

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA
REGULATION FOR NEW 1997 AND LATER OFF-HIGHWAY RECREATIONAL
VEHICLES AND ENGINES

Public Hearing Date: July 20, 2006
Public Availability Date: March 29, 2007
Deadline for Public Comment: April 13, 2007

The Air Resources Board (ARB or the Board) administers regulations that establish emission standards for new 1997 and later off-highway recreational vehicles such as off-road motorcycles and all terrain vehicles. At its July 20, 2006 public hearing, the Board approved amendments to sections 2411-2413 and 2415, title 13, California Code of Regulations (CCR), which include the following changes to the off-highway recreational vehicle regulations: 1) adding evaporative emission standards; 2) expanding the off-highway recreational category to include off-road utility vehicles; 3) clarifying the vehicle labeling requirements; and 4) modifying the dates of the riding seasons for noncomplying off-road motorcycles and all-terrain vehicles.

In response to comments received after the Staff Report's June 2, 2006 publication date, at the hearing staff presented suggested modifications to the originally proposed amendments. In Resolution 06-23, the Board approved the proposed amendments with staff's suggested modifications, which were set forth in Attachment C to the Resolution. These modifications included a minor change to the proposed riding seasons, and the addition of off-road sport vehicles and sand cars to the off-highway recreational vehicle category. Included with these additional vehicle types is the option for manufacturers to demonstrate compliance with California's exhaust emission standards using either chassis-based testing or engine-based testing. The regulations under which these vehicles were previously classified allowed engine-based testing only. The Resolution directed the Executive Officer to incorporate the modification into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period.

The staff has completed the modified regulatory text and is making it available for public comment; it is attached as Appendix I. The following explains and identifies the modifications by section number, and is provided to give stakeholders the opportunity to review and respond with comments. The modifications being made available include both those in Attachment C to the Resolution and additional conforming or related modifications prepared by staff subsequent to the hearing. Most of the proposed

modifications are either identical to text in Attachment C or implement a specific bulleted and approved modification in Attachment C; additional proposed modifications carry the descriptor here “new conforming modification.”

TITLE 13 REGULATION

§ 2111. Applicability.

The Procedures for In-Use Vehicle Voluntary and Influenced Recalls was amended to include the vehicle types that were added to the off-highway recreational vehicle category.

New conforming modification.

§ 2112. Definitions.

The useful life period for the off-highway recreational vehicle category was amended to include the vehicles that were added.

New conforming modification.

§ 2411. Definitions.

The (a)(1) definition of “all-terrain vehicle (ATV)” was amended to consolidate the Class I and II definitions and retain the width description. These changes will prevent confusion that could occur by having an ATV definition that differs from the definition in the California Vehicle Code. Also, the proposed Class III definition was deleted in favor of “off-road utility vehicles,” which harmonizes with the definition in the federal regulation for these vehicles.

The (a)(13) definition of “off-highway recreational vehicle engines” or “engines” was amended to include off-road sport vehicles, off-road utility vehicles, and sand cars.

The (a)(17), (a)(18), and (a)(19) definitions of “off-road sport vehicle,” “off-road utility vehicle,” and “sand car,” respectively, were added to include these types of vehicles in the off-highway recreational vehicle regulation. The reason for adding these new definitions was in response to industry’s request to streamline their certification efforts, as much as possible, with the federal requirements.

§ 2412. Emission Standards and Test Procedures – New Off-Highway Recreational Vehicles and Engines.

Under subsection (b), the original exhaust emission table was revised to include the new vehicles that have been added to the off-highway recreational vehicle category. Additionally, a second table was added to clarify the exhaust emission standards for those manufacturers that use engine-based testing for certification. The engine-based test procedures come from the small off-road engine (SORE) regulation. Although

there are different SORE test cycles, only the 6-mode Test Cycle A is appropriate for off-highway recreational vehicles and has been clarified in the modified text. Lastly, the table containing the new evaporative emission standards was revised to clarify that the standards apply to all off-highway recreational vehicles.

Under subsection (c), language was added to clarify which test procedures are applicable to off-highway recreational vehicles, as well as clarifying which Subparts from the Code of Federal Regulations are incorporated by reference into California's test procedures.

Under subsection (d), determining corporate averaging of emissions was clarified between chassis-based testing and engine-based testing with the addition of an appropriate formula for the engine-based certifications. In the same fashion that the exhaust emission standards for engine-based testing were added to subsection (b), the corresponding formula for determining corporate averaging was added to subsection (d). This formula was derived from the SORE regulation and is appropriate for engines that are tested under the 6-mode Test Cycle A.
New conforming modification.

Because of the new language for engine-based testing contained in the previous subsections of section 2412, the language in paragraph (e) was deleted. Paragraph (e) now contains the reporting requirements for manufacturers, which were previously contained in paragraph (d).
New conforming modification.

Paragraph (4) was added to subsection (g) to extend the requirements that all other off-highway recreational vehicles have conformed to, upon their respective implementation dates for compliance to the exhaust emission standards.
New conforming modification.

§ 2413. Emission Control Labels – New Off-Highway Recreational Vehicles

In subsections (a), (b), and (c), the words “off-road motorcycle and ATV” were replaced, where appropriate, with the words “off-highway recreational vehicle” to underscore that the requirements apply to all vehicles in this category.

§ 2415. California Off-Highway Vehicle Areas and Riding Seasons for Off-Highway Recreational Vehicles with Use Restrictions

In subsection (a), language was added to clarify that, although there are new vehicle types in the off-highway recreational vehicle category, some riding areas cannot accommodate certain types of vehicles or the terrain is not appropriate. Language was also added to clarify the new arrangement of riding areas in Table 1. Previously, the riding areas were grouped according to the land agency with jurisdiction. Now, the riding areas are listed according to location, from north to south, which is more intuitive

for the off-highway recreation community.
New conforming modification.

Also in Table 1, the riding season for Heber Dunes was changed to “year round,” based on comments received from the California State Parks.

As previewed in Attachment C to Resolution 06-23, staff has prepared comparable modifications to the “California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines,” which is incorporated by reference in section 2412(c).

TEST PROCEDURES

86.401-90: Amended to include the new types of vehicles in the off-highway recreational vehicle category.

86.402-78: Amended to be consistent with the definitions in section 2411. Additionally, because these test procedures were taken from the United States Environmental Protection Agency’s test procedures for motorcycles, the definition of “motorcycle” was amended to include all the vehicle types comprising California’s off-highway recreational vehicle category.

The following sections were amended to include the new types of vehicles in the off-highway recreational vehicle category:

86.407-78	86.408-78	86.409-78	86.410-90	86.411-78	86.412-78
86.413-78	86.414-78	86.416-80	86.425-78	86.437-78.	

The following sections were added to the test procedure document, solely for completeness and compatibility with Part 86 of the Code of Federal Regulations.

86.401-2006	86.401-97	86.402-98	86.410-80	86.410-2006
86.419-2006	86.445-2006	86.446-2006	86.447-2006	86.448-2006
86.449-2006	86.505-2004	86.513-87	86.513-94	86.513-2006
86.529-98.				

1051.110: Amended to clarify that, when using the federal average, banking, and trading (AB&T) program in California, the generated or used evaporative emission credits must be from vehicles produced for sale in California.

1051.145: Amended to retain subparagraphs (g) and (h) from the federal language, which outlines how credits and deficits are to be handled, with regards to evaporative emissions.

Staff has made other nonsubstantial modifications throughout the regulation and test

procedures to correct grammatical and typographical errors, correct references and citations, and improve the overall clarity of these documents.

Attached is a copy of Board Resolution 06-23 (Appendix III) approving amended sections 2411-2413 and 2415, title 13, CCR, and the "California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines," as modified by Attachment C to that Resolution. The regulatory documents for this rulemaking are available online at the following ARB Internet site:

<http://www.arb.ca.gov/regact/ohrv2006/ohrv2006.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 2411-2413 and 2415, title 13, CCR, and the incorporated test procedure document, after making the proposed modified text available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal : <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations and incorporated Test Procedures document will be considered by the Executive Officer.

Appendices (3)

- I – Staff's Modifications to the Proposed Regulation Order
- II – Test Procedures
- III – Resolution 06-23

