



Air Resources Board



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Gray Davis
Governor

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Reference No. CHC-2003-011

Mr. Joe Labonte, Compliance & Safety Officer
Orion Bus Industries Ltd.
350 Hazelhurst Road
Mississauga, Ontario L5T 4T8
CANADA

Dear Mr. Labonte:

This is in response to your e-mail correspondence of April 21, 2003. You have requested an Air Resources Board's (ARB's) confirmation that Orion may deliver some buses in 2004 that have 2003 model-year (MY) engines and that a transit operator's compliance with California's transit bus fleet rule is determined based on the model-year of the engines used in the new buses and not on the date of delivery of the buses.

New buses in California are required to have their engines certified by the ARB. Because the certification applies to the engines that are produced within the model-year specified on the Executive Order, it is possible that some of the buses ordered before 2004 are delivered in 2004 with MY2003 engines due to the long lead time between engine purchase, bus manufacturing, inspection and delivery. This situation is acceptable to ARB for buses that are delivered in the first six months in the year after the model-year designation of the certified engines (e.g., buses delivered in the first six months of 2004 with MY2003 engines). However, the ARB is concerned that buses delivered in the second half of 2004 with MY2003 engines could enable a bus builder and/or engine manufacturer to "skip" the yearly certification of the engines. Model-year skipping is not allowed under subsection 85.2305(e) of Title 40, Code of Federal Regulations, Sections (40 CFR) 85.2301-2305. To avoid being subsequently found violating the disallowance for model-year skipping, a bus builder should inform the ARB, in advance, of the specific buses to be delivered in the second half of 2004 with MY2003 engines and the unique circumstances for each such occurrence.

A transit operator's compliance with California's transit bus fleet rule is also viewed similarly by the ARB. For example, buses ordered before 2004 and received by an operator in the first six months of 2004 may have MY2003 engines without subjecting the operator to the transit bus fleet rule that becomes applicable on January 1, 2004; those received during the second half of 2004 with MY2003 engines may subject the operator to the fleet rule. To avoid being subsequently found violating the transit bus fleet rule, the affected operator should inform the ARB, in advance, of the specific buses to be received in the second half of 2004 with MY2003 engines and the unique circumstances for each such occurrence. Buses ordered in 2004 will subject the operator to the transit bus fleet rule.

If you have any additional questions or need further clarifications, please contact Dr. Nancy Steele, Manager, Retrofit Implementation Section, at (626) 350-6598 or nsteele@arb.ca.gov, or Mr. Duc Nguyen, Manager, On-Road Certification/Audit Section, at (626) 575-6844 or dnguyen@arb.ca.gov.

Sincerely,

Allen Lyons, Chief
Mobile Source Operations Division

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency