

REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(d), the Air Resources Board (ARB) requests that the amendments to sections 2180 through 2188 and sections 2190 through 2194, title 13, California Code of Regulations (CCR), become effective on May 4, 1998, or upon filing with the Secretary of State, whichever occurs later. Good cause for this request exists.

The amendments revise the ARB regulations governing the Heavy-Duty Vehicle Inspection Program (HDVIP or the roadside program) and the Periodic Smoke Inspection Program (PSIP or the fleet program). Under the HDVIP, ARB inspectors test heavy-duty vehicles at various roadside locations to identify vehicles that emit excessive smoke or have defective or tampered emission control systems, and citations are issued to the owners of vehicles that fail the inspection. The PSIP regulations have required that the owners of California-based fleets having two or more heavy-duty diesel-powered vehicles perform annual inspections for excessive smoke and for defective or tampered emission control system components; vehicles failing the smoke test or other aspects of the inspection must be repaired and retested. Although the amendments make a variety of revisions to the two programs, the central change is the identification of a new test procedure for measuring smoke emissions from diesel engines — Society of Automotive Engineers (SAE) Recommended Practice J1243.

The ARB suspended active enforcement of the roadside program in October 1993, and has postponed resumption of the program pending development and adoption of the new test procedure and other program elements required by recent legislation. Since October 1993, ARB staff has continued outreach enforcement of the HDVIP on a voluntary basis. The requested early effective date is necessary to enable ARB staff to resume full enforcement of the HDVIP as soon as the staff equipped to do so, thus reducing the number of vehicles on California highways with excessive smoke. The staff will be prepared to implement the roadside program by Monday, May 4, 1998. Since the amended PSIP regulations call for a phase-in of the annual fleet testing requirements starting July 1, 1998, the early effective date will have no practical effect on that program.

The ARB is currently engaged in an extensive outreach program to make the trucking and bus industries aware of the pending resumption of the roadside and fleet programs. As part of this outreach, the staff will publicize the expected May 4, 1998 effective date, so that adequate advance notice is provided. Additionally, as soon as the Office of Administrative Law takes final action on the amendments and request for early effective date, the staff will notify the California Trucking Association (CTA) and other industry organizations of the actions.

Date: _____

W. Thomas Jennings
Senior Staff Counsel