

State of California
AIR RESOURCES BOARD

Executive Order G-01-010

Relating to the Adoption of the Public Transit Fleet Rule and
Emission Standards for New Urban Buses,
section 1956.2, title 13, California Code of Regulations

WHEREAS, on January 27, 2000, and February 24, 2000, the Air Resources Board (the ARB or Board) conducted a public hearing to consider the adoption of regulations for a public transit bus fleet rule and emission standards for new urban buses, as set forth in the Initial Statement of Reasons and Staff Report released to the public on December 10, 1999;

WHEREAS, following the public hearing, the Board adopted Resolution 00-2, in which the Board approved new sections 1956.1, 1956.2, 1956.3, and 1956.4, title 13, California Code of Regulations, and amendments to section 1956.8, title 13, California Code of Regulations, and the incorporated document entitled "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Engines and Vehicles," with modifications set forth in Attachment A thereto;

WHEREAS, the approved regulations were made available for public comment for a period of 15 days, starting August 16, 2000, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, CCR, section 44;

WHEREAS, the written comments received during the 15-day comment period were considered by the Executive Officer and did not require modification or reconsideration by the Board of the approved regulations;

WHEREAS, the Executive Officer adopted the urban transit bus regulations by Executive Order G-00-060, dated November 22, 2000, and submitted them to the Office of Administrative Law for review in accordance with the California Administrative Procedure Act (APA);

WHEREAS, on January 29, 2001, the Office of Administrative Law approved most of the urban transit bus regulations but disapproved certain provisions in title 13, section 1956.2, subsection (c)(8) and the cross references to subsection (c)(8) contained in subsection (a)(11) of section 1956.1, subsection (c)(5) of section 1956.2 and subsection (3)(a) ix of the incorporated by reference "California Motor Vehicle Emission Control and Smog Index Label Specifications" (adopted March 1, 1978 and last amended November 22, 2000) as inconsistent with the APA for failure to follow the correct notice and comment requirements for these provisions;

WHEREAS, modifications to the approved regulations were made in order to correct the deficiency specified in the Decision of Disapproval by the Office of Administrative Law for the proposed adoption of subsection (c)(8) of section 1956.2, title 13, CCR and the cross references to subsection (c)(8) in section 1956.2 (c)(5) and section 1956.1 (a)(11), title 13, CCR, and subsection (3)(a) ix of the incorporated "California Motor Vehicle Emission Control and Smog Index Label Specifications";

WHEREAS, the modifications were made available for a supplemental 15-day comment period starting April 4, 2001, in accordance with the provisions of section 44, title 1, California Code of Regulations, with the modifications clearly indicated; and

WHEREAS, one comment was received during the supplemental 15-day comment period and that comment has been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 00-2 are incorporated by reference herein.

IT IS FURTHER ORDERED, in accordance with Health and Safety Code sections 39515 and 39516, that amendments to subsection (c)(8) of section 1956.2, title 13, CCR, and the cross references to subsection (c)(8) in section 1956.2 (c)(5) and section 1956.1, subsection (a)(11), title 13, CCR, and subsection (3)(a) ix of the incorporated by reference "California Motor Vehicle Emission Control and Smog Index Label Specifications," as set forth in Attachment A, are hereby adopted.

Executed this _____ day of May, 2001, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment