

State of California
AIR RESOURCES BOARD

Second 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
First Public Availability Dates: March 29, 2007 – April 13, 2007
Second Public Availability Date: May 2, 2007
Deadline for Second Public Comment: May 18, 2007

This notice announces a second, supplemental period in which the public may comment on additional proposed modifications for the “Off-Highway Recreational Vehicle” regulation. No action is necessary by the public, unless persons wish to comment on the additional modifications.

Background

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, off-road sport vehicles, and sand cars; 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, staff presented proposed modifications to the regulations, which the Board approved in Attachment C to Resolution 06-23. These proposed 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.

Additional Modifications

Based on comments received during the first public comment period for the modified regulatory text, staff is proposing additional clarifying and technical modifications that are consistent with the Board's approval of the regulation. Excerpts of the regulation, with additional modifications shown and documents incorporated by reference in the regulation, are set forth in Appendices I and II. Items for which the regulatory text proposed herein is not verbatim with the modified text approved by the Board carry the descriptor "new conforming modification." Following is a summary of the proposed additional modifications.

TITLE 13 REGULATION

§ 2411. Definitions.

The (a)(17) definition of "off-road sport vehicle" was amended to allow for a higher payload capacity: increasing from 350 to 600 pounds.
New conforming modification.

The increased payload capacity for carrying cargo is a technical modification that more accurately reflects the Board's intent to include this vehicle type into California's off-highway recreational vehicle regulation. As staff presented to the Board, OHRVs have evolved considerably since this regulation was first adopted in 1994. Although it shares some characteristics with the off-road utility vehicle, the off-road sport vehicle is much more of a recreational vehicle and belongs in the OHRV category. At the time of the public hearing, staff had recognized that these new types of vehicles would have less payload capacity than the off-road utility vehicles. However, staff later learned in the first 15-day public comment period that a 350-pound limit was insufficient. The 600-pound limit is still less than that of off-road utility vehicles, which can carry 800 pounds or more. This change streamlines industry's certification efforts because all of these sport vehicles certify under the federal off-road recreational vehicle rule; therefore, industry will be able to use the same emission test procedures in California as they do federally.

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

Under subsection (b), compression-ignition off-highway recreational vehicles are not subject to the evaporative emission standards in paragraph (2).
New conforming modification.

This amended text clarifies staff's intent to harmonize California's regulation with the federal evaporative requirements. The new text, which expressly excludes compression-ignition off-highway recreational vehicles from the evaporative

emission requirements, is a clarifying modification. Because of its low volatility, diesel fuel does not permeate through fuel tanks and hoses like gasoline does; therefore, staff did not intend the first 15-day modifications to result in requiring compression-ignition vehicles to meet the new evaporative emission standards. In addition, evaporative emission control regulations generally are not targeted at vehicles that operate on diesel fuel; there was no intent in the staff's original proposal to expand the California's OHRV evaporative emission requirements beyond those contained in the federal rule.

TEST PROCEDURES

The title 13 text changes described above were also proposed for incorporation into the test procedures as follows:

86.402-78: The definition of "off-road sport vehicle" was amended to allow for a higher payload capacity: increasing from 350 to 600 pounds.
New conforming modification.

1051.5: This section was added to clarify that compression-ignition vehicles are not subject to the evaporative emission requirements.
New conforming modification.

All related regulatory documents, including the proposed modifications, are available at the ARB's Internet site:
<http://www.arb.ca.gov/regact/ohrv2006/ohrv2006.htm>. Printed copies are also available and may be obtained from Ms. Irma Ramirez, Mobile Source Control Division, at (626) 575-6632 or fax (626) 575-6686.

COMMENT SUBMITTAL

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 (2)

I – Staff’s Modifications to the Proposed Regulation Order

II – Test Procedures