

# Background

The regulation sets emission standards for drayage trucks transporting goods used in water-borne commerce operating on port and rail yard properties. (Please see the regulation for greater detail.)

However, not all port or rail yard properties are used in conjunction with water-borne commerce. As the regulation is only directed at drayage trucks and areas where they operate, the ARB included a provision in the regulation to exempt lands where drayage trucks do not operate.

These lands include:

- Areas not typically used for drayage truck traffic
- Areas where the overwhelming majority of truck types are exempt

Note: The exemption is not automatic. To obtain an exemption, a port or rail yard must:

- ✓ Complete the following application,
- ✓ Send it to the ARB by the deadline date (see regulation)
- ✓ Receive an approval from the ARB Executive Officer

## Contact Information

Website: <http://www.arb.ca.gov/drayagetruck>.

Questions on the application, please contact?

Mike Sutherland  
Air Resources Board  
916-327-5609  
[msutherl@arb.ca.gov](mailto:msutherl@arb.ca.gov)

Port and Rail Yard Exemption Application

# Frequently Asked Questions

## Q. Which ports and rail yards are able to apply for this exemption?

- A. In addition to all class I intermodal rail yards in California, the following ports can apply for this exemption.
- Benicia
  - Crockett
  - Hueneme
  - Humboldt Bay
  - Long Beach
  - Los Angeles
  - Oakland
  - Pittsburg
  - Redwood City
  - Richmond
  - Sacramento
  - San Francisco
  - San Diego
  - Stockton

## Q. What is this packet for?

- A. The regulation specifies that ports and rail yards can exempt all or part of their property providing certain conditions are met. This packet supplies all needed material to understand, fill out, and submit an application to exempt all or part of port land.

## Q. Who approves the application?

- A. The ARB Executive officer.

## Q. How long is this exemption good?

- A. The exemption is valid for one calendar year (Jan. 1 – Dec. 31). The exemption must be submitted annually according to the schedule provided in the regulation. A streamlined process will be provided to renew applications which have not changed from the previous year's application.

## Q. Am I required to fill out this application?

- A. No. Only fill out the application if you are applying for an annual exemption for part or all of port controlled lands.

## Q. Can trucks servicing cruise ship terminals be exempted?

- A. Yes. Trucks dedicated to supplying cruise ships are considered exempt. However, the port must show on the application that exempting cruise ship trucks will not jeopardize rule enforcement on non-exempt trucks.

## Q. What if a public street is located on port property?

- A. As it is a public street, the street is considered exempt. However, the port will still have to ensure all trucks servicing the port are compliant.

### Q. What if an airport is located on port property?

A. Airports are considered exempt. Reminder: the airport must be shown and explained on the application.

### Q. Can I exempt my entire port?

A. Yes. You may exempt the entire port if the overwhelming majority of trucks accessing the port are exempted under the regulation. The term 'overwhelming majority' will be determined on a case-by-case basis, but generally it's greater than 95 percent. Examples could include ports where only dedicated auto carrier trucks operate.

### Q. Can I exempt a private business located on port property?

A. Yes. Trucks servicing businesses where incoming and outgoing products or materials do not arrive or leave by ships at the port can be exempt. To be exempted, the port must demonstrate a plan that ensures drayage truck traffic can be segregated and monitored for compliance.

### Q. I have tenants at my port with unique circumstances that I feel should be exempted from this regulation – can I apply for an exemption for these also?

A. Yes. We realize that each port and rail yard is different. After receiving the application, ARB staff will contact each applying port and rail yard to discuss the application. Then, ARB staff will personally visit the facility and meet with port and rail yard staff to discuss the specific exemptions.

If you aren't sure if you should try for a particular exemption, please contact us and we can discuss your circumstances.

### Q. What is ARB staff looking for in order to approve an exemption for a facility?

A. Generally, we ask ourselves the following:

- Are the types of trucks at the facility already exempted under the regulation (e.g. class 7 trucks, dedicated use trucks, emergency vehicle etc.)?
- Is the facility on port or rail road owned or controlled lands?
- Are the goods transported by the trucks either loaded or unloaded from a ship at the port?
- Can non-exempt trucks be segregated and checked for compliance? The ARB will not approve an application to exempt business 'A' located on an active pier if drayage trucks going to the pier cannot be segregated and checked for compliance. For example, just having the truck driver say "I'm going to business 'A'" will not suffice, as in all reality, the word will spread and all drivers will eventually use that phrase regardless of destination.

Port/ Rail Yard Exemption Application  
**Submittal Information**

What do I Mail?

- Completed and signed application (see example)
- Arial port/rail yard map including: (see example)
  - ✓ Port/rail yard land boundary in red ink
  - ✓ Port/rail yard exemption boundaries in blue ink
  - ✓ Exemption explanations

Where Do I Send the Application?

Please send the application to:

California Air Resources Board  
Port/Rail Yard Exemption Application  
Project Assessment Branch, 6<sup>th</sup> Floor  
1001 I Street  
Sacramento, California 95816

When Do I Have to Apply?

You must send the application at least 12 months prior to the actual application year according to the following timeline. The ARB will email a confirmation within five days of our receipt of the application. Following an initial review of the application, ARB staff will follow up by visiting the port or rail yard for discussion and an in-person tour of exempted areas.

<b>Exemption Year</b>	<b>Date by which the application must be sent to the ARB.</b>	<b>Date by which the ARB will approve or disapprove the application.</b>
2010	January 1, 2009	July 1, 2009
2011	January 1, 2010	July 1, 2010
2012	January 1, 2011	July 1, 2011
2013	January 1, 2012	July 1, 2012
2014	January 1, 2013	July 1, 2013
2015	January 1, 2014	July 1, 2014

**Port/Rail Yard Exemption Application –  
First Time**  
(REV. 6/08)

Please complete and submit Sections A-F of this application. An application will not be approved until all required information is supplied. Please see the attached instructions and the example application for additional guidance.

**A. Application:**

1. Application Type. (Please choose only one)

 Entire port/rail yard       Only portion(s) of port/rail yard

2. Exemption Year (e.g. 2009).

**B. Port/Rail Yard Information:**

3. Name. (choose from list of ports in Instructions)

4. Address.

5. Governing Authority Name (if different than port name).

6. Governing Authority Address (if different than port address).

**C. Contact Information:**

7. Primary Contact Name.

9. Phone Number.

10. Fax.

8. Title.

11. Email.

12. Address.

13. Secondary Contact Name.

15. Phone Number.

16. Fax.

14. Title.

17. Email.

18. Address.

**D. Land use information MAP:** The purpose of this information is to identify port/rail yard boundaries and exempted areas. Please supply an Arial view map of all port/rail yard owned and controlled lands identifying **all** of the following (please see instructions and sample).

- Identify the boundaries of all lands owned and controlled by the port in RED ink.
- Identify the boundaries of all requested exempted lands in BLUE ink.
- Attach an explanation on 'why' each exempted area should be exempted.

**E. Application Submittal:** Please send the application to:

California Air Resources Board  
Port/Rail Yard Exemption, SSD  
P.O. Box 2815  
Sacramento, California 95812

**F. Signature:** Person completing form:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Port/Rail Yard Exemption Application – Instructions

Line-by-Line Instructions: Sections A, B, and C.

1. **Application Type:** The regulation allows for a port/rail yard to apply for an annual exemption to exclude all or part of their lands providing the port can demonstrate one or more of the following:
  - port or rail yard land is not typically used for truck traffic and its primary function or location does not include or attract drayage trucks covered under this regulation (e.g. a shoreline animal sanctuary);
  - the overwhelming majority of trucks accessing the port or rail yard are exempted under this regulation (e.g. a port where only dedicated auto transports are in service).

Check **only one** of the following:

- Entire port/rail yard** - Check If you are applying to exempt ALL port owned and controlled lands
- Only portion(s) of port/rail yard** - Check If you are applying to exempt only part of port owned and controlled lands

2. **Exemption Year:** Enter the exemption year. (e.g. 2010)
3. **Name of Port/Rail Yard:** Please choose from one of the following ports or identify the specific rail yard.
  - Benicia
  - Crockett
  - Hueneme
  - Humboldt Bay
  - Long Beach
  - Los Angeles
  - Oakland
  - Pittsburg
  - Redwood City
  - Richmond
  - Sacramento
  - San Francisco
  - San Diego
  - Stockton
4. **Address:** Mailing address of port of #3 above.
5. **Name of Governing Authority:** Name of the entity responsible for operations of the port/rail yard
6. **Governing Authority Address (if different):** Address of #5 above. If same as the port/rail yard address, then leave blank.
7. **Primary Contact Name:** This person will be ARB's primary contact for this application and the identified boundaries.
8. **Title:** The title #7 above.
9. **Phone Number, Email, Fax, Mail Address:** Contact information for #7 above.
10. **Secondary contact name (if applicable):** The back-up for the primary contact. A secondary contact is not required, but recommended.
11. **Title:** The title of #10 above.
12. **Phone Number, Email, Fax, Mail Address:** Contact information for #10 above.

Instructions: Section D, land information MAP:

The purpose of this section is to provide a document which can be used to readily identify and explain port/rail yard boundaries and exempted areas.

Map must:

- ✓ Be an arial view.
- ✓ Be at least 8" by 11" in size. Can be larger if needed for clarity.
- ✓ Be on one side of a single sheet of paper and show all of port/rail yard controlled property. However, exploded views of sub areas can be submitted on additional paper if needed for clarity.
- ✓ Show enough resolution to be able to easily identify roadways, terminals, and other important landmarks.
- ✓ Identify the boundaries of all lands owned and controlled by the port/rail yard in **RED** ink.
- ✓ Identify the boundaries of all requested exempted lands in **Blue** ink. Please label each distinct exempted area with a unique identifier (number, letter, etc.). Attach an explanation on 'why' each exempted area should be exempted (see example).
- ✓ Provide a summary of business activity (or lack thereof) for each exempted area.
- ✓ Show enough detail (such as terminal gates, roadways etc.) to explain and demonstrate compliance. In other words, show or explain how the port is going to ensure all affected drayage trucks operating on port grounds are continually monitored for compliance.

For each exempted area – you must demonstrate the following:

- ✓ The outlined (in Blue) port or rail yard land is not typically used for truck traffic and its primary function or location does not include or attract drayage trucks covered under this regulation (e.g. a shoreline animal sanctuary);
- ✓ Roadways within the exempted area are not used by drayage trucks covered in this regulation. Unless, it can be demonstrated that drayage trucks utilizing the roadway will be universally checked for compliance (such as at a manned terminal entrance).

\*Note: An exempted area will NOT be approved if the exempted area negatively affects the monitoring or compliance of drayage trucks. It is the ports responsibility to prove in this document that all exempted areas will have no effect on the monitoring and compliance of drayage trucks.

**Port/Rail Yard Exemption Application –****First Time - SAMPLE**

(REV. 6/08)

Please complete and submit Sections A-F of this application. An application will not be approved until all required information is supplied. Please see the attached instructions and the example application for additional guidance.

**A. Application:**

1. Application Type. (Please choose only one) <input type="checkbox"/> Entire port/rail yard <input checked="" type="checkbox"/> Only portion(s) of port/rail yard	2. Exemption Year (e.g. 2009). 2010
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**B. Port Information:**

3. Name.

Port of Anywhere

4. Address.

1234 Main Street, Any Town, California, 95682

5. Governing Authority Name (if different).

Anywhere port commission

6. Governing Authority Address (if different).

Same

**C. Contact Information:**

7. Primary Contact Name.

John Doe

9. Phone Number. (916) 234-2345

10. Fax. (916) 234-2347

8. Title.

Environmental Manager

11. Email. Doe.john@quicklink.net

12. Address. Same as port

13. Secondary Contact Name.

Jane Doe

15. Phone Number. (916) 234-6548

16. Fax. (916) 234-3214

14. Title.

Asst. Environmental Manager

17. Email. Doe.jane@quicklink.net

18. Address. 4569 Any Port Dr., Any Town, CA, 95682

**D. Land information MAP:** The purpose of this information is to identify port/rail yard boundaries and exempted areas. Please supply an Arial view map of all port owned and controlled lands identifying **all** of the following (please see instructions and sample).

- Identify the boundaries of all lands owned and controlled by the port in RED ink.
- Identify the boundaries of all requested exempted lands in BLUE ink.
- Attach an explanation on 'why' each exempted area should be exempted.

**E. Application Submittal:** Please send the application to:

California Air Resources Board  
Port/Rail Yard Exemption, SSD  
P.O. Box 2815  
Sacramento, California 95812

**F. Signature:** Person completing form:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



## Port/Rail Yard Exemption Application – Instructions

Line-by-Line Instructions: Sections A, B, and C.

13. **Application Type:** The regulation allows for a port/rail yard to apply for an annual exemption to exclude all or part of their lands providing the port can demonstrate one or more of the following:
- port or rail yard land is not typically used for truck traffic and its primary function or location does not include or attract drayage trucks covered under this regulation (e.g. a shoreline animal sanctuary);
  - the overwhelming majority of trucks accessing the port or rail yard are exempted under this regulation (e.g. a port where only dedicated auto transports are in service).

Check **only one** of the following:

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- Only portion(s) of port/rail yard** - Check If you are applying to exempt only part of port owned and controlled lands

14. **Exemption Year:** Enter the exemption year. (e.g. 2010)

15. **Name of Port/Rail Yard:** Please choose from one of the following ports or identify the specific rail yard.

- Benicia
- Crockett
- Hueneme
- Humboldt Bay
- Long Beach
- Los Angeles
- Oakland
- Pittsburg
- Redwood City
- Richmond
- Sacramento
- San Francisco
- San Diego
- Stockton

16. **Address:** Mailing address of port of #3 above.

17. **Name of Governing Authority:** Name of the entity responsible for operations of the port/rail yard

18. **Governing Authority Address (if different):** Address of #5 above. If same as the port/rail yard address, then leave blank.

19. **Primary Contact Name:** This person will be ARB's primary contact for this application and the identified boundaries.

20. **Title:** The title #7 above.

21. **Phone Number, Email, Fax, Mail Address:** Contact information for #7 above.

22. **Secondary contact name (if applicable):** The back-up for the primary contact. A secondary contact is not required, but recommended.

23. **Title:** The title of #10 above.

24. **Phone Number, Email, Fax, Mail Address:** Contact information for #10 above.



Explanations of exempted areas for attached port map

Port of Anywhere

July 1, 2008

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Exempted Area A: This is a dedicated cruise ship terminal. The only trucks utilizing this pier / terminal are those servicing the cruise ships. These trucks only use the entrance at the south end of the terminal which is accessible via a public roadway (Autoroute Bonaventure).

Exempted Area B: This is a marine estuary. Pierre Durpry Ave runs through the estuary and is not typically used by drayage trucks.

Exempted Area C: A&B fabricating building. This is a leased building located on an active port terminal. The business fabricates screen doors. Neither the material for the screen doors or the finish products are transported by ship at this port. The active port terminal is located to the north of the A&B fabricating building and has its own gated entrance where trucks will be screened for compliance.

Exempted Area D: This is a residential area, but the land is owned by the port authority. All streets within this exempted area are open to the public. The port will install gates at all entrances of the terminals to the east of exempted Area D to monitor trucks and ensure compliance.