

Executive Order R-23-004

Relating to the Proposed In-Use Locomotive Regulation

Whereas, on April 27, 2023, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the proposed In-Use Locomotive Regulation (Proposed Regulation), as set forth in Appendix A to the Initial Statement of Reasons initially released to the public on September 20, 2022;

Whereas, pursuant to CARB's certified regulatory program regulations set forth at California Code of Regulations, title 17, sections 60000 through 60008, certified by the Secretary of the California Natural Resources Agency pursuant to Public Resources Code section 21080.5, the Executive Officer presented the Final EA, along with the Response to EA Comments, to the Board for its consideration

Whereas, following the public hearing, the Board adopted Resolution 23-12 in which the Board certified the Final EA as being completed in compliance with CARB's certified regulatory program to meet the requirements of CEQA, and in consideration of the Final EA, the Response to EA Comments, and the entirety of the record, the Board adopted the Findings and Statement of Overriding Considerations and approved for adoption section 2478 California Code of Regulations, as set forth in Attachment A of that resolution;

Whereas, Resolution 23-12, directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

Whereas, modified regulatory language and supporting documentation were circulated for 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from 03/01/2023 through 03/16/2023 and 08/08/2023 through 08/23/2023;

Whereas, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments were considered by the Executive Officer; and

Whereas, staff determined that for the proposed modifications, CARB can rely on the environmental analysis prepared under its certified regulatory program included in the *Final Environmental Analysis for the proposed In-Use Locomotive Regulation*, certified by the Board in Resolution 23-12. As explained in the *Second Notice of Public Availability of*

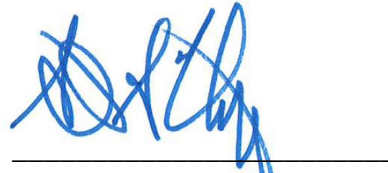
Modified Text and Availability of Additional Documents and Information, no additional environmental review is required because the record evidence shows that the modifications will not result in new significant adverse environmental impacts, or a substantial increase in severity of previously identified significant adverse impacts, or new information of substantial importance;

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 23-12 are incorporated herein.

It Is Further Ordered that section 2478 to 2478.17, Title 13 California Code of Regulations, is adopted as set forth in Attachment 1 to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 14th day of September 2023, at Sacramento, California.



Steven S. Cliff, Ph.D.
Executive Officer

Attachment