

**REQUEST FOR AN EARLY EFFECTIVE DATE  
Pursuant To Government Code Section 11343.4(b)(3)**

The Air Resources Board (ARB or Board) requests, pursuant to Government Code section 11343.4(b)(3), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed Greenhouse Gas (GHG) Regulations for Medium- and Heavy-Duty Engines and Vehicles, Optional Reduced Emissions Standards for Heavy-Duty Engines, and Amendments to the Tractor-Trailer GHG Regulation, the Diesel-Fueled Commercial Motor Vehicle Idling Rule, and the Heavy-Duty Hybrid-Electric Vehicles Certification Procedures that was adopted on [EO signature date]. ARB believes the following demonstrates “good cause” for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

**DEMONSTRATION OF GOOD CAUSE**

In this rulemaking, the Board adopted five separate regulatory proposals that are all related to on-road medium- and heavy-duty vehicles and engines and that are part of ARB’s program to improve air quality and reduce the emissions that contribute to climate change:

- Adoption of new regulations to establish GHG emission standards for new vehicles, and amendments to existing regulations to establish GHG standards applicable to new California medium- and heavy-duty engines to harmonize with the existing federal GHG emission standards (Phase 1 GHG Emissions Standards) for medium- and heavy-duty engines and vehicles. This regulatory action will reduce the costs and time needed by manufacturers to certify new heavy-duty engines and vehicles in California by allowing them to submit the same data that they submit to U.S. EPA to demonstrate compliance with the federal Phase 1 GHG emissions standards. The early effective date is needed to implement these requirements as soon as possible, which will benefit manufacturers by allowing them to reduce the costs and approval times associated with certifying new 2014 and later model year engines and vehicles in California, and will also benefit California by ensuring that ARB fulfills its statutory mandate to certify new motor vehicles and new motor vehicle engines in California and by enabling ARB to enforce GHG requirements for heavy-duty engines and vehicles in California.
  
- Amendments to ARB’s existing Tractor-Trailer GHG regulation to align with the federal Phase 1 GHG Regulations, to clarify the requirements for tractors retrofitted with sleeper-cab compartments, to streamline the process for trailer owners to request compliance delays, and to reduce the burden on new trailer manufacturers to obtain exemptions for trailers not destined to operate in California. The early effective date is needed to implement these requirements as soon as possible, which will benefit tractor manufacturers by removing unnecessary duplicative regulatory requirements that would otherwise arise from the existing Tractor-Trailer GHG regulation and the new California

Phase 1 GHG regulation, and which will benefit trailer owners by new trailer manufacturers by reducing the need for and streamlining the process to request exemptions from the existing Tractor-Trailer GHG regulation. The early effective date will benefit California by ensuring that the requirements of the Tractor-Trailer GHG regulation do not conflict with the requirements of the new California Phase 1 GHG regulation, and therefore that manufacturers are not impeded in certifying new 2014 and later model year medium and heavy-duty engines and vehicles, and by reducing staff's resources in reviewing certain categories of exemption requests from trailer manufacturers.

- Adoption of new, optional oxides of nitrogen (NOx) standards for heavy-duty vehicle engines that are 50 percent, 75 percent, and 90 percent lower than the current emissions standard for NOx emissions. The early effective date is needed to implement these requirements as soon as possible, which will benefit engine manufacturers by allowing them to more quickly produce and advertise the availability of such engines. The early availability of such engines will also benefit purchasers of trucks powered by such engines because such trucks could qualify for programs that fund the incremental costs of cleaner-than-required engines. The early effective date will benefit California by encouraging the availability of cleaner than required engines and the reduced emissions levels associated with such engines.

- Amendments to the Airborne Toxic Control Measure (ATCM) to Limit Diesel-fueled Commercial Motor Vehicle Idling (Idling ATCM) to expand compliance responsibility to include vehicle owners and motor carriers, and also modify the definition of "restricted area" to include schools, hotels, motels, hospitals, senior care facilities, and child care facilities. The early effective date is needed to implement these requirements as soon as possible, which will benefit California by ensuring increased compliance by the regulated community and increased enforcement capabilities by ARB, by providing those members of the public who attend schools, or work or reside at hotels and motels, hospitals, senior care facilities and child care facilities additional protection from exposure to diesel particulate matter and other toxic air contaminants, and the associated potential cancer risks and other adverse health effects associated with diesel emissions.

- Amendments to the California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles in the Urban Bus and Heavy-Duty Vehicle Classes to expand the applicability of the Interim Procedures to a wider range of heavy-duty hybrid vehicles, including hydraulic, turbine, flywheel, and fuel cell hybrid vehicles, and update procedures and add definitions to match current international recommended practices for measuring fuel economy and emissions. The early effective date is needed to implement these requirements as soon as possible, which will benefit hybrid vehicle manufacturers by allowing them to more quickly produce, certify and sell new categories of heavy-duty hybrid vehicles. The early availability of such vehicles will also benefit purchasers because such hybrid vehicles could qualify for programs that fund the incremental costs of cleaner-than-required vehicles. The early effective date will benefit California by encouraging the increased availability of heavy-duty hybrid vehicles and the reduced emissions associated with such vehicles.

For the reasons set forth above, ARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier effective date, coinciding with OAL's submittal of its approval of this rulemaking action to the Secretary of State pursuant to Government Code section 11343.4(b)(3).

Date: October 17, 2014

  
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