

RULE 1192. CLEAN ON-ROAD TRANSIT BUSES

(a) Purpose

For public transit fleets operating in the South Coast Air Quality Management (District), this rule requires public transit fleet operators to acquire alternative-fuel heavy-duty vehicles when procuring or leasing these vehicles to reduce air toxic and criteria pollutant emissions.

(b) Applicability

This rule applies to those public transit fleets with 15 or more public transit vehicle or urban buses, operated by government agencies or operated by private entities under contract to government agencies, that provide passenger transportation services including intra- and intercity shuttle services. This rule shall not apply to vehicles or services pursuant to paragraph (e) including school transportation services, long-distance services, and heavy-duty on-road vehicles not used for the express purpose of public transportation.

No provisions of this rule shall preclude applicability of more stringent regulations developed by the State of California or the federal government imposed on heavy-duty vehicles or urban buses used for the express purpose of transporting passengers.

(c) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) **ALTERNATIVE-FUEL HEAVY-DUTY VEHICLE** means a heavy-duty vehicle, urban bus or engine that uses compressed or liquified natural gas, propane, methanol, electricity, fuel cells, or other advanced technologies that do not rely on diesel fuel, and meets the emission requirements of Title 13, Section 1956.1 of the California Code of Regulations [adopted by the California Air Resources Board (CARB) on February 24, 2000]. For the purpose of this rule, hybrid-electric and dual-fuel technologies that use diesel fuel are not considered alternative-fuel technologies.

- (2) HEAVY-DUTY VEHICLE means any vehicle having a gross vehicle weight of at least 14,000 pounds.
- (3) PARATRANSIT VEHICLE means any heavy-duty transit vehicle as defined in Sections 336 and 462 of the California Vehicle Code and has a gross vehicle weight of at least 14,000 pounds but no greater than 33,000 pounds.
- (4) PUBLIC TRANSIT VEHICLE means any heavy-duty vehicle used for the express purpose of transporting passengers. A transit vehicle usually has a gross vehicle weight of at least 14,000 pounds but no greater than 33,000 pounds.
- (5) PUBLIC TRANSIT FLEET OPERATOR is a person who owns, leases, or operates substantially public transit vehicles or urban buses in the District. A person is any public entity responsible for administering and managing transit activities and services. Public transit fleet operators can directly operate transit service or contract out for all or part of the total transit service provided and includes transit districts, included transit districts, municipal operators, included municipal operators, and transit development board as defined in Chapter 4, Article 1 of the Public Utilities Code. Public transit fleet operator includes any private transit operator that is contracted by a government agency or a public transit agency.
- (6) URBAN BUS means a passenger-carrying vehicle with a gross vehicle weight of at least 33,000 pounds, powered by a heavy heavy-duty diesel engine, or of a type normally powered by a heavy heavy-duty diesel engine, with a load capacity of fifteen (15) or more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in cash or token, rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for collection of fares.
- (7) VEHICLE means any self-propelled, motorized device that is permitted to operate on public roads through Department of Motor Vehicle registration or the federal government.

(d) Fleet Requirements

- (1) Beginning upon adoption of this rule, for public transit fleet operators that are considered transit districts or included transit districts, or any public entity, joint powers agency, or combination thereof that provides public transportation services, with 15 or more transit vehicles or urban buses, except municipal or included municipal operators with fewer than 100 transit vehicles or urban buses, all new transit vehicle or urban bus purchases or leases must be alternative-fuel heavy-duty vehicles when adding or replacing buses to their vehicle fleet.
- (2) Beginning July 1, 2001, for public transit fleet operators that are considered municipal operators or included municipal operators with 15 or more but less than 100 transit vehicles or urban buses, all new transit vehicle or urban bus purchases or leases must be alternative-fuel heavy-duty vehicles when adding or replacing buses to their vehicle fleets.
- (3) Private transit operators contracted by a transit agency or government agency shall meet the requirements of either subparagraphs (d)(1) or (d)(2) depending on the transit agency or government agency.

(e) Exemptions

- (1) The provisions of this rule shall not apply to the following:
 - (A) Paratransit vehicles.
 - (B) Buses used for the expressed purpose of providing long-distance service (out-of-District), that are generally equipped with luggage compartments, restrooms, and overhead storage.
 - (C) No more than ten evaluation/test vehicles per fleet, provided by or operated by vehicle manufacturer for testing or evaluation, exclusively.
 - (D) School buses as defined in the California Vehicle Code.
 - (E) Buses that are not used for the express purpose of public transportation such as employee transportation or transportation of prisoners.
 - (F) Signed contract agreements as of the date of adoption of this rule for the purchase or lease of new transit vehicles or urban buses. This exemption does not apply to execution of options to purchase transit vehicles following the date of adoption of this rule.

(2) Upon demonstration to the Executive Officer, heavy-duty vehicles used for the express purpose of transporting passenger for which no alternative-fuel engine and chassis configuration is available commercially or could be used.

(f) **Compliance Auditing and Enforcement**

(1) The fleet operator shall provide at the request of the District any files and/or records created to comply with subdivision (d) including fleet-specific information, such as a list of official DMV registrations, and manufacturer, model-year, model, engine family number, and fuel type of each fleet vehicle. The fleet operator shall keep all required records for a minimum of two years.

(2) Any fleet operator seeking an exemption under subdivision (e) shall supply proof that their vehicle or fleet is exempted from this rule when requested by the District.

(g) **Severability**

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule is held by judicial order to be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.