

7.41: Large Entity Reporting Requirement

(1) Purpose. The purpose of 310 CMR 7.41 is to collect information to assess suitability of zero-emission vehicles in multiple use cases and to inform future strategies on how to accelerate the zero-emission vehicle market in Massachusetts. 310 CMR 7.41 supports future measures to reduce emissions of oxides of nitrogen (NOx), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG) from vehicles.

(2) Scope and Applicability. Except as provided in 310 CMR 7.41(3), this regulation applies to each of the following entities:

- (a) Any entity with gross annual revenues greater than \$50 million in the United States for the 2021 tax year, including revenues from all subsidiaries, subdivisions, or branches, that operated a facility in Massachusetts in the 2021 calendar year and had one or more vehicles over 8,500 lbs. GVWR under common ownership or control that were operated in Massachusetts in the 2021 calendar year;
- (b) Any fleet owner in the 2021 calendar year that had 40 or more vehicles with a GVWR greater than 8,500 lbs. under common ownership or control and operated a facility in Massachusetts;
- (c) Any broker or entity that dispatched 40 or more vehicles with a GVWR greater than 8,500 lbs. into or throughout Massachusetts, and operated a facility in Massachusetts, in the 2021 calendar year;
- (d) Any Massachusetts government agency including all state and local municipalities and public schools that had one or more vehicles over 8,500 lbs. GVWR that were operated in Massachusetts in the 2021 calendar year and all non-public schools that operated one or more school buses over 8,500 lbs. GVWR in the 2021 calendar year; and
- (e) Any federal government agency that had one or more vehicles over 8,500 lbs. GVWR that were operated in Massachusetts in the 2021 calendar year.

(3) Exemptions. The following entities, facilities, or vehicles are exempt from the requirements of 310 CMR 7.41:

- (a) Military tactical vehicles and military tactical facilities owned or operated by the United States Department of Defense and/or the United States military services;
- (b) Vehicles awaiting sale; or
- (c) Emergency vehicles.

(4) Definitions. The definitions in 310 CMR 7.00 apply to 310 CMR 7.41 unless otherwise defined in 310 CMR 7.41(4). Where a term defined in 310 CMR 7.00 also appears in 310 CMR 7.41, the definition in 310 CMR 7.41 is applicable for the purpose of 310 CMR 7.41.

Backup Vehicle. A self-propelled motor vehicle designed for on-highway use that is used intermittently to maintain service during periods of routine or unplanned maintenance, unexpected vehicle breakdowns, or accidents but is not used in everyday or seasonal operations.

Broker. A person who has broker authority from the Federal Motor Carrier Safety Administration and, for compensation, arranges or offers to arrange the transportation of property by an authorized motor carrier. A motor carrier, or an employee or bona fide agent of a

carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

Common Ownership or Control. Being owned or managed day to day by the same person. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities. Common ownership or control of a federal government vehicle shall be the primary responsibility of the federal government unit that is directly responsible for its day to day operational control.

Corporate Parent. A business that possesses the majority of shares in another business, which gives them control of the other business' operational procedures.

Dispatched. Provided direction or instruction for routing a vehicle(s), whether owned or under contract, to specified destinations for specific purposes, including but not limited to delivering cargo, passengers, property or goods, providing a service, or assisting in an emergency.

Emergency Vehicle. Any publicly owned vehicle operated by a peace officer in performance of their duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire calls, any publicly owned authorized emergency vehicle used by an emergency medical technician or paramedic, or used for towing or servicing other vehicles, or repairing damaged lighting or electrical equipment, any motor vehicle of mosquito abatement, vector control, or pest abatement agencies and used for those purposes, or any ambulance used by a private entity under contract with a public agency.

Facility. Any property with one or more unique physical addresses.

Facility Category. A classification of different facility types based on a facility's primary purpose. Facility categories are defined as the following:

- (a) Administrative/office building. A building or structure used primarily for day-to-day activities that are related to administrative tasks such as financial planning, record keeping & billing, personnel, physical distribution and logistics, within a business.
- (b) Distribution center/warehouse. A location used primarily for the storage of goods, which are intended for subsequent shipment.
- (c) Hotel/motel/resort. A commercial establishment offering lodging to travelers and sometimes to permanent residents.
- (d) Manufacturer/factory/plant. A location with equipment for assembling parts, producing finished products, intermediate parts, or energy products.
- (e) Medical/hospital/care. An institution engaged in providing inpatient diagnostic and therapeutic services or rehabilitation services by or under the supervision of physicians.
- (f) Multi-building campus/base. A property typically operated by a single entity with several buildings, often serving multiple purposes.
- (g) Restaurant. A business establishment where the primary purpose is serving meals or refreshments.
- (h) Service center. A facility that supports a business operation that generates revenue by providing a specific service or product, or a group of services or products to a customer.

- (i) Store. An establishment that sells goods or a variety of goods and services to the general public.
- (j) Truck/equipment yard. An establishment that primarily stores or dispatches trucks and equipment such as a garage or parking lot.
- (k) Any other facility type. Any facility that is not included in Facility Category (a-j).

Fleet. One or more self-propelled vehicles under common ownership or control of a person. This includes vehicles that are rented or leased from a business that regularly engages in the trade or business of leasing or renting motor vehicles without drivers where the vehicle rental or leasing agreement for the use of a vehicle is for a period of one or more years.

Fleet Owner. Except as modified below in paragraphs (A) and (B), either the person registered as the owner or lessee of a vehicle by the Massachusetts Registry of Motor Vehicles (RMV), or its equivalent in another state, province, or country; as evidenced on the vehicle registration document carried in the vehicle.

- (a) For vehicles that are owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which have responsibility for maintenance of the vehicles.
- (b) For a vehicle that is rented or leased from a business that is regularly engaged in the trade or business of leasing or renting motor vehicles without drivers, the owner shall be the rental or leasing entity if the rental or lease agreement for the use of a vehicle is for a period of less than one year, otherwise the owner shall be the renter or lessee.

Government Agency. Any federal, state, or local governmental agency or quasi-governmental agency, including, but not limited to, authorities boards, bureaus, commissions, committees, councils, departments, divisions, groups, guards, homes, laboratories, libraries, offices, police, programs, systems, trusts, universities and other entities, water districts, or any other public entity.

Gross Annual Revenue. The total revenue, receipts, and sales reported to the Internal Revenue Service for a consecutive 12-month period.

Gross Vehicle Weight Rating or GVWR. The weight specified by the manufacturer as the loaded weight of a single vehicle.

Military Tactical Vehicle. A motor vehicle owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

Motor Carrier. A person that transports passengers or property for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments that it is authorized to transport and that it has accepted and legally bound itself to transport.

Municipality. A city, county, city and county, special district, or a public agency of the

Commonwealth of Massachusetts, and any department, division, public corporation, or public agency of Massachusetts.

Responsible Official.

- (a) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function who has been duly authorized to bind the corporation pursuant to a corporate vote, or a representative of the corporation who has been duly authorized to bind the corporation pursuant to a corporate vote provided the representative is responsible for the overall operation of the facility;
- (b) For a limited liability company, person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members;
- (c) For a trust: a trustee or any other natural person authorized:
 - 1. to enter into contracts regarding the trust property;
 - 2. to bind the trust; or
 - 3. to encumber or dispose of the trust property.
- (d) For a partnership: A general partner who has been duly authorized to bind the partnership;
- (e) for a sole proprietorship; the sole proprietor; or
- (f) For a municipality, state, federal, or other public or quasi-public entity including any legislatively created authority, board, commission, district, etc.: a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public or quasi-public entity.

Subhauler. A for-hire motor carrier who enters into an agreement to provide transportation services on the behalf of another motor carrier or broker.

Subsidiary. A company controlled by another company.

Vehicle. Self-propelled equipment intended for use on highways and off-road yard tractors, and does not include motorcycles.

Vehicle Body Type. Commonly used vehicle body descriptions to be used in responding to questions about the fleet of vehicles including the following: beverage truck, boom/bucket, box reefer, box dry van, bus shuttle, bus-other, car/SUV, car carrier, concrete mixer, concrete pump, crane, drill rig, dump, flatbed or stake bed, garbage front loader, garbage side loader, garbage packer, garbage roll-off, other, pickup bed, service body, sweeper, tank, tractor day cab, tractor sleeper cab, tow, vacuum, water, van-cargo, van-step, van-passenger, on-road or off-road yard tractor.

Vehicle Home Base. The location where a vehicle is domiciled meaning a business location where a vehicle is typically kept when not in use. Vehicles that are kept at a personal residence or kept at a location that is not operated by the entity shall use the location where the vehicle is dispatched from or where the vehicle is repaired or maintained.

Vehicles Awaiting Sale. Vehicles in the possession of dealers, financing companies, or other

entities that do not intend to operate the vehicle in Massachusetts or offer the vehicle for hire for operation in Massachusetts, and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage.

Weight Class Bin. A list of vehicles categorized by GVWR. The weight class bins are one of the following:

- (a) Light-duty. A self-propelled motor vehicle designed for on-highway use with a GVWR of 8,500 lbs. or less. Also referred to as Class 1-2a. This includes passenger cars, sport utility vehicles, minivans, and light pickup trucks.
- (b) Class 2b-3. A self-propelled motor vehicle designed for on-highway use with a GVWR from 8,501 lb. to 14,000 lb. The types of vehicle in this category generally includes full-size pickup trucks, smaller utility trucks, cargo vans, and passenger vans.
- (c) Class 4-6. A self-propelled motor vehicle designed for on-highway use with a GVWR from 14,001 lb. to 26,000 lb.
- (d) Class 7-8. A self-propelled motor vehicle designed for on-highway use with a GVWR greater than 26,000 lbs.

(5) General Requirements.

(a) Reporting. All regulated entities shall submit information specified in 310 CMR 7.41(6) and (7) to the Department. Subsidiaries, parent companies, or joint ventures may independently report, or the corporate parent or joint venture business may report on their behalf, as long as all information for subsidiaries, corporate parents, and joint ventures with vehicles over 8,500 lbs. are reported. Entities with brokerage or motor carrier authority shall report even if no vehicles are owned by that subsidiary, corporate parents, or joint venture. Vehicles that are under common ownership or control may be submitted separately by each fleet owner. Complete information shall be reported by [insert date 6 months after regulation isinalized]. Vehicle data shall be reported as the fleet was comprised on a date of the fleet owner's choosing any time after January 1, 2021. To the extent reports submitted contain confidential data, entities may request that information be kept confidential pursuant to 310 CMR 3.00.

(b) Report Signature and Certification. The report shall be signed by a responsible official and include the following statement: "I certify that I have personally examined the report for this entity and am familiar with the information contained in that report and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

(c) Method of Reporting. Reports submitted to comply with 310 CMR 7.41 shall be submitted in a format specified by the Department.

(d) Record Retention. The responsible official shall maintain the records of their information required by 310 CMR 7.41 until December 31, 2025, for the overall fleet. In addition, the fleet owner or responsible person shall maintain all fleet, vehicle, contract, and facility records used to compile responses to 310 CMR 7.41(6) and the data and analysis period used for 310 CMR 7.41(7). Records shall include the following:

1. For owned vehicles, mileage records and dates from records such as maintenance logs,

vehicle logs, odometer readings, or other records with the information that the reporting entity used to determine their responses;

2. For vehicles not owned but dispatched by the entity, dispatch records and dates, contracts, or other records with the information that the reporting entity used to determine their responses;

3. Vehicle registration for each owned vehicle in the Massachusetts fleet; and

4. Contracts with entities, or contracts with subhauleders, or other records with the information that an entity used to determine their responses.

(e) Request to Clarify Reported Data. The responsible official shall respond to requests for clarification of reported information within 14 days of receiving the request from the Department.

(6) General Entity Information Reporting.

All entities subject to 310 CMR 7.41 shall report the following general information about their entity and business practices:

(a) Entity name;

(b) Mailing address including street name or P.O. box, city, state, and ZIP code;

(c) Designated contact name;

(d) Designated contact's email address;

(e) Designated contact's phone number;

(f) Corporate parent name or governing body (if applicable);

(g) Federal Taxpayer Identification Number of Corporate Parent or other entities with which your entity has vehicles under common ownership or control (if applicable);

(h) For government entities, identify the jurisdiction (federal, state, or local);

(i) Federal Taxpayer Identification Number (if applicable);

(j) Primary six digit North American Industry Classification System (NAICS) code (if applicable);

(k) For non-governmental entities, identify the total annual revenue for the entity in the United States for 2021. Respond by using the following bins in millions of dollars (<\$10, \$10-\$49, \$50-\$99, \$100-\$499, \$500-\$999, >\$1,000);

(l) Identify if your entity has broker authority under the Federal Motor Carrier Safety Administration;

(m) The following operating authority numbers, if applicable: Motor carrier identification number, United States Department of Transportation number, International Registration Plan number;

(n) Identify the number of entities with whom the entity has a contract to deliver items or to perform work in Massachusetts using vehicles over 8,500 lbs. GVWR in 2021 or 2022 to serve your customers while representing your entity's brand. Respond using the following bins (0, 1-10, 11-20, 21-50, or more than 50);

(o) If the entity has motor carrier or broker authority and contracts with subhauleders to serve its customers, identify the following for the year 2021 or 2022; if the entity does not have motor carrier or broker authority, mark "Does not apply":

1. The number of subhauleders the entity contracted with in Massachusetts to transport goods or other property. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 21-50, or more than 50);

2. Estimated number of vehicles operated by subhauleders on the entity's behalf in

Massachusetts. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 21-99, 100-500, >500); and

3. Estimated number of vehicles operated by subhaulers that operated under the entity's motor carrier authority in Massachusetts. Respond using the following bins (Does not apply, 0, 1-10, 11-20, 21-99, 100-500, >500).

(p) Identify whether the entity has a written sustainability plan to reduce your carbon footprint. Respond with (Yes, No, Does not apply);

(q) Identify whether the entity's written sustainability plan includes transportation emissions reduction goals. Respond with (Yes, No, Does not apply);

(r) Identify the number of vehicles with a GVWR over 8,500 lb. the entity owned and operated in Massachusetts in either 2021 or 2022 that do not have a vehicle home base in Massachusetts.

(s) Identify whether the data used to respond to the questions in 310 CMR 7.41(6) were from 2021, 2022, or a combination thereof.

(7) Vehicle Usage by Facility Reporting.

Entities that own or operate any vehicles under common ownership or control, or that broker to use vehicles with a GVWR greater than 8,500 lbs. shall report general information about the vehicle home base where all vehicles are domiciled or assigned as specified in 310 CMR 7.41(7)(a), and information about vehicle operating characteristics for vehicles domiciled or assigned to each vehicle home base in Massachusetts as specified in 310 CMR 7.41(7)(b).

Vehicles that accrue a majority of their annual miles in Massachusetts, but are not assigned to a particular location in Massachusetts, shall be reported as part of the headquarters or another location where the vehicles' operation is managed.

(a) All entities shall report the following information for each vehicle home base:

1. Facility address including street name, city, state, and ZIP code;
2. Facility category;
3. Contact name;
4. Contact email address;
5. Identify whether the facility is owned or leased by the entity;
6. Identify what type of fueling infrastructure is installed at the facility, by selecting all of the fuel types dispensed at the facility as listed in 310 CMR 7.41(7)(a)6.a. to g.:
 - a. Diesel;
 - b. Gasoline;
 - c. Natural gas;
 - d. Electricity for vehicle charging (Level 2 or higher power);
 - e. Hydrogen;
 - f. Other fuel; or
 - g. Not applicable.
7. Identify what fueling infrastructure was initially installed on or after January 1, 2010 for the fueling options listed in 310 CMR 7.41(7)(a)6.a. through g.;
8. Identify what types of trailers are pulled if tractors are assigned or domiciled at this facility:
 - a. Van-dry;
 - b. Van-reefer;
 - c. Tanker;

- d. Flatbed;
- e. Shipping container;
- f. Low bed;
- g. Curtain side; or
- h. Other.

(b) For each vehicle home base with a vehicle above 8,500 lbs. GVWR, report information specified in 310 CMR 7.41(7)(b)1. through 6. for all vehicles above 8,500 lb. GVWR including off-road yard tractors. Responses shall be grouped by the combination of vehicle body type, weight class bin, and fuel type listed in 310 CMR 7.41(7)(a)6.a. through g. (vehicle group). Alternatively, responses may be completed for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. Separately report vehicles dispatched under brokerage authority, if applicable. Each vehicle shall only be counted once for each response. Additional information for analysis periods used to respond to questions in 310 CMR 7.41(7) is located in 310 CMR 7.41(7)(b)7. Additional information on reusing vehicle operational information between similar locations is located in 310 CMR 7.41(7)(b)8. Vehicles dispatched under brokerage authority but not owned by the entity are not subject to reporting information from 310 CMR 7.41(7)(b)2.a. through e. and additional information for brokers is located in 310 CMR 7.41(7)(b)9.

1. How many vehicles in each vehicle group;
2. The percent of the vehicles in each vehicle group that have the operations listed in 310 CMR 7.41(7)(b)2.a. through q., except section 310 CMR 7.41(7)(b)2.j., represented by 90 percent of a vehicle's operating days for the analysis period selected per 310 CMR 7.41(7)(b)7. Respond by estimating the percent of the total vehicles that apply to the category and rounding to the nearest 10 percent. For off-road yard tractors, 310 CMR 7.41(7)(b)2.a. through e. and k. are optional. Do not include backup or non-operational vehicles in calculating vehicle group mileage averages.
 - a. Operate up to 100 average miles per day;
 - b. Operate up to 150 average miles per day;
 - c. Operate up to 200 average miles per day;
 - d. Operate up to 300 average miles per day;
 - e. Operate more than 300 average miles per day;
 - f. Has a predictable usage pattern. For example, refuse trucks or package delivery trucks typically have predictable usage patterns because they tend to serve the same neighborhoods each week;
 - g. Fuels on-site as the primary means of fueling;
 - h. Typically returns to this vehicle home base daily. For example, if a vehicle returns to a personal residence nearly all days of the year and does not return to the vehicle home base often, the vehicle would not be counted; however, a vehicle that returns to the vehicle home base nightly for 9 out of 10 workdays, or always stays at home base, would be counted;
 - i. Has onboard GPS or mileage tracking;
 - j. Whether most of the vehicles in the vehicle group stay within approximately 50 miles of this facility on a typical day (indicate either Yes or No);
 - k. Tows a trailer more than 100 miles a day;
 - l. Commonly operates at its weight limit;
 - m. Is not registered in Massachusetts;

- n. Is regularly parked at the facility more than 8 hours each day;
 - o. The highest approximate percent of the vehicle group that was dispatched at the same time over the last 3 years on the behalf of a local, state or federal government to support an emergency operation such as repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature;
 - p. Is equipped with all-wheel drive; and
 - q. Are not being operated or are used as backup vehicles.
3. The average annual mileage for a typical vehicle in this vehicle group. Respond by using one of the following that is closest to the average miles (5,000 or less, 10,000, 20,000, 30,000, 40,000, 50,000, 60,000, 70,000, 80,000, 90,000, 100,000, or more than 100,000).
4. For vehicle types represented in this vehicle group, identify how long you typically keep vehicles after acquisition. Respond in number of years by using one of the following bins: (Less than 4, 5-10, 11-15, 16-20, or more than 20).
5. Identify whether the entity is the fleet owner for this vehicle group, or if they are dispatched under your brokerage authority.
6. Identify the start and end date of the analysis period selected per 310 CMR 7.41(7)(b)7.
7. Entities shall either use annual or quarterly data averaged for workdays during the period selected to determine responses or alternatively may select a different time period. A shorter analysis period may be used if it is more representative of periods of high vehicle utilization when answering questions about typical daily operation. For example, if an entity selects annual data to determine vehicle daily mileage, average the annual mileage accrued by the number of workdays that year. Otherwise, if an entity with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response. If an alternative analysis period is used, the entity shall describe its reasoning at the request of the Department per 310 CMR 7.41(5)(d).
8. Responses for items in 310 CMR 7.71(7)(b)1. through 5. for a vehicle group at one location may be repeated for the same vehicle group at another vehicle home base if the operation at that location is substantially similar to another location.
9. A broker is only expected to provide information about vehicle usage that is dispatched under contract with a fleet owner. For example, if a broker hires a truck to move a load, only the miles driven under that contract shall be included in the responses and the broker is not expected to have information about the miles driven outside the contract, but may voluntarily report the information if known.

REGULATORY AUTHORITY

310 CMR 7.41: M.G.L. c. 21N and c. 111 §§ 142A-142E and 142K.