

State of California
AIR RESOURCES BOARD

Resolution 89-67

July 13, 1989

Agenda Item No.: 89-13-2

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt and implement motor vehicle standards in order to control air pollution caused by motor vehicles;

WHEREAS, the Legislature has declared in Section 43000.5 of the Health and Safety Code that, despite significant reductions in vehicle emissions which have been achieved in recent years, continued growth in population and vehicle miles traveled throughout California have the potential not only to prevent attainment of the state standards, but in some cases, to result in worsening of air quality;

WHEREAS the Legislature in 1988 enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, the Act directs the Board to perform numerous tasks related to the control of mobile sources of air pollution in California;

WHEREAS, the Act specifies that to cover the costs of mobile source related programs authorized or required under the Act, the Board may collect motor vehicle fees up to a maximum of \$4,500,000 in the 1989-90 fiscal year, and in subsequent years the total fees may increase but cannot exceed the annual increase in the California Consumer Price Index for the preceding year;

WHEREAS, the Board staff has developed a proposed motor vehicle fee regulation to cover the costs of mobile source related activities under the Act;

WHEREAS, the proposed fee regulations have been designed to provide the Board with revenues of four million five hundred thousand dollars (\$4,500,000) to cover budgeted expenses of implementing mobile source related activities under the Act for the 1989-90 fiscal year;

WHEREAS, the proposed fee regulations have been designed to provide the Board in each succeeding fiscal year with an annual revenue increase equal to the annual increase in the California Consumer Price Index, in order to

cover annual expenses for mobile source related projects which, in each succeeding year, are expected to increase by at least an amount equal to the annual increase in the California Consumer Price Index;

WHEREAS, the proposed regulations establish procedures for annually calculating the fees on a per-vehicle or per-engine basis, specify the process by which each motor vehicle manufacturer will be billed, and provide that the certification of vehicles or engines by each manufacturer will be conditioned on payment of all motor vehicle fees for the previous year;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds which would be collected pursuant to the proposed fee regulations are needed to implement the mobile source related programs established pursuant to the California Clean Air Act;

The proposed regulations provide an effective mechanism for assessing and collecting annual fees for motor vehicles;

The proposed fee regulations will not have a significant adverse economic impact on businesses or private persons affected by the regulations; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 1990 through 1994, Title 13, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt Sections 1990 through 1994, Title 13, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate

in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to monitor the status of the program to implement the provisions of the California Clean Air Act, and to return to the Board at such time as a modification of the motor vehicle fee program becomes necessary in order to reflect changes in program needs and capabilities, or such other factors as may influence funding requirements of the Act.

I hereby certify that the above is a true and correct copy of Resolution 89-67, as adopted by the Air Resources Board.



Cary Allison, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Adoption of Regulations
Regarding Annual New Motor Vehicle Fees Pursuant to the
Provisions of the Clean Air Act of 1988

Agenda Item No.: 89-13-2

Public Hearing Date: July 13, 1989

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The
staff report identified no adverse environmental
effects.

Response: N/A

Certified: _____


Board Secretary

Date: _____

11/13/89