

State of California
AIR RESOURCES BOARD

Resolution 05-60

September 15, 2005

Agenda items 05-8-3

WHEREAS, air pollution in the South Coast Air Basin is the worst in the nation;

WHEREAS, unique and comprehensive measures are needed to lower emissions and reduce the impacts of pollution on public health;

WHEREAS, the State Legislature in Health and Safety Code section 40447.5(a) authorized the South Coast Air Quality Management District to regulate public and certain commercial operators of fleets of 15 or more vehicles operating in the District;

WHEREAS, the South Coast Air Quality Management District has adopted rules requiring certain operators of fleet vehicles to purchase or lease alternative fuel vehicles, when acquiring new vehicles;

WHEREAS, legal challenges have raised questions regarding the extent to which the District can implement some of its rules;

WHEREAS, based on a May 2005 Federal District Court ruling, the District is currently implementing its rules as they apply to public agencies and private contractors to public agencies; and

WHEREAS, continued implementation of the District rules remains uncertain because legal challenges to the rules are continuing in the courts.

NOW, THEREFORE, BE IT RESOLVED that the Air Resources Board (ARB) fully supports the District's efforts to reduce the harmful effects on public health of air pollution.

BE IT FURTHER RESOLVED that the ARB recognizes the authority of the District to adopt rules affecting fleet purchases as provided in state law.

BE IT FURTHER RESOLVED that the ARB supports the District's efforts in currently pending litigation to maximize the extent to which the District's fleet rules are exempt under the market participant doctrine from federal preemption.

BE IT FURTHER RESOLVED that staff is directed to monitor these legal proceedings closely, to apprise the Board of any significant changes to the District's clean fuel fleet authority, and to return to the Board with options for action should the District lose its

authority to regulate public agencies or private contractors to public agencies with respect to the purchase or lease of clean fuel fleet vehicles.

I hereby certify that the above is a true and correct copy of Resolution 05-60, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board