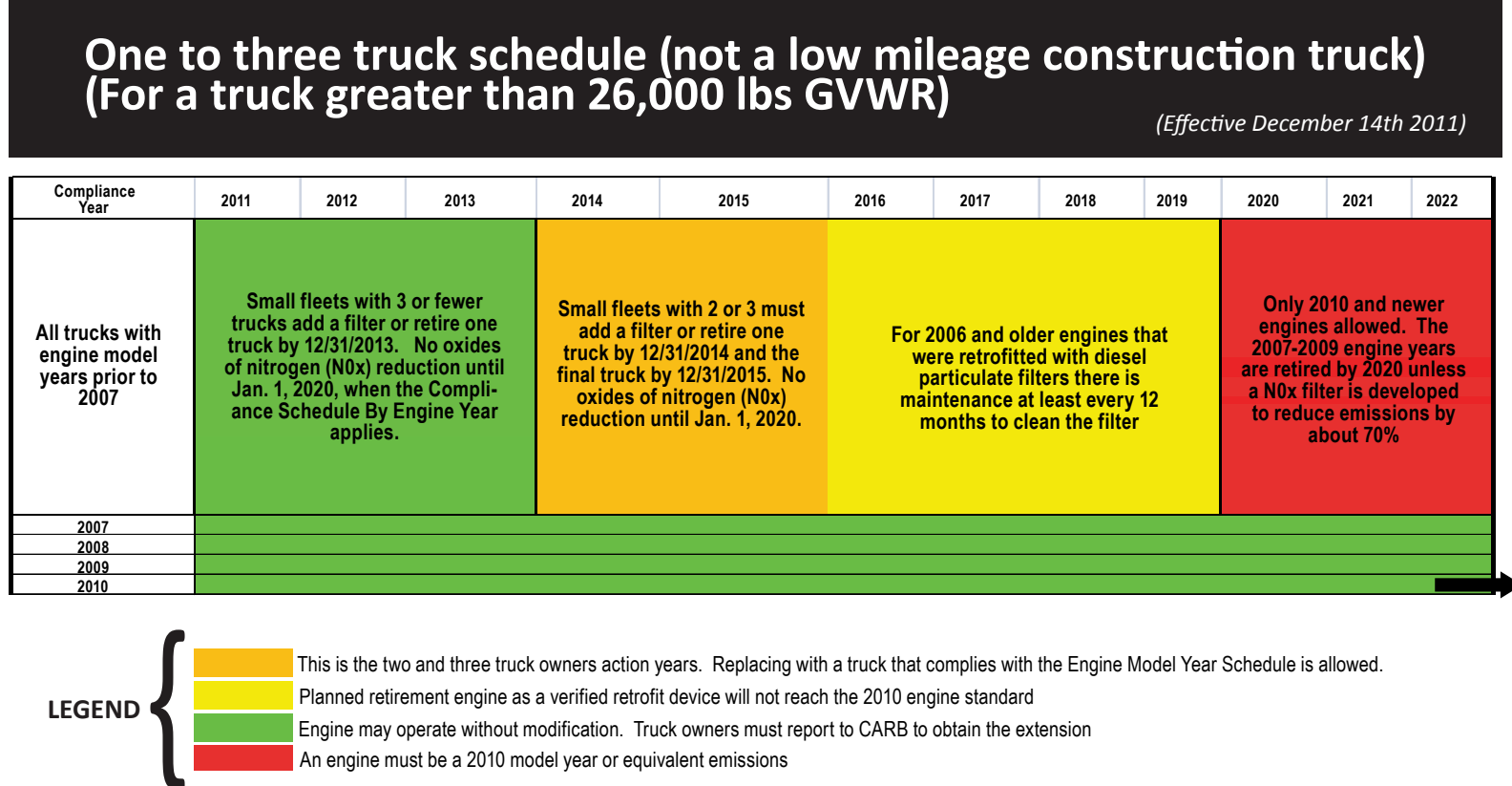
Small fleets make up approximately half of the fleet that is based in California, according to CARB. Small fleets are defined as having three trucks or less under common ownership in California. "Common Ownership or Control" means being owned or managed day to day by the same person, corporation, partnership, or association. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities. Fleet owners that meet the common ownership or control definition for fleets of three trucks or less are required to meet the following schedules. "Owner/Operator" is a one-truck fleet. The two truck and three truck requirements are also listed. The State Treasurer and CARB will target funding to loans and grants for these fleets. Velocity Vehicle Group is dedicated to providing knowledgeable staff to help our small fleet customers. There are reporting requirements for these fleets that can be found on the CARB website at www.arb.ca.gov/dieseltruck

OWNER/OPERATOR SCHEDULE (TRUCK GREATER THAN 26,000 LBS GVWR)

An owner operator with a 2006 or older engine needs to discontinue the use of that engine or retrofit with a diesel particulate filter by January 1, 2014. This engine and diesel particulate filter may continue to operate until the end of 2019. On January 1, 2020 the owner/operator would then retire that engine or (if a retrofit becomes available) have the engine modified to meet the 2010 engine model year emissions standard for oxides of nitrogen ("NOx"). Once the 2010 emission standard (as defined in the rule) is met, the engine may run without further modification after 2022.

TWO AND THREE TRUCK OWNER SCHEDULE (TRUCKS GREATER THAN 26,000 LBS GVWR)

An owner operator with a 2006



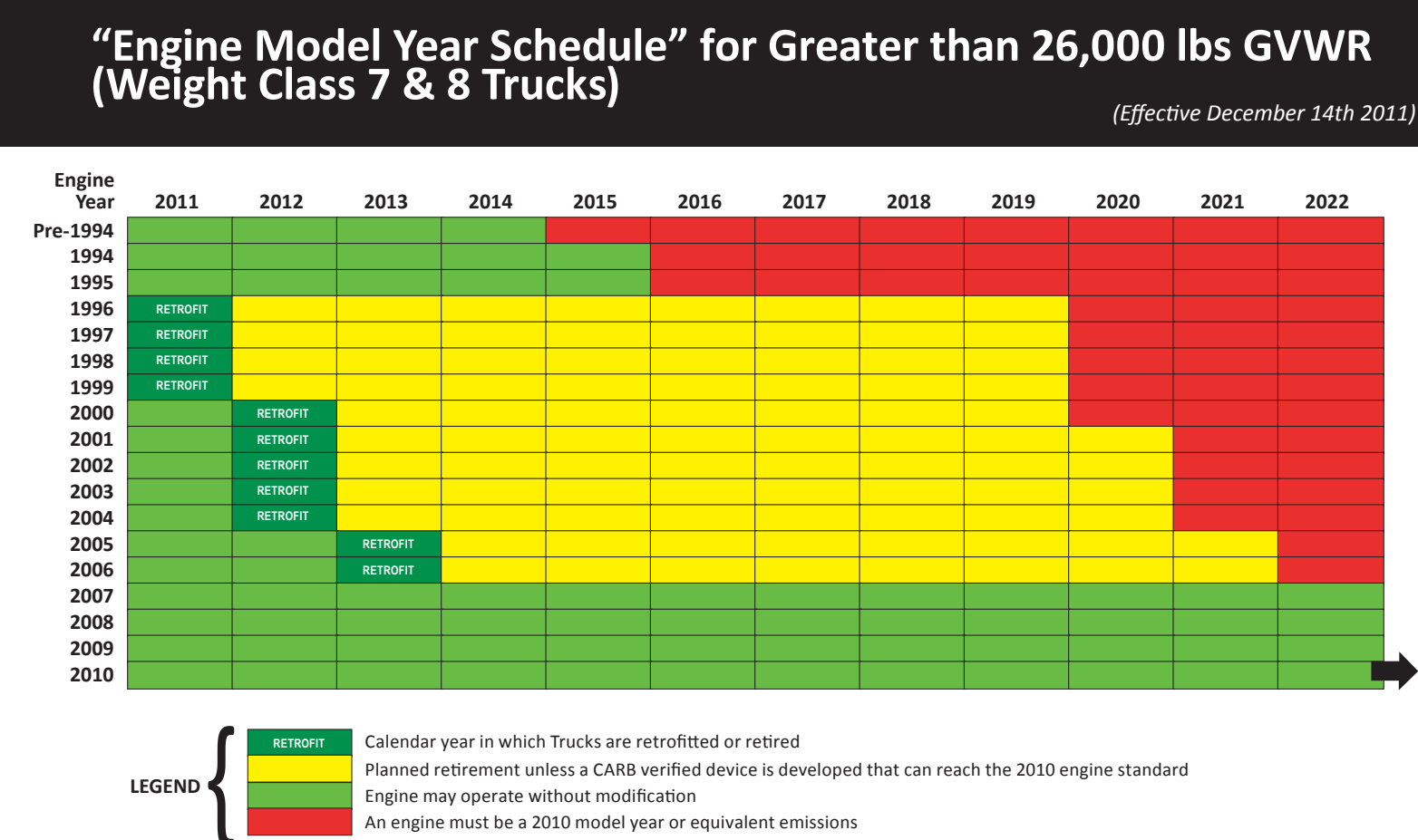
WHO IS THE "FLEET OWNER"?

"Fleet Owner" means either the person registered as the owner or lessee of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; as evidenced on the vehicle registration document carried in the vehicle; or (B) For vehicles that are rented or leased: 1. The owner shall be presumed to be the rental or leasing entity for purposes of compliance with section 2025(e), if: a. The rental or lease agreement for the vehicle is for a period of less than one year; or b. The rental or lease agreement for the vehicle is for a period of one year or longer, unless the terms of the rental or lease agreement or other equally reliable evidence identifies the party responsible for compliance with state laws for the vehicle to be the renting operator or lessee of the vehicle.

FLEETS OF FOUR OR MORE TRUCKS

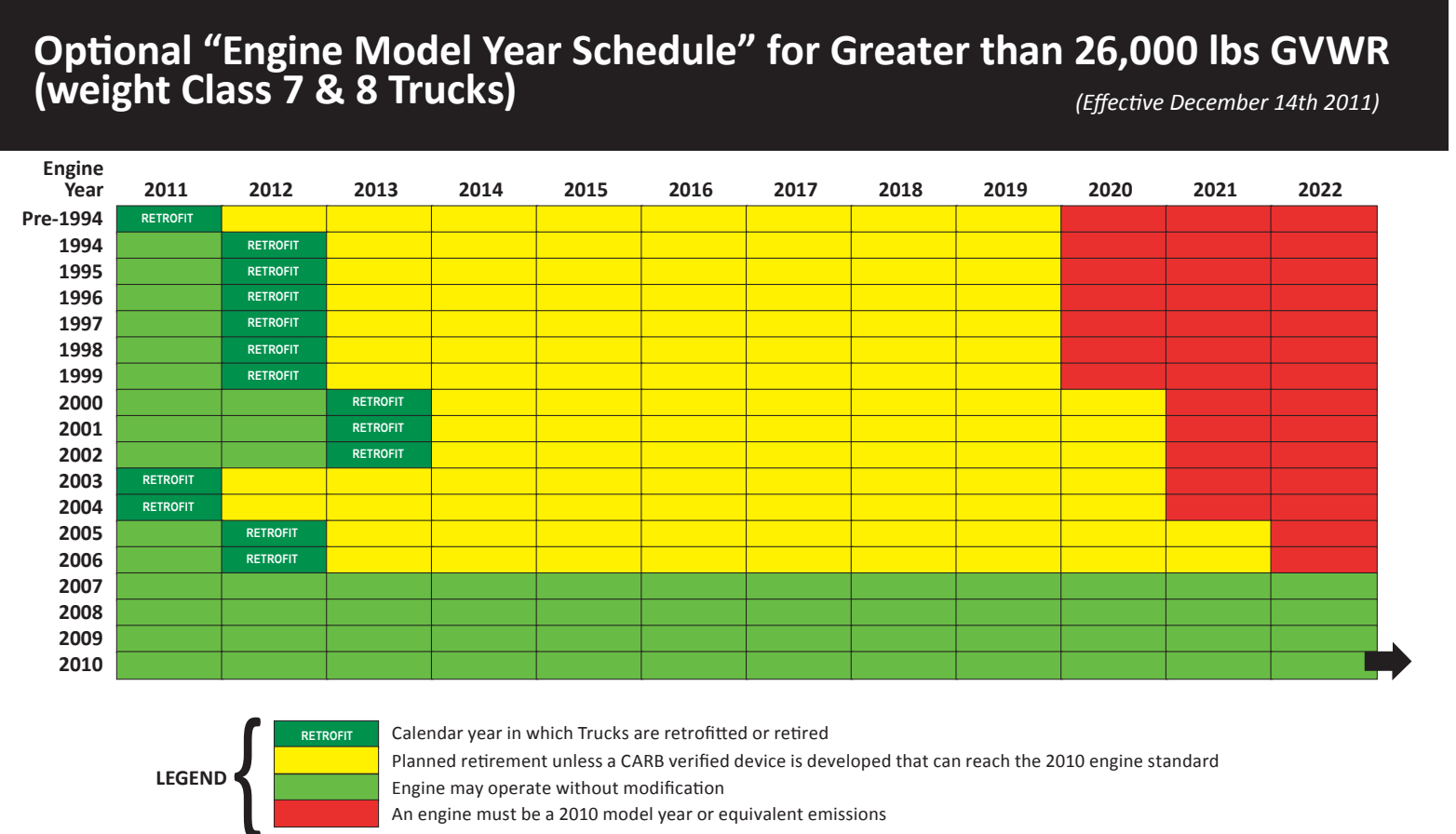
OPTION 1—THE ENGINE MODEL YEAR SCHEDULE

This schedule is effectively a retrofit or retirement schedule determined by engine model year. The engine model years in vertical on the left side of the chart below must be modified or retired between 2011 and 2022 (as shown along the top of the chart. Dark green with the words "Retrofit" indicates that a diesel particulate filter must be installed during the designated year for the engine to continue to operate in future years. Once retrofit, an engine could continue to operate for at least eight years after which it would be retired unless a future upgrade could make that engine a 2010 emissions equivalent engine. For 1993 and older engines there will be few viable retrofit device options. Engines must be retired where red is indicated unless a CARB verified retrofit device can bring it up to a 2007 or 2010 model year emissions level. Only a 2010 model year emissions equivalent engine complies after January 1, 2023.



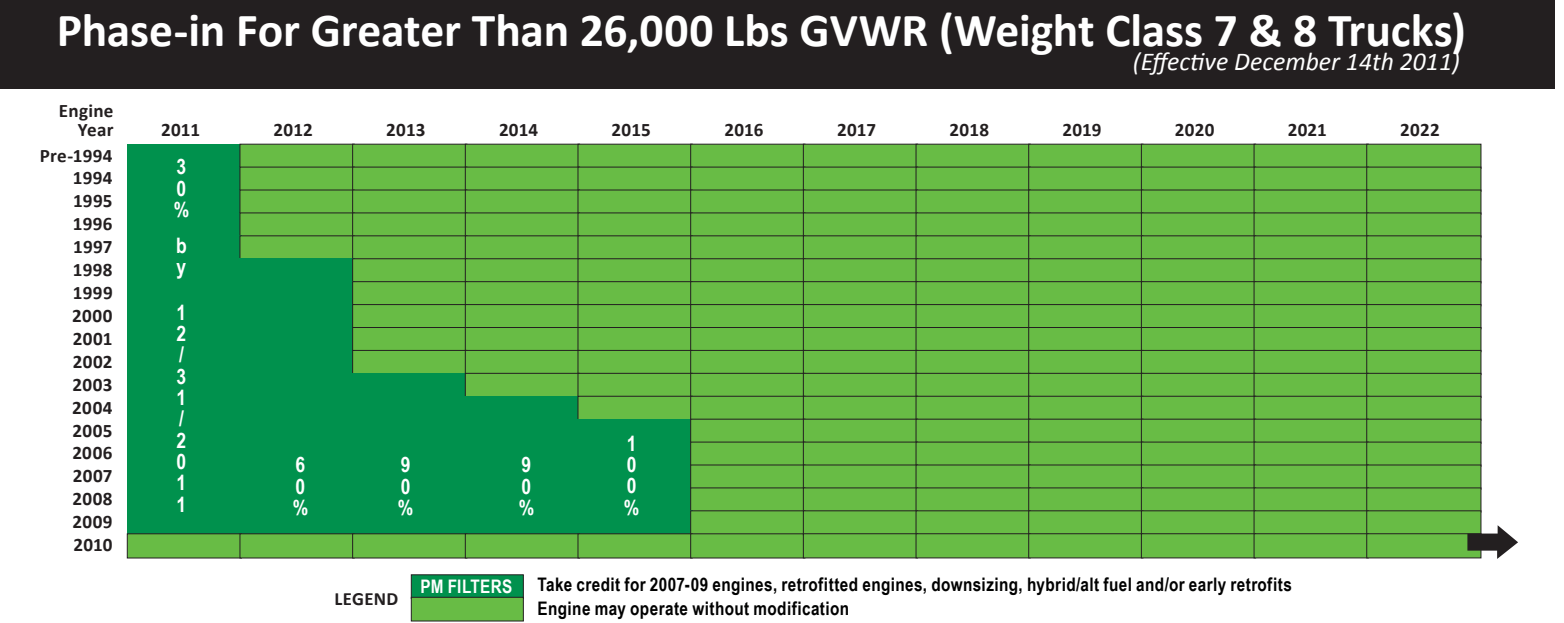
OPTION 2—OPTIONAL ENGINE MODEL YEAR SCHEDULE

This schedule is a slightly modified version of the prior schedule. Engines must be retired where red is indicated unless a CARB verified retrofit device can bring it up to a 2007 or 2010 model year emissions level. Only a 2010 model year emissions equivalent engine complies after January 1, 2023.



OPTION 3—THE "PHASE-IN" SCHEDULE

This schedule limits the maximum obligation that an owner has during any year of the rule. The engine model years in vertical on the left side of the chart below must be retrofitted with a diesel particulate filter between 2011 and 2016, up to a minimum of 30% per year. In this schedule there is credit for fleets that have downsized, early addition of cleaner engines or added early retrofit filter devices.

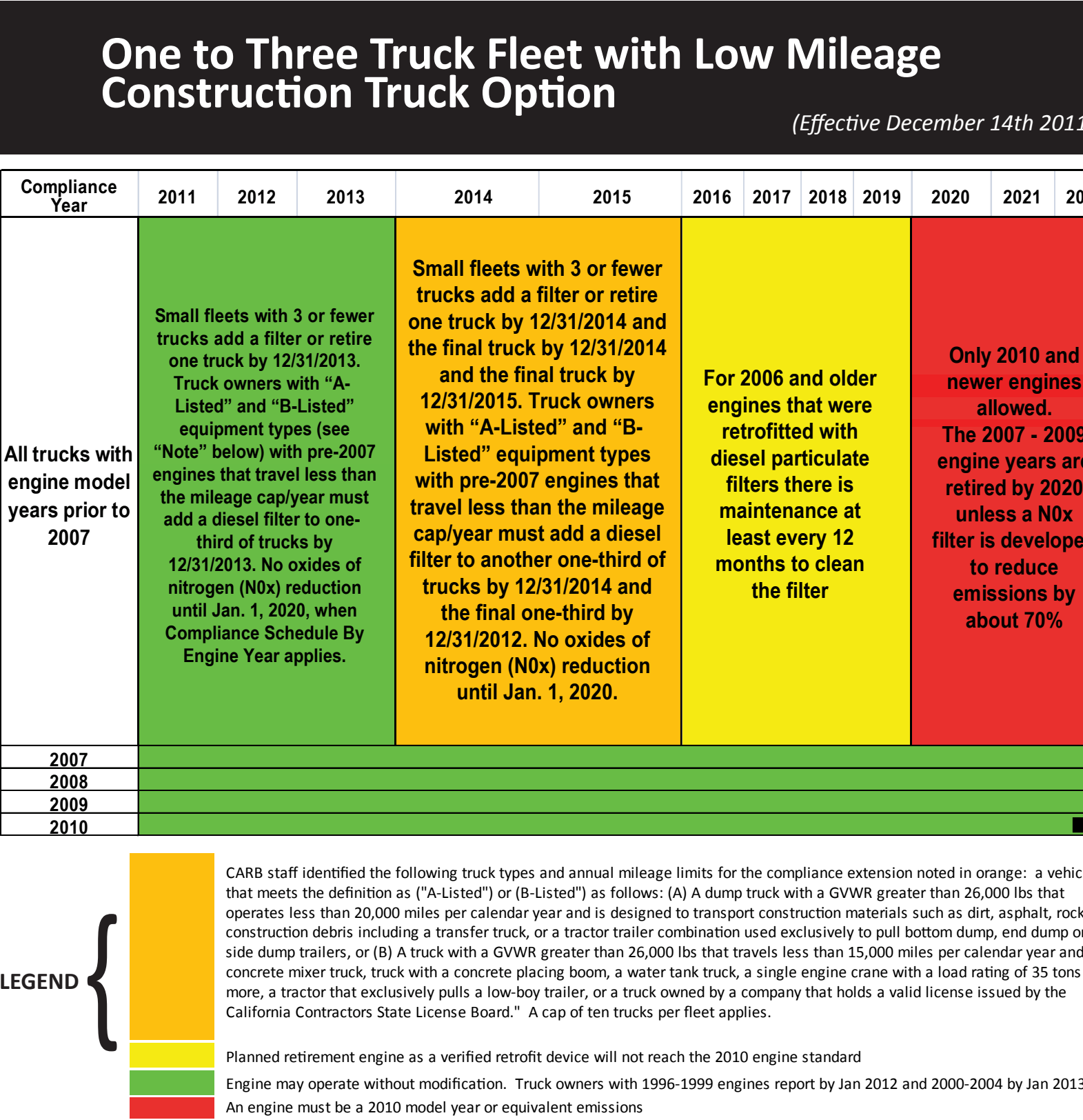


SPECIAL CONDITIONS FOR CONSTRUCTION TRUCKS

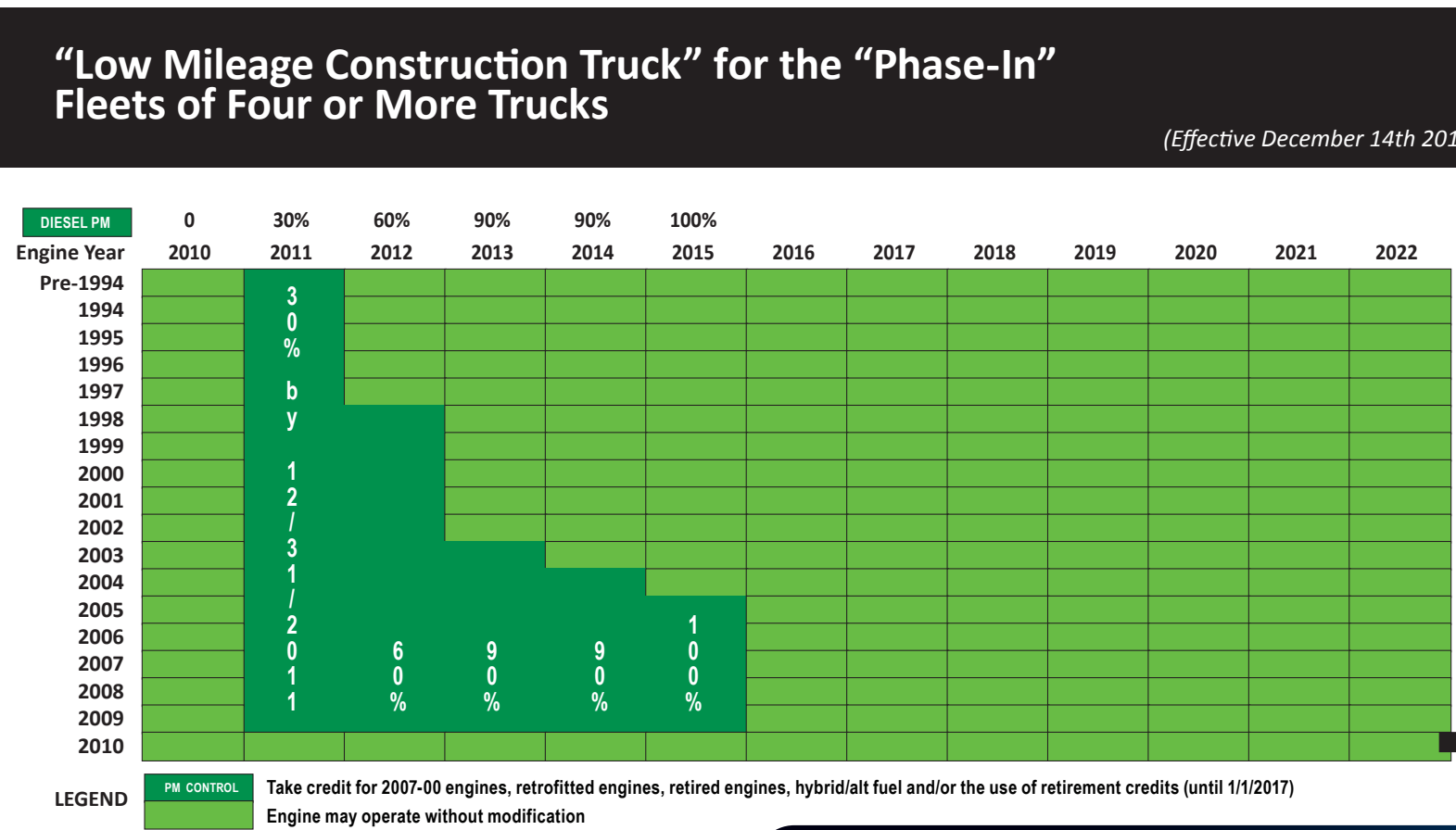
CONSTRUCTION TRUCKS SCHEDULE

CARB reduced requirements for specific construction trucks that operate at reduced annual mileage from January 1, 2012 going forward. A "Low Mileage Construction Truck" means a vehicle that meets the definition in (A) or (B):

- (A) A dump truck with a GVWR greater than 26,000 lbs that operates less than 20,000 miles per calendar year and is designed to transport construction materials such as dirt, asphalt, rock or construction debris including a transfer truck, or a tractor trailer combination used exclusively to pull bottom dump, end dump or side dump trailers, or
- (B) A truck with a GVWR greater than 26,000 lbs that travels less than 15,000 miles per calendar year and is a concrete mixer truck, truck with a concrete placing boom, a water tank truck, a single engine crane with a load rating of 35 tons or more, a tractor that exclusively pulls a low-boy trailer, or a truck owned by a company that holds a valid license issued by the California Contractors State License Board. The benefit of this time extension for one to three trucks owners who report by January 31, 2012 and each year thereafter can delay compliance as illustrated below.



The benefit of this time extension for owner of more than three trucks owners who report by January 31, 2012 and each year thereafter can delay compliance by phasing in PM compliance at 33percent at the end of 2013, 2014 and 2015.



33% / year
MORE INFO 800-366-4621
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