



Hanson Bridgett Practice Group Truck & Bus Regulation

In 2009, California adopted the Truck & Bus Regulation (TBR), becoming the only state in the country to require the use of diesel particulate filters (DPF) on heavy-duty diesel trucks and buses. Heavy-duty vehicles that do not meet the U.S. Environmental Protection Agency's (EPA's) 2007 emission standards must be retrofitted with DPFs approved by the California Air Resources Board (CARB).

The TBR applies to fleet owners and motor carriers operating or controlling the operation of vehicles in California, logistic companies based in California, and California residents. Fleet owners are responsible for vehicles in their fleet, but may also bear responsibility for leased vehicles depending on the terms of the lease agreement. Where vehicles are provided under arrangements for hire or dispatch, motor carriers must verify that the vehicles they use in California comply with the TBR and discontinue using any vehicles that do not comply.

CARB has stepped up efforts to enforce the TBR. Between 2012 and 2014, CARB conducted more than 14,000 inspections and initiated more than 900 investigations, resulting in some 130 enforcement actions. More recently, EPA — which has independent authority to enforce the TBR under the federal Clean Air Act — has initiated its own enforcement efforts. Over the last two years, EPA has issued broad information requests to some of the country's largest motor carriers. These information requests are intended to determine compliance status with the TBR and request detailed information about fleet operations, vehicles, and independent contractor arrangements.

In October 2015, EPA announced its first enforcement action of the TBR — against a Virginia-based motor carrier. Further, CARB and EPA announced that this case is the first of “many cases” they intend to bring against national transportation companies to enforce the TBR. Thus, EPA and CARB are joining forces to reach companies based outside California.

Our Practice

Hanson Bridgett has a long-established and leading transportation practice, representing a broad range of domestic and international carriers, including some of the nation’s largest transportation and logistics companies. Our public agency clients include the Golden Gate Bridge, BART, and other major districts. We understand the transportation business and can help you navigate the complexities of the TBR — and how it relates to the operation of your business.

Hanson Bridgett has significant experience advising national transportation companies on how to comply with the TBR, responding to EPA and CARB audits and enforcement actions. We are aware of the compliance pitfalls and regulatory priorities and we can help you prepare now to avoid enforcement action later.

In addition to consultations for conventional services at our hourly rates, Hanson Bridgett is developing a suite of environmental services priced as alternative fee arrangements. These services will include compliance with the TBR and responding to information requests from CARB and EPA. We have also created a database of all CARB and EPA enforcement actions to assist our clients in evaluating what fines and penalties might be assessed against them for non-compliance based on past practices. Please contact us to learn more about these services.

Neither EPA nor CARB has taken criminal enforcement actions under the TBR — and EPA has limited authority to do so. If needed, however, we also have broad-based expertise in defending criminal enforcement of environmental crimes to supplement our compliance and civil enforcement practice.