

**MODIFICATIONS TO THE PROPOSED REGULATION ORDER –
EXCERPTS MADE AVAILABLE FOR A SECOND SUPPLEMENTAL
COMMENT PERIOD**

**Proposed Extension of the California Standards For
Motor Vehicle Diesel Fuel to Diesel Fuel Used For
Intrastate Diesel-Electric Locomotives and Harborcraft**

Note: The proposed regulatory action consists of the addition of new section 2299, title 13, California Code of Regulations (CCR), and new section 93116, title 17, CCR, along with amendments to sections 2281, 2282, and 2284, title 13, CCR. The originally proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The modifications to the original proposal made available for the second supplemental comment period are shown in **bold double-underline** to indicate additions and ~~**bold double-strikeout**~~ to indicate deletions. These modifications correct a drafting error in the proposed regulatory text, which was inconsistent with the description of the proposal in the Initial Statement of Reasons and the Resolution. Only text affected by the second supplemental modifications is shown; the symbols “* * * * *” are used to indicate that intervening unmodified text is not included in these excerpts.

1. Add Section 2299, title 13, California Code of Regulations, to read as follows:

**California Code of Regulations, Title 13, Division 3
Chapter 5.1. Standards for Fuels for Nonvehicular Sources**

§ 2299. Standards for Nonvehicular Diesel Fuel Used in Diesel-Electric Intrastate Locomotives and Harborcraft.

(b) Definitions.

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(1) “Intrastate diesel-electric locomotive” means:

(A) A diesel-electric locomotive that operates within California for which at least 90 percent of its annual fuel consumption, annual hours of operation, ~~and or~~ annual rail miles traveled occur within California. This definition would typically include, but not be limited to, diesel-electric locomotives used in the following operations: passenger intercity and commuter, short haul, short line, switch, industrial, port, and terminal operations;

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2. Adopt section 93116, title 17, California Code of Regulations, to read as follows:

§ 93116. Airborne Toxic Control Measure to Reduce Particulate Emissions from Diesel-Fueled Engines – Standards for Nonvehicular Diesel Fuel used in Intrastate Diesel-Electric Locomotives and Harborcraft.

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(b) Definitions.

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(5) Intrastate diesel-electric locomotive” means:

A diesel-electric locomotive that operates within California for which at least 90 percent of its annual fuel consumption, annual hours of operation, ~~and or~~ annual rail miles traveled occur within California. This definition would typically include, but not be limited to, diesel-electric locomotives used in the following operations: passenger intercity and commuter, short haul, short line, switch, industrial, port, and terminal operations;

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