

State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

**Second Addendum to the Final Statement of Reasons for the Public Transit Bus
Fleet Rule and Emission Standards for New Urban Buses**

Public Hearing Date: January 27, 2000
Continued to: February 24, 2000
Agenda Item: 00-1-2

I. BACKGROUND

This addendum to the Final Statement of Reasons (FSOR) describes modifications made by the Air Resources Board (ARB or Board) to amendments to the Public Transit Bus Fleet Rule and Emission Standards for New Urban Buses. The ARB is submitting this addendum to the FSOR for insertion in the Office of Administrative Law (OAL) File Number 00-1208-035.

On December 8, 2000, the ARB submitted to OAL for its review a Final Regulation Order adopting sections 1956.1, 1956.2, 1956.3, and 1956.4, and amending sections 1956.8 and 1965, and the documents incorporated by reference therein, title 13, California Code of Regulations (CCR). On January 23, 2001, the OAL approved the proposed regulatory action, with the exception of paragraph (c)(8) in section 1956.2, and text referencing the provisions of this paragraph in paragraph (a)(11), section 1956.1; in paragraph (c)(5), section 1956.2; and in subsection (3)(a)(ix) in the document entitled "California Motor Vehicle Emission Control and Smog Index Label Specifications" incorporated by reference in section 1965. Paragraph (c)(8), section 1956.2, describes the criteria that transit agencies on the alternative-fuel path must meet in order to receive an Executive Officer-issued exemption from purchasing urban buses with engines certified to the emission standards for 2004 through 2006 model year diesel-fueled urban bus engines, as specified in paragraph (a)(11), section 1956.1. In short, paragraph (c)(8) allows transit agencies to implement an alternative strategy to reduce oxides of nitrogen (NO_x) emissions from their urban bus fleets in lieu of purchasing urban buses with engines certified to the required emission standards for 2004 through 2006 model year diesel-fueled urban bus engines.

In disapproving the regulatory text described above, the OAL cited it as a substantive regulatory change that was not included in the first 15-day notice issued on August 16, 2000, and thus was not made available for public comment. In response to the OAL disapproval, the ARB issued a Second Notice of Public Availability of Modified Text. During the second supplemental 15-day comment period from April 4, 2001, through April 19, 2001, the ARB received one comment letter submitted by the Engine Manufacturers Association (EMA).

II. ADDITIONAL MODIFICATIONS

To address OAL's concerns, the modifications contained in the Second Notice of Public Availability of Modified Text added back in the regulatory text disapproved by OAL on January 23, 2001. By including paragraph (c)(8) in section 1956.2, and by including its accompanying referencing text in sections 1956.1, 1956.2, and in the "California Motor Vehicle Emission Control and Smog Index Label Specifications" incorporated by reference in section 1965, it was the ARB's intent to provide transit fleets on the alternative-fuel path the same compliance flexibility as transit fleets on the diesel path by allowing alternative-fuel path fleets to conduct an alternative NOx emission reduction strategy in lieu of purchasing urban buses with engines certified to the emission standards for 2004 through 2006 model year diesel-fueled urban bus engines. The staff believes paragraph (c)(8) effectuates the Board's direction at the February 24, 2000, hearing, and clarifies that alternative-fuel path fleets, as well as diesel path fleets, may conduct an alternative NOx emission reduction strategy.

In addition to the modification described above, the staff also proposed additional clarifying modifications to paragraph (g), section 1956.4, to conform the reporting requirements for alternative-fuel path transit fleets conducting an alternative NOx emission reduction strategy with the reporting requirements for diesel path fleets conducting such a strategy.

III. PUBLIC COMMENTS AND AGENCY RESPONSES

Only EMA submitted a written comment during the 15-day comment period from April 4, 2001, through April 19, 2001. Its recommendation is summarized below, and is accompanied by the ARB's response to the comment.

1. Comment: We support, in principle, the addition of paragraph (c)(8), section 1956.2, as providing some limited compliance flexibility for transit fleets on the alternative-fuel path. However, the provisions of paragraph (c)(8), section 1956.2, may fall short of providing the needed flexibility for alternative-fuel path fleets that have been purchasing natural gas urban buses for several years. For example, an alternative-fuel path fleet may need to add some articulated buses to its fleet in order to meet its service needs. At this time, only diesel-fueled engines certified to the 2.4/2.5 grams per brake horsepower-hour (g/bhp-hr) NOx + non-methane hydrocarbons (NMHC) standard will be available for use in articulated buses. Proposed paragraph (c)(8), section 1956.2, would prevent transit fleets from purchasing these engines. As such, the ARB should allow alternative-fuel path fleets to purchase diesel-fueled urban bus engines that meet the 2.4/2.5 g/bhp-hr emission standard specified in paragraph (a)(10), section 1956.1. (EMA)

Agency Response: The ARB disagrees that paragraph (c)(8) in section 1956.2 will prevent transit fleets from purchasing diesel-fueled urban bus engines certified to the 2.4/2.5 g/bhp-hr NOx + NMHC standard specified in paragraph (a)(10). To the contrary, that is the purpose of paragraph (c)(8) – to allow a transit fleet to purchase 2.4/2.5

g/bhp-hr NO_x + NMHC engines as part of its Executive Officer-approved alternative NO_x emission reduction strategy. The provisions in paragraph (c)(8) allow the ARB's Executive Officer to exempt transit fleets, upon meeting certain criteria, from the requirement to purchase buses with engines meeting the emissions standards for 2004 through 2006 model year diesel-fueled engines. This requirement, contained in paragraph (c)(5), section 1956.2, title 13, CCR, references paragraph (a)(11), section 1956.1, title 13, CCR, which specifies the emission standards for 2004 through 2006 model year diesel-fueled engines. Paragraph (a)(11), section 1956.1, also specifically states that engine manufacturers may sell diesel-fueled engines certified to the emission standards in paragraph (a)(10) [i.e., 2.4/2.5 g/bhp-hr NO_x + NMHC] to any transit fleet that receives an exemption from the requirements of paragraph (c)(8). Thus, this provision already enacts EMA's recommendation and no further regulatory modifications are necessary.

IV. CONCLUSION

The ARB believes that the regulatory text is sufficiently clarified, consistent with the Board's directives at the public hearings, and addresses the OAL's concerns regarding the inclusion of the alternative NO_x emission reduction strategy provision on the alternative-fuel path. The final modifications were adopted by the ARB through Executive Order G-01-010, dated May 29, 2001.