

Appendix E

Proposed Amendments to the Drayage Truck Regulation

PROPOSED AMENDMENTS TO THE DRAYAGE TRUCK REGULATION

On December 12, 2007, the California Air Resources Board approved a new regulation to significantly reduce emissions from drayage trucks operating at California's ports and intermodal rail yards. The regulation became law in December of 2008 and saw its first emission compliance date on January 1, 2010.

The proposed changes to the regulation are being brought forth to:

- Close a loophole where noncompliant drayage trucks are avoiding the regulation's requirements by operating outside port and rail yard properties.
- Achieve the Air Resources Board's goal of one statewide regulation for trucks in California.
- Maintain the expected near term diesel PM emission reductions at the ports and rail yards.
- Provide flexibility and relief to stakeholders.

A. Current Regulation

The regulation for in-use, on-road diesel-fueled heavy duty drayage trucks (Drayage Truck regulation) was adopted by ARB in December 2007 to reduce emissions from diesel-fueled heavy duty drayage trucks – described as trucks that predominantly transport containers, bulk, and break-bulk goods to or from ports and intermodal rail yards. The regulation is applicable to owners and operators of tractors with a gross vehicle weight rating (GVWR) greater than 33,000 pounds. Staff estimated that initially there were approximately 25,000 drayage tractors in frequent or semi-frequent service at the major California ports and intermodal rail yards that were subject to the provisions of the regulation. The Drayage Truck regulation is expected to provide significant reductions in premature death, cancer risk, and non-cancer health impacts from the public's exposure to diesel particulate matter (PM) in communities located near California's major ports and intermodal rail yards.

The requirements of the regulation are being implemented in two phases. In Phase 1, by December 31, 2009, all drayage trucks were required to be equipped with a 1994 to 2003 model year (MY) engine and a Level 3 verified diesel emission control strategy (VDECS) for PM emissions or be equipped with a 2004 MY or newer engine. In Phase 2, all drayage trucks are required to meet the 2007 MY engine standard by December 31, 2013. Additionally, drayage trucks must be registered in the ARB's drayage truck registry (DTR) before entering California's ports and rail yards.

Subsequently, on December 11, 2008, the Board approved modifications to the Drayage Truck regulation that were proposed during the hearing to consider the adoption of the Truck and Bus regulation. The modifications provided clarity on the applicability of alternative and dual-fueled diesel trucks, a change in the applicability of liquefied natural gas trucks, and added a Phase 1 requirement that mandated drayage trucks with 2004-2006 MY engines be retrofitted with Level 3 VDECS starting in 2012. These modifications became law in December of 2009.

B. Proposed Regulatory Amendments

Staff is proposing modifications to align the Drayage Truck regulation's requirements with those of the Truck and Bus regulation. The modified regulation will facilitate the transition to one statewide truck and bus regulation in 2017. Key elements of the proposed amendments include the delay of the Phase 2 compliance requirement that all trucks in California port and intermodal rail yard service meet or exceed 2007 model year California or federal engine emissions standards in 2014, additional requirements for Class 7 vehicles (GVWR greater than 26,000 pounds but less than 33,001 pounds) to be retrofitted with a PM filter by 2014, and formal provisions to sunset the regulation at the end of 2016. The text of the proposed amended drayage truck regulation is contained in Appendix B.

In developing the amendments for the Drayage Truck regulation, staff's main objectives were as follows:

- Harmonize the requirements of the Drayage Truck regulation with those of the Truck and Bus regulation to facilitate the transition into one statewide rule.
- Provide flexibility to ease the burden of compliance, wherever possible, in consideration of the current economic climate.
- Ensure the requirements and goals that reduce exposures of diesel particulate matter emissions to communities near ports and rail yards remain in effect.
- 'Level the playing field' between owners of compliant drayage trucks that have invested significant funds modernizing their fleets with owners of noncompliant drayage trucks circumventing regulatory requirements by engaging in dray-off activities outside of port and intermodal rail facilities.

Staff is proposing several amendments to the existing Drayage Truck regulation. The proposed changes are designed to synchronize the regulation with the Truck and Bus regulation, provide compliance relief to drayage truck owner-operators as well as lower the annualized compliance cost of the regulation by extending the period during which drayage vehicles with retrofitted equipment will remain compliant, improve the enforceability of the regulation by minimizing the impacts from dray-off activities occurring near port or rail facilities, formally sunset the Drayage Truck regulation facilitating the transition to one statewide truck and bus regulation, and ensure that diesel PM exposure reduction goals for communities located near port and rail yards are continually being met. The proposed amendments are discussed further as follows.

1. Delay Phase 2 Requirement

Extend the compliance period for vehicles with retrofitted PM filters by delaying the Phase 2 requirement that drayage trucks meet California or federal 2007 model year heavy-duty engine emissions standard by January 1, 2014. The proposed changes would allow trucks to operate with Level 3 VDECS until Truck and Bus regulation requirements mandate modernization – in the 2020 timeframe.

2. Sunset Drayage Truck regulation

Staff proposes to sunset the Drayage Truck regulation on December 31, 2016. This corresponds to the date after which Truck and Bus regulation requirements effectively require PM controls on trucks in California. After this date, requirements of the Drayage Truck regulation will cease and all trucks in California will fall under one rule – the Truck and Bus regulation.

3. Mitigate Dray-Off

Mitigate dray-off activities by expanding the definition of a ‘Drayage Truck’ to include trucks hauling cargos, containers, or chassis that are either bound from or destined for a port or intermodal rail yard. These proposed modifications will allow enforcement to curtail dray-off activity occurring off of port and rail yard properties and hold noncompliant drayage trucks and their dispatching motor carriers accountable.

4. Include Class 7 Trucks and New Phase 2 PM Emissions Control Requirement

To ensure that the Board’s goal of effectively reducing diesel PM exposures at communities located near the ports and rail yards is upheld, staff is proposing amendments to expand the definition of a drayage truck to include Class 7 trucks and require them to operate with a Level 3 VDECS for PM emissions by 2014. Class 7 trucks are vehicles with GVWR greater than 26,000 pounds but less than 33,001 pounds and are currently exempt from the requirements of the Drayage Truck regulation. Originally, the Truck and Bus regulation required all Class 7 trucks statewide (with few exceptions) to operate with a model year 2004 or newer engine equipped with a Level 3 VDECS by January 1, 2014. The proposed changes to the Truck and Bus regulation would now allow certain Class 7 trucks to extend their operations until 2017 without additional PM controls. The proposed amendments to the Drayage Truck regulation would keep the original 2014 PM emission control requirements for Class 7 drayage trucks. Additionally, staff’s proposed amendments would eliminate the increasingly popular practice of operating older and dirtier Class 7 trucks at the ports and rail yards in place of emission compliant Class 8 drayage trucks. Therefore, to achieve the Board’s goals of quickly reducing PM emissions exposures to communities located near the ports and intermodal rail yards, staff is proposing modifications to the Drayage Truck regulation to require PM emission controls on Class 7 trucks.

