

Preliminary Draft – For Discussion Purposes Only
Zero-Emission Airport Shuttle Bus Regulatory Language Outline

Adopt new sections, California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 14 – starting with 95690 to read as follows:

§ 95690.X Purpose.

The purpose of this subarticle is to reduce emissions of oxides of nitrogen (NO_x), other criteria pollutants, and greenhouse gases (GHG) from airport shuttle buses.

§ 95690.X Definitions.

(a) For purposes of this subarticle, the following definitions apply:

“Airport Shuttle” means a commercial vehicle with a GVWR of 8,501 pounds or greater, sized Class 2b through Class 8, that transports passengers in a fixed destination route to or from a regulated airport.

“Depot” means a place where airport shuttles are housed and from which they are dispatched for service.

“Executive Officer” means the Executive Officer of the Air Resources Board or his or her designee.

“Fixed destination route” is a predetermined route that transports passengers between the same locations.

“Fleet” means one or more airport shuttle(s) that are subject to this regulation and are under common ownership.

“Fleet Owner” means the person who owns or has possession of the vehicles in the fleet.

“General Aviation Airport” means a public airport as defined by the Federal Aviation Administration in 49 U.S.C section 40102.

“Internal Combustion Engine” means an engine that generates motive power by the burning of gasoline, oil, or other fuel with air inside the engine.

“Non-hub Airport” means a commercial service airport as defined by the Federal Aviation Administration in 49 U.S.C section 40102.

“Regulated Airport” means a large, medium, or small hub airport as defined by the Federal Aviation Administration in 49 U.S.C., section 40102. Regulated Airport does not include “Non-hub Airport” or “General Aviation Airport.”

“Zero Emission Vehicle” (ZEV) means a vehicle, powered by an electric motor and fueled by electricity or hydrogen fuel cells, that emits no criteria pollutant, toxic, or greenhouse gas emissions at the tailpipe and is certified or approved for sale in California.

§ 95690.X Applicability.

- (a) This subarticle shall apply to all owners of airport shuttle fleets that operate an airport shuttle on a fixed destination route that includes stops at a regulated airport in California. This includes, but is not limited to, the following airport shuttle fleet owners:
- (1) Regulated airports; and
 - (2) Fleet owners that have an airport shuttle depot located within a 15-mile radius of a regulated airport;

§ 95690.X Fleet Reporting and Recordkeeping Requirements.

- (a) *Reporting Requirements for Airport Shuttle Fleets.* Reporting is required for each and every fleet. Fleet owners must submit the following reporting information using electronic forms approved by the Executive Officer. All fleet owners must submit the information specified in this subsection to ARB no later than by March 1, 2022 for each vehicle that is in their fleet on December 31, 2021.
- (1) The current fleet owner responsible officer contact information:
 - (A) The entities name and address as registered with the Department of Motor Vehicles;
 - (B) Contact name, title, phone number, and email address;
 - (C) Address of airport shuttle fleet depot (if different than company address); and
 - (D) Reporting year.
 - (2) A list of every vehicle subject to this subarticle along with the following information:
 - (A) License plate number;
 - (B) Vehicle Model Year;
 - (C) Vehicle Identification Number;
 - (D) Gross Vehicle Weight Rating;
 - (E) Body type;
 - (F) Class size;
 - (G) Odometer or hubodometer reading and date of reading;
 - (H) Date of retirement/sale/scrapped (if applicable); and
 - (I) Whether the vehicle is a reserve airport shuttle (if applicable);

- (3) For each airport shuttle that has an internal combustion engine, the following engine information shall be submitted:
- (A) Engine Information;
 - (B) Manufacturer;
 - (C) Model number;
 - (D) Model year;
 - (E) Engine family name;
 - (F) Fuel Type; and
 - (G) Date of engine repower/replacement (if applicable).
- (4) For each ZEV airport shuttle, the following motor information shall be submitted:
- (A) Battery-electric powered, Fuel Cell powered, or other technology;
 - (B) Manufacturer;
 - (C) Model number;
 - (D) Model year; and
 - (E) Vehicle family names (if applicable).
- (b) *Annual Reporting.* All fleet owners must review and update the information submitted in subsection (a) annually by March 1 of each subsequent reporting year. Fleet owners must report information regarding each vehicle as it was on December 31 of the year prior to the reporting year. (For example, by March 1, 2023, fleet owners must report each vehicle as it was at the end of the day on December 31, 2022).
- (c) *Changes Since Last Reporting Period.* If any information reported per subsection (a) has changed since either the initial or last annual report filed with ARB, the fleet owner must, report the change within 30 days of when the change occurs, or if the change occurs within 30 days of the reporting date in (b), the annual reporting may serve as the notification to ARB. If there are no changes, the fleet owner shall indicate that there have been no changes since the last report.
- (d) *Responsible Officer Affirmation of Reporting.* All fleet owners shall submit to ARB an affirmation by a responsible official or a designee thereof that indicates the information reported is accurate and that the fleet is in compliance with this subarticle. The affirmation must be submitted on an electric form approved by the Executive Officer.
- (e) *Request for Extension.* A fleet owner may be granted an extension to the reporting deadline specified in (a) and (b). A request for extension from the reporting requirement deadline must be submitted in writing to the Executive Office, 14 days prior to the final reporting date. The written request must include the reason for requesting the extension from the final reporting date.

- (f) *ARB Certificate of Reported Compliance.* After receipt of the annual reporting, a fleet that is in compliance with the requirements of this subarticle will be issued a Certificate of Reported Compliance with the Regulation for Zero-Emission Airport Shuttle by ARB. This certificate indicates that the responsible official is reporting that the applicable fleet is in compliance with this subarticle.
- (g) *Records Retention.* Each fleet owner shall maintain records for each vehicle subject to this subarticle for a minimum of 36 months from the date of compliance, including but not limited to copies of the information reported under subsection (a) and any Certificate of Reported Compliance issued by ARB. Upon request, the fleet owner shall provide these records to an agent or employee of ARB within five business days of receipt of the request.

§ 95690.X Airport Shuttle Fleet Requirements.

- (a) *Purchase Requirements for Zero-Emission Airport Shuttles.* On or after January 1, 2023, no fleet owner shall purchase, rent, or lease an airport shuttle for use at a regulated airport unless that airport shuttle is a ZEV.
- (b) *Zero-Emission Airport Shuttle Fleet Requirements.* The fleet owner shall comply with the schedule in Table 1- Compliance Schedule for Airport Shuttles for the specified percentage of airport shuttles by each applicable deadline.

Table 1- Compliance Schedule for Airport Shuttles

Compliance Schedule for Airport Shuttles	
Compliance Deadline	Percent of total fleet that must be ZEV
December 31, 2027	33%
December 31, 2031	66%
December 31, 2035	100%

- (c) For airport entities that contract, lease, or permit airport shuttle service at a regulated airport, on or after January 1, 2022, the airport entities shall: (1) include language requiring that the fleet be in compliance with all applicable air pollution control laws, including, but not limited to this subarticle, in any new contract, lease, or permit that has an effective date as of December 31, 2021 or later; and (2) obtain certificates of reported compliance from fleet owners annually. Airport entities shall maintain certificates of reported compliance for a minimum of three years from receipt from fleet owners.