

Mail Out # MSC 99-03
March 2, 1999

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

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

Public Hearing Date: December 10, 1998
Public Availability Date: March 5, 1999
Deadline for Public Comment: March 22, 1999

At a public hearing held December 10, 1998, the Air Resources Board (the "Board") considered amendments to sections 2411 through 2414, and adoption of section 2415, Title 13, California Code of Regulations ("CCR") and the "California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines" ("Test Procedures"). The amendments were proposed to address concerns of off-road motorcycle users and dealers about the lack of off-road motorcycles meeting applicable emission standards. The proposal involved the creation of riding seasons during which non-emission-compliant off-highway recreational vehicles could be ridden in public off-highway vehicle (OHV) areas. The proposed regulatory action is described in detail in the off-highway recreational vehicle initial statement of reasons (staff report), released October 23, 1998, as part of Mail-Out MSC 98-30.

At the hearing, the Board approved the proposed amendments to sections 2411 through 2414, and adoption of section 2415, Title 13, CCR, and the associated test procedures, with a few modifications to the originally proposed regulatory language. Resolution 98-66 is included as Enclosure 1. Enclosure 2 consists of modifications to the original proposal, for both the regulations and test procedures, that were approved by the Board at the December 10, 1998, public hearing. The following is a description of the modifications, by section number:

REGULATIONS

§2411 - The weight limit of 600 pounds was removed from the definition of "All-Terrain Vehicle (ATV)." The definition of an ATV is no longer limited by vehicle weight. Also language was added to the definition of "Vehicle Identification Number (VIN)" to provide an alternative VIN when the federal VIN cannot be obtained from the National Highway Traffic Safety Administration (NHTSA). The alternative VIN must be approved by the Executive Officer of the ARB.

§2415 - This section contains a table that specifies the riding seasons for the OHV areas. A two-month riding season (December 1 through January 31) was allowed for the Lark Canyon and Coral Canyon OHV areas. In addition, the OHV area previously known as Arroyo Salado has been incorporated into the Ocotillo Wells OHV area. The riding season for Ocotillo Wells remains the same. Language regarding the Sunset Review of Regulations was added to this section in accordance with Governor's Executive Order W-144-97, which affects other regulatory items as well. This language requires that the ARB review this section within five years from its date of adoption or date of implementation, whichever comes later, to determine whether it should be retained, revised, or repealed.

TEST PROCEDURES

§86.402-78 - The same changes that were made to the definitions of ATV and VIN for section 2411 of the regulations, as described above, were also made in the test procedures.

§86.414-78 - Language was added that allows manufacturers of off-highway recreational vehicles that cannot obtain federal VIN numbers from NHTSA, to use an alternate VIN approved by the Executive Officer of the ARB for the purpose of certification. This modification mirrors the VIN definition modifications described above.

§86.416-80 - Minor changes were made in the certification requirements for non-emission-compliant off-highway recreational vehicles.

In Enclosure 2 the modifications are shown in **bold double underline** for additions and **~~bold-strikeout~~** for deletions.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 2411 through 2415, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, 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 he determines that this is warranted.

Written comments must be submitted to Mr. Michael W. Carter, Chief, Emission Research and Off-Road Controls Branch, Air Resources Board, 9528 Telstar Avenue, El Monte, California 91731, no later than March 22, 1999 for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

We would like to determine the effectiveness of our public outreach effort for this regulatory item and are looking for ways to improve the process. Since you are on our mailing list for Off-Highway Recreational Vehicles and Engines, we would appreciate your cooperation in completing the enclosed Board Item Development Process Survey (Enclosure 3). Please submit the form by postage-paid mail, or send it by fax, to the ARB's Ombudsman Office. The fax number is (916) 323-2393. We would appreciate it if you return this survey by April 1, 1999.

Thank you for participating in our regulatory process. If you have technical questions concerning the regulatory item, please contact Ms. Jackie Lourenco, Manager, Off-Road Controls Section, at (626) 575-6676. Questions relating to the survey should be directed to Dr. Nancy Steele, Deputy Ombudsman, at (626) 459-4368.

Sincerely,

Robert H. Cross, Chief
Mobile Source Control Division

Enclosures