

AMENDED IN SENATE APRIL 25, 2012

**SENATE BILL**

**No. 1507**

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**Introduced by Senator Fuller**

February 24, 2012

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An act to add Section 38566 to the Health and Safety Code, relating to ~~regulations~~ greenhouse gases, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1507, as amended, Fuller. ~~Regulations.~~ *California Global Warming Solutions Act of 2006: tractor-trailers: exemption.*

(1) *The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms.*

*This bill would require any rule or regulation that applies to owners and drivers of heavy-duty tractors that pull 53-foot or longer box-type trailers and owners or drivers of 53-foot or longer box-type semitrailers that are pulled by heavy-duty tractors adopted by the state board pursuant to the act to include an exemption for local-haul tractors, as specified.*

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

~~The Administrative Procedure Act governs the process for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.~~

~~This bill would state the intent of the Legislature to enact legislation implementing the recommendations proposed by the Milton Marks “Little Hoover” Commission on California State Government Organization and Economy to improve the state’s regulatory process.~~

~~Vote: majority  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no/yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*  
 2 *following:*  
 3     (a) *Subarticle 1 (commencing with Section 95300) of Title 13*  
 4 *of the California Code of Regulations implements a regulation to*  
 5 *reduce greenhouse gas emissions from heavy-duty tractors and*  
 6 *53-foot or longer box-type semitrailers that transport freight on*  
 7 *a highway within the state. This regulation was estimated by the*  
 8 *State Air Resources Board to produce 1.5 percent of the total*  
 9 *greenhouse gas emissions reductions from ongoing, adopted, and*  
 10 *foreseeable California Global Warming Solutions Act of 2006*  
 11 *scoping plan measures. Fuel savings and greenhouse gas emissions*  
 12 *reductions, as part of this measure, are proportional to both vehicle*  
 13 *speed and vehicle miles traveled.*  
 14     (b) *The State Air Resources Board has stated the total estimated*  
 15 *lifetime equipment cost of complying with the regulations is \$10.4*  
 16 *billion. Over the same period of time, the State Air Resources*  
 17 *Board estimated a cost savings due to decreased fuel use of \$14.7*  
 18 *billion. This estimate was produced, in part, by assuming*  
 19 *heavy-duty tractors travel an average of 125,000 miles annually*  
 20 *in excess of speeds allowable under subdivision (a) of Section*  
 21 *22406 of the Vehicle Code and do so during 84 percent of the total*  
 22 *miles they travel.*  
 23     (c) *Enacting measures to save fuel and reduce greenhouse gas*  
 24 *emissions are in the mutual interests of the economy and the*  
 25 *environment. To ensure financial resources are expended where*  
 26 *they will produce maximum environmental benefit, economic*

1 *analyses should be consistent with statute and based on empirical*  
2 *evidence.*

3 *(d) It is the intent of the Legislature to provide greater flexibility*  
4 *to fleet owners to determine how best to reduce their fuel usage*  
5 *in an economically viable manner.*

6 *SEC. 2. Section 38566 is added to the Health and Safety Code,*  
7 *to read:*

8 *38566. Any rule or regulation that applies to owners and*  
9 *drivers of heavy-duty tractors that pull 53-foot or longer box-type*  
10 *trailers and owners or drivers of 53-foot or longer box-type*  
11 *semitrailers that are pulled by heavy-duty tractors adopted by the*  
12 *state board pursuant to this part shall include an exemption for*  
13 *local-haul tractors that meet any of the following:*

14 *(a) A tractor-trailer combination that is traveling within 100*  
15 *air miles of the tractor-trailer's local-haul base.*

16 *(b) A tractor-trailer combination that returns to its local-haul*  
17 *base within 48 hours of traveling outside of the 100-air-mile radius.*

18 *SEC. 3. This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety within*  
20 *the meaning of Article IV of the Constitution and shall go into*  
21 *immediate effect. The facts constituting the necessity are:*

22 *The State Air Resources Board's regulations requiring 53-foot*  
23 *or longer box vans to have side skirts were based on the assumption*  
24 *that trucks drive 62.5 miles per hour for 84 percent of the time*  
25 *they are in operation. This was the underpinning of the State Air*  
26 *Resources Board's economic analysis that showed the industry*  
27 *would save over \$3 billion due to increased fuel efficiency. The*  
28 *problem with this assumption is the legal speed limit for trucks in*  
29 *the state is 55 miles per hours so, in order to attain the*  
30 *fuel-efficiency benefit the State Air Resources Board claims, trucks*  
31 *would have to drive 7.5 miles per hour over the legal speed limit.*  
32 *There are many local-haul truck drivers who do not drive even a*  
33 *fraction of their time in areas that allow for this speed limit and,*  
34 *therefore, the use of the equipment would not be effective.*

35 ~~SECTION 1. It is the intent of the Legislature to enact~~  
36 ~~legislation implementing the recommendations proposed by the~~  
37 ~~Milton Marks "Little Hoover" Commission on California State~~  
38 ~~Government Organization and Economy in its October 2011 report,~~

1 entitled “Better Regulation: Improving California’s Rulemaking  
2 Process.”

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