

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-05-007

Relating to Amendments to the Exhaust Emission Standards for 2007-2009 Model-Year Heavy Duty Urban Bus Engines and the Fleet Rule for Transit Agencies

WHEREAS, on September 15, 2005, the Air Resources Board (the Board or ARB) conducted a public hearing to consider adoption of a fleet rule requiring the use of alternative fuel buses by the six "diesel path" transit agencies within the South Coast Air Quality Management District (SCAQMD or District), as set forth in the Initial Statement of Reasons released to the public on July 29, 2005;

WHEREAS, following the public hearing on September 15, 2005, the Board adopted Resolution 05-47 in which the Board adopted the amendment of section 2023.1(a), title 13, California Code of Regulations, as set forth in Attachment A thereto;

WHEREAS, on October 20, 2005, the Board conducted a public hearing to consider adoption of the appropriate emission standards for new 2007 and later model-year urban bus engines, and the potential amendment of ARB's transit fleet rule to require the use of alternative fuel transit buses statewide, as set forth in the Initial Statement of Reasons released to the public on July 29, 2005;

WHEREAS, following the public hearing on October 20, 2005, the Board adopted Resolution 05-53 in which the Board approved the amendments to sections 1956.1 and/or 1956.8, title 13, California Code of Regulations, to retain the urban bus engine standards, but allow transit districts to purchase diesel engines that meet the ARB's heavy-duty truck engine standards when the diesel path transit agencies with fleet of 30 or more urban buses mitigate the emissions from non compliant with the more stringent urban bus engine standards as set forth in Attachment C thereto;

WHEREAS, Resolution 05-53 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachment A and Attachment C to Resolution 05-53, with such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, at the public hearing on October 20, 2005, the Board further directed staff to report to the Board at its public meeting on October 27, 2005, on the effect of the retention of the urban bus engine NOx standard at 0.2 g/bhp-hr for model years 2007 to 2009 on transit agencies' access to external funding sources, and most specifically to report on the effect of the anticipated loss of funding under the Carl Moyer Program;

WHEREAS, on October 27, 2005, after receiving the report from staff, the Board approved Resolution 05-61 which incorporated by reference Resolution 05-53 and its attachments, amended Resolution 05-53 by approving the modifications set forth in Attachment A thereto in place of the modifications set forth in Attachment C to Resolution 05-53, and reaffirmed Resolution 05-53 in all other respects;

WHEREAS, on April 28, 2006, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15-days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, written comments were received during the 15-day comment period and those comments, have been considered by the Executive Officer; and

WHEREAS, Attachment 1 hereto shows the regulatory amendments made available on April 28, 2006 for public comment, along with the amendment to section 2023.1(a), title 13, California Code of Regulations adopted by Resolution 05-47 on September 15, 2005, and a change without regulatory effect described in the Final Statement of Reasons.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 05-47, 05-53, and 05-61 are incorporated by reference herein.

IT IS FURTHER ORDERED that title 13, California Code of Regulations, sections 1956.1, 1956.8, 2023.1 and 2023.4, are amended as set forth in Attachment 1 hereto.

Executed this _____ day of _____, 2006, at Sacramento, California.

/s/

Catherine Witherspoon
Executive Officer

Attachment

AMENDMENTS TO URBAN BUS STANDARDS AND TRANSIT AGENCY FLEET
RULE – R-05-007