

State regulations require that this notice be mailed to all persons who submitted comments during the urban bus regulation public comment periods.

****No action by the public is necessary unless persons wish to comment on the additional modifications.****

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER THE ADOPTION OF A REGULATION FOR A
PUBLIC TRANSIT BUS FLEET RULE AND EMISSION STANDARDS FOR NEW
URBAN BUSES

First Public Hearing Date: January 27, 2000
Continued To: February 24, 2000
First Public Availability Date: August 16, 2000
First Deadline for Public Comment: August 31, 2000
Second Public Availability Date: April 4, 2001
Second Deadline for Public Comment: April 19, 2001

This notice announces a second supplemental period in which the public may comment on additional modifications being proposed for the "Regulation for a Public Transit Bus Fleet Rule and Emission Standards for New Urban Buses." No action by the public is necessary unless persons wish to comment on the additional proposed modifications.

At a public hearing held on January 27, 2000, the Air Resources Board (Board or ARB) considered the adoption of a regulation for a public transit bus fleet rule and emission standards for new urban buses. The purpose of the regulation is to reduce emissions of particulate matter (PM) and oxides of nitrogen (NOx) from California's transit fleets that operate urban buses and from new urban bus engines produced for sale in California. The originally proposed regulatory action is described in detail in the Initial Statement of Reasons (Staff Report) released to the public on December 10, 1999, and available on the ARB's Internet site at www.arb.ca.gov/regact/bus/bus.htm.

The Board's Action. After extensive public testimony at the January 27, 2000, hearing, the Chairman closed the public record for the proposed regulation and continued the hearing until February 24, 2000. At the conclusion of the February hearing, the Board adopted Resolution 00-2, in which it approved the originally proposed regulation with several modifications. The resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental 15-day comment period. The proposed modifications were made available to the public through a notice of modified text released on August 16,

2000, with a 15-day supplemental comment deadline of August 31, 2000. Several written comments were received specifically addressing the proposed modifications. The ARB responded to these comments through the Final Statement of Reasons (also available from the Internet site identified previously), proposed further clarifying, nonsubstantive changes as appropriate, and then adopted the final regulation by Executive Order G-00-060 on November 22, 2000, and submitted it to California's Office of Administrative Law (OAL) on December 8, 2000.

Office of Administrative Law. On January 23, 2001, the OAL approved the proposed regulatory action, with the exception of paragraph (c)(8) in section 1956.2, title 13, California Code of Regulations (CCR), and language referencing this section 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 diesel-fueled 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. On the alternative-fuel path, up to 15 percent of a transit fleet's annual urban bus purchases or leases are allowed to be diesel-fueled.

Additional Modifications. By including paragraph (c)(8) in section 1956.2, 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 such fleets to conduct an alternative NOx emission reduction strategy in lieu of purchasing diesel-fueled urban buses with engines certified to the emission standards for 2004 through 2006 model year diesel-fueled urban bus engines. While the staff believes paragraph (c)(8) effectuated the Board's direction at the February 24, 2000, hearing, and clarified that alternative-fuel path fleets, as well as diesel path fleets, could conduct an alternative NOx emission reduction strategy, the OAL considered this a substantive 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. To address OAL's concerns, the staff is now proposing additional modifications to the regulatory text in title 13, CCR, by means of adding back in the language disallowed by OAL and making it available for a second 15-day public comment period. In addition, the staff is also proposing 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. The additional modifications described here are contained in sections 1956.1, 1956.2, 1956.4, and in the document entitled "California Motor Vehicle Emission Control and Smog Index Label Specifications" incorporated by reference in section 1965, title 13, CCR, as set forth in Attachment 1. This attachment and all other regulatory documents pertaining to this rulemaking are available online at the ARB's Internet site at www.arb.ca.gov/regact/bus/bus.htm. Printed copies of this notice and attachment are also available and may be obtained from the ARB's Public

Information Office by calling (916) 322-2990, or by contacting Alvaro Gutierrez at (626) 350-6549.

Comments and Subsequent Action. The additional proposed modifications are being made available for a second 15-day supplemental comment period in accordance with section 11346.8 of the Government Code. In Resolution 00-2, the Board directed the Executive Officer to adopt the regulatory text of the urban bus regulation, 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 that may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if the Executive Officer determines that this is warranted.

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

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
P.O. Box 2815
Sacramento, California 95812

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the forms described above and received by the ARB no later than the deadline for public comment identified on page one of this notice. Only comments relating to the additional modifications made available with this notice will be considered by the Executive Officer. Comments regarding the urban bus regulation that are not related to the specific modifications included with this notice will not be considered by the Executive Officer.

Attachment

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web-site at <http://www.arb.ca.gov>