

UPDATED INFORMATIVE DIGEST ZERO-EMISSION AIRPORT SHUTTLE REGULATION

Sections Affected: Proposed adoption of California Code of Regulations, title 17, sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8.

Background:

The California Air Resources Board (CARB or Board) is responsible for protecting the public from the harmful effects of air pollution and developing programs and actions to fight climate change. Meeting these public health goals necessitates the transition from internal combustion engines in both light- and heavy-duty applications toward zero-emission vehicle (ZEV) technology. The State Implementation Plan, California's roadmap toward achieving federal health based standards, identified zero-emission technology measures for the heavy-duty sector to achieve NO_x and GHG emission reductions. The proposed Zero-Emission Airport Shuttle regulation would mandate the use of ZEV technology in a specific medium- and heavy-duty vehicle sector that is ideally suited for the technology. The proposed regulation would accelerate the adoption of zero-emission technology in airport shuttles and transition these fleets to full ZEV adoption by 2035. As part of a comprehensive suite of measures tasked to meet our air quality and climate goals this proposal would virtually eliminate tailpipe emissions from airport shuttles operating at and around California airports, thus improving the air quality in impacted communities both regionally and throughout the State. The proposed regulation is well-positioned to act as a mechanism for increasing adoption of zero-emission technology in a compatible market sector. The accelerated use of zero-emission technology is necessary to provide cleaner air for all Californians while slowing down the effects of climate change.

Description of Regulatory Action:

At the Board's February 21, 2019, public hearing for the proposed regulation, the Board approved the proposed regulations, summarized below, as they were noticed on January 4, 2019, in the California Notice Register and as set forth in the Staff Report: Initial Statement of Reasons released on December 31, 2018.

CARB staff worked extensively with stakeholders over the last two years conducting several public meetings to develop this proposal in a way that provides necessary air quality and climate change improvements while working with the industry's normal vehicle turnover rate. Staff's proposal to require ZEV operation by private and public airport shuttle fleet owners that service the 13 largest California airports would ensure successful adoption of ZEV technology, provide opportunity to compete for incentive funding, and provide the requisite

time needed to develop supporting infrastructure. The proposal has three major components:

1. Annual reporting requirement, starting in 2022
 - Beginning January 1, 2022, airport shuttle fleet owners must electronically report fleet information to CARB no later than March 1, 2022, and maintain records for at least 36 months from the date of submission to CARB.
2. Zero Emission Certification requirements
 - For 2026 and later model years, heavy-duty zero-emission airport shuttles will be required to be certified to the Enhanced Electric and Fuel-Cell Vehicle Certification Procedures to be compliant with this regulation.
3. In-use Fleet composition requirement with three compliance deadlines
 - At least 33 percent of the fleet must be ZEVs by December 31, 2027;
 - At least 66 percent of the fleet must be ZEVs by December 31, 2031; and
 - 100 percent by December 31, 2035.

The Board's Action:

At the initial February 19, 2019, public hearing, the Board was informed of proposed Airport Shuttle Bus Regulation and received written and oral comments. The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days in accordance with Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer was directed to evaluate all comments received during the public comment periods, including comments raising significant environmental issues, and prepare written responses to such comments as required by CARB's certified regulations at California Code of Regulations, title 17, sections 60000-60007 and Government Code section 11346.9(a). The Executive Officer was further directed to present to the Board, at a subsequently scheduled public hearing, staff's written responses to environmental comments and the final environmental analysis for consideration for approval, along with the finalized regulation and amendments for consideration for adoption.

15-Day Changes:

Subsequent to the hearing, staff proposed modifications to the originally proposed amendments to title 17, 95690.2, 95690.3, 95690.5, 95690.6, and 95690.7. The text of the proposed modifications to the originally proposed regulation and supporting documents were made available for a supplemental 15-day comment period through a “Notice of Public Availability of Modified Text” (15-day notice) and were posted on May 9, 2019, on CARB’s website at <https://ww2.arb.ca.gov/rulemaking/2019/asb19>, accessible to all stakeholders and interested parties.

Staff subsequently prepared written responses, as set forth in Attachment C to Resolution 19-16, to the environmental comments. The Executive Officer presented to the Board staff’s written responses to environmental analysis comments for consideration and approval at a hearing held on June 27, 2019. At the conclusion of the second board hearing, the Board approved Resolution 19-16 for adoption of the proposed rulemaking.

Comparable Federal Regulations:

Currently, there are no comparable federal regulations.