

## **CALIFORNIA TO REVISE TRUCK AND BUS RULE TO REFLECT BAD ECONOMY**

On December 12, 2008, the California Air Resources Board (CARB) approved a regulation to reduce emissions from existing on-road diesel vehicles operating in California. The regulation would have required affected trucks and buses to meet performance requirements between 2011 and 2023. By January 1, 2023, all vehicles must have a 2010 model year engine or equivalent.

The regulation applies to all on-road heavy-duty diesel fueled vehicles with a gross vehicle weight rating (GVWR) greater than 14,000 pounds, agricultural yard trucks with off-road certified engines, and certain diesel fueled shuttle vehicles of any GVWR. Out-of-state trucks and buses that operate in California are also subject to the regulation.

**After seven hours of testimony at the December 10, 2009, CARB meeting, CARB agreed to revise its statewide truck and bus rule. Patty Senecal, IWLA California Government Affairs, met with CARB staff prior to the hearing.**

The meeting heard testimony from more than 90 people, including five Republican Assembly members, trucking companies, equipment manufacturers, environmentalists, and others. Their testimony followed a staff presentation that showed diesel emissions from trucking were already significantly down because of the economy – less freight is being hauled and fewer emissions from trucks. CARB staff report estimated that overall activity is down 10 to 18 percent, however, trucking company owners said that activity is down much more than that. CARB The staff also noted that new truck sales nationwide are at their lowest level in 25 years. Fewer new trucks coming into the market means that the overall population of trucks in the state is getting older. The report said that trucking emissions in California are down about 20 percent from what had been projected when the rule was adopted.

During testimony, trucking companies discussed how the current economic downturn has devastated their businesses, forced them to cut staff, and struggle to get credit financing. Some truckers from rural areas of Northern California complained there are no pollution problems in their areas yet they are being forced to purchase the same costly equipment. Some companies said that, in good faith, they had already spent thousands of dollars to upgrade their equipment and if the regulations are now delayed, they would be saddled with the extra cost of the new equipment, while their competition would not. Suppliers of the retrofitting equipment needed to clean up non-compliant trucks said they would also be hurt by any implementation delay, and environmentalists and health folks urged the board to stay the course.

**CARB passed two motions at the December 10 meeting.**

**CARB passed two motions:** (1) to redo its health assessment, which was discredited because a CARB staff member misrepresented his academic credentials (passed 9-2) and (2) to direct CARB staff to prepare an amendment to the rule that reflects the fact emission are down but include a “ramp-up” provision if the economy improves (passed unanimously).

CARB staffers are now drafting revisions to the truck and bus regulations that will give truck owners some flexibility when complying with the requirements. **Those revisions are scheduled**

**for consideration at CARB's April 22 meeting.** Some items suggested for inclusion include credit for early retrofitting, a federal extension of the compliance dates (which is not likely), financial feasibility analysis from a cash flow perspective, ideas for incentives to pursue instead of regulatory actions (eg, early compliance credits), financial assistance, and amendments to the rule that would recognize the economic impact of the current recession.

**NOTE: The CARB statewide truck and bus rule is not the same as the CARB drayage truck rule that applies to trucks entering ports and rail yards.** Phase 1 of the drayage rule starts, which requires all drayage trucks to comply the following schedule by **December 31, 2009**: (1) 1994 to 2003 model year engines certified to California or federal emission standards installed with a level 3 verified diesel emission control strategy (compliant through 2013); (2) 2004 model year engine certified to California or federal emission standards (compliant through 2011); (3) 2005 to 2006 model year engine certified to California or federal emission standards (compliant through 2012); and (4) 2007 or newer model year engine certified to California or federal emission standards (compliant through 2020).

For further information on the CARB bus and truck rule, 866-6DIESEL (866-634-3735), visit <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>, or email [8666diesel@arb.ca.gov](mailto:8666diesel@arb.ca.gov); for more information on the CARB drayage rule, visit <http://www.arb.ca.gov/arber/dtrregistration/dtrregistration.htm>

Report from Patty Senecal, IWLA California Government Affairs