



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 10. DEPARTMENT OF REAL  
ESTATE**

**CONFLICT-OF-INTEREST CODE FOR THE  
DEPARTMENT OF REAL ESTATE**

The Department of Real Estate (“DRE”), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on January 4, 2019 and closing on February 19, 2019. All inquiries and comments should be directed to the contact listed below.

DRE proposes to amend its conflict-of-interest code to add position types that came into use since the last update of the code and that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. Other changes are described immediately below. These amendments carry out the purposes of the law and no other alternative would do so and be less burdensome on affected persons.

Changes to the conflict-of-interest code also include:

- Updated reporting requirement language.
- Removal of redundant requirements.
- Reorganized Appendix to reflect the organizational structure of DRE.
- Removal of position types that are no longer in use.
- Updated and clarified reporting categories.
- Updated addresses for DRE’s headquarters and the Fair Political Practices Commission (“FPPC”).

The proposed amendments and explanation of the reasons can be obtained from the contact person set forth below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than February 19, 2019, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than February 4, 2019.

DRE has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small business.

All inquiries concerning these proposed amendments and any communication required by this notice should be directed to:

Regular Mail

Department of Real Estate  
Attn: Daniel E. Kehew, Sacramento Legal Office  
P.O. Box 137007  
Sacramento, CA 95813-7007

Electronic Mail

[DRERegs@dre.ca.gov](mailto:DRERegs@dre.ca.gov)

Facsimile

(916) 263-8767

**Comments may be submitted until 5:00 p.m., February 19, 2019.**

**CONTACT PERSON**

Inquiries concerning this action may be directed to Daniel Kehew at (916) 576-7842, or via email at [DRERegs@dre.ca.gov](mailto:DRERegs@dre.ca.gov). The backup contact person is Stephen Lerner at (916) 576-8100.

**TITLE 13 AND TITLE 17. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEST PROCEDURES FOR HEAVY-DUTY ELECTRIC AND FUEL-CELL VEHICLES AND PROPOSED STANDARDS AND TEST PROCEDURES FOR ZERO-EMISSION POWERTRAINS (ZERO-EMISSION POWERTRAIN CERTIFICATION REGULATION)**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed Zero-Emission Powertrain Certification Regulation.

DATE: February 21, 2019  
TIME: 9:00 a.m.  
LOCATION: California Environmental Protection Agency  
California Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., February 21, 2019, and may continue at 8:30 a.m., on February 22, 2019. Please consult the agenda for the hearing, which will be available at least ten days before February 21, 2019, to determine the day on which this item will be considered.

**WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing.

The public comment period for this regulatory action will begin on January 4, 2019. Written comments not physically submitted at the hearing must be submitted on or after January 4, 2019, and received **no later than 5:00 p.m.** on February 19, 2019. CARB requests that when possible, written and email statements be filed at least 10 days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the pro-

posed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerk of the Board, California  
Air Resources Board  
1001 I Street  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

**AUTHORITY AND REFERENCE**

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 8501, 38505, 38510, 38560, 38580, 39010, 39500, 39600, 39601, 40000, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43107 and 43806. This action is proposed to implement, interpret, and make specific California Health and Safety Code, sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39010, 39017, 39033, 39500, 39600, 39601, 39610, 39650, 39657, 39667, 39701, 40000, 43000, 43000.5, 43009, 43009.5, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43202, 43204, 43205, 43205.5, 43206, 43210, 43211, 43212, 43213 and 43806 and California Vehicle Code section 28114.

**INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))**

**Sections Affected:**

Proposed amendments to California Code of Regulations, title 13, section 1956.8, title 17, section 95663, and the proposed adoption of the following document incorporated by reference therein: “California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains,” adopted [INSERT ADOPTION DATE]. Proposed amendments to the “California Greenhouse Gas Exhaust Emission Standards and Test Procedures for

2014 and Subsequent Model Heavy-Duty Vehicles,” last amended [INSERT AMENDMENT DATE], incorporated by reference in California Code of Regulations, title 17, section 95663.

**Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):**

The following documents are incorporated by reference in the “California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains”:

- Society of Automotive Engineers International (SAE) Standard J1798: “Recommended Practice for Performance Rating of Electric Vehicle Battery Modules,” as revised on July 8, 2008. Copyrighted.
- Section 1037.801, Title 40, Code of Federal Regulations, as last amended by United States Environmental Protection Agency (U.S. EPA) on July 1, 2015.

The following documents are incorporated by reference in the proposed amended test procedure document entitled “California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles,” adopted October 21, 2014, last amended [INSERT AMENDMENT DATE]:

- Section 86.1803-01, Title 40, Code of Federal Regulations, as last amended by United States Environmental Protection Agency (U.S. EPA) on July 1, 2011.
- SAE J2402: “Road Vehicles — Symbols for Controls, Indicators, and Tell-Tales,” as last revised January 7, 2010.
- International Organization for Standardization (ISO) 2575: “Road Vehicles — Symbols for controls, indicators, and tell-tales,” as revised on July 1, 2010. Copyrighted.

**Background and Effect of the Proposed Regulatory Action:**

While California has made dramatic progress to improve its air quality, the state must continue its transition to significantly cleaner transportation and freight movement technologies to achieve its long-term climate and public health goals, which include:

- Reducing greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030, as directed in Senate Bill (SB) 32, the California Global Warming Solutions Act<sup>1</sup>;
- Reducing GHG emissions from the transportation sector to 80 percent below 1990 levels by 2050, as

directed in Governor Brown’s Executive Order B-16-2012<sup>2</sup>;

- Deploying 1.5 million zero-emission vehicles by 2025, as directed in Governor Brown’s Executive Order B-16-2012;
- Deploying 5 million zero-emission vehicles by 2030, as directed in Governor Brown’s Executive Order B-48-18<sup>3</sup>;
- Deploying 100,000 freight vehicles and equipment capable of zero-emission operation by 2030, as set forth in the California Sustainable Freight Action Plan<sup>4</sup>; and
- Achieving carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter, as directed in Governor Brown’s Executive Order B-55-18<sup>5</sup>.

Actions to deploy zero-emission technology will be essential to meeting these goals. Accordingly, CARB’s 2016 State Strategy for the State Implementation Plan<sup>6</sup>, 2016 Mobile Source Strategy<sup>7</sup>, and the California Sustainable Freight Action Plan identify several measures intended to accelerate deployment of zero-emission technology in the mobile source sector. For heavy-duty on-road vehicles in particular, applications targeted by these measures include airport shuttle buses, transit buses, and delivery trucks. In addition, new zero-emission priorities have emerged since the publication of the aforementioned documents, and drayage trucks have also been identified for near-term deployment to zero-emission technology.

Staff believes the vehicles that would be targeted by these measures operate in applications that are well-suited, both technically and economically, for the first launch of zero-emission technologies in the heavy-duty sector. In fact, the proposal for the Innovative Clean Transit Regulation was presented to the Board at its September 2018 hearing and the proposal for the

<sup>2</sup> Governor Brown’s Executive Order B-16-2012: <http://www.gov.ca.gov/news.php?id=17472>, accessed on September 12, 2018.

<sup>3</sup> Governor Brown Takes Action to Increase Zero-Emission Vehicles, Fund New Climate Investments: <https://www.gov.ca.gov/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/>, accessed on September 12, 2018.

<sup>4</sup> Sustainable Freight Action Plan: [http://www.casustainablefreight.org/documents/PlanElements/FINAL\\_07272016.pdf](http://www.casustainablefreight.org/documents/PlanElements/FINAL_07272016.pdf), July 2016.

<sup>5</sup> Governor Brown’s Executive Order B-55-18: <https://www.gov.ca.gov/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>, September 2018.

<sup>6</sup> CARB; Proposed 2016 State Strategy for the State Implementation Plan; May 17, 2016; <http://www.arb.ca.gov/planning/sip/2016sip/2016statesip.pdf>.

<sup>7</sup> CARB; 2016 Mobile Source Strategy, May 2016; <http://www.arb.ca.gov/planning/sip/2016sip/2016mobsr.htm>.

<sup>1</sup> Chap. 249, Stats. 2016 (Pavley) California HSC § 38566.

Zero-Emission Airport Shuttle Regulation will be considered at the same February 2019 hearing as this proposed regulatory action.

That said, the heavy-duty zero-emission industry is still relatively new, and thus is subject to many of the issues associated with any emerging market. For example, there is still substantial variability in vehicle quality and support; purchasers are still relatively unfamiliar with zero-emission technology and its operational impacts; and there is limited historical information available by which to judge manufacturers. Given time, staff believes the market could eventually resolve these issues on its own. However, considering California's near-term zero-emission goals, it's necessary to take actions today to help provide additional support to the market as the state begins to roll out its suite of heavy-duty zero-emission measures.

In order to provide this needed support, the proposed regulatory action would build upon existing certification requirements set forth in California's Heavy-Duty Phase 2 Greenhouse Gas Standards<sup>8</sup> for heavy-duty electric and fuel-cell vehicles and establish an alternative certification procedure that helps ensure such vehicles are well-supported once deployed and consistent and reliable information is available to fleets when making purchase decisions. In addition, the proposed regulatory action would also establish new standards with certification requirements for zero-emission powertrains installed in heavy-duty electric and fuel-cell vehicles that certify to the proposed alternative procedure.

Specifically, staff's proposal would include the following:

*New Alternative Certification Pathway for Heavy-Duty Electric and Fuel-Cell Vehicles*

Staff's proposal would establish an alternative certification pathway for heavy-duty electric and fuel-cell vehicles<sup>9</sup> that builds upon existing heavy-duty Phase 2 requirements. The proposed pathway would be available beginning with model year 2021. While the proposed Zero-Emission Powertrain Certification Regulation (ZEPCCert) does not establish a mandatory certification process, it creates a framework that would support both new, "cutting-edge" technologies (i.e., early along the commercialization arc) as well as those that have demonstrated commercial viability. Future zero-emission measures could incorporate the alternative certification pathway as a requirement. Until then, man-

ufacturers, at their own discretion, could certify a heavy-duty electric or fuel-cell vehicle to either the existing Phase 2 requirements or the proposed alternative pathway requirements.

a. Required Use of a Certified Zero-Emission Powertrain

In order to certify a vehicle family in accordance with the proposed alternative vehicle certification pathway, the vehicles within said family would be required to use a zero-emission powertrain that is certified in accordance with the zero-emission powertrain requirements (further described below) that would be established by staff's proposal. While existing heavy-duty Phase 2 requirements do not include a mechanism to certify a zero-emission powertrain, staff is proposing to establish a separate zero-emission powertrain certification process as part of the proposed regulation to better accommodate the multi-stage manufacturing process of heavy-duty vehicles today.

b. Labeling

The proposed ZEPCCert provisions would require vehicle manufacturers to include a compliance statement on their Phase 2 vehicle labels indicating if the proposed certification pathway was used and would enable these vehicles to be identified in the field.

c. Purchase Guidance

Manufacturers would be required to provide purchasers with a prescribed guidance statement identifying considerations that should be made when choosing a heavy-duty electric or fuel-cell vehicle. The list of considerations would include range, top speed, maximum grade, and impacts of vehicle load and battery degradation on performance.

The manufacturer would also be required to provide a detailed description to the purchaser of its vehicle diagnosis and repair process, and the implications of said process on repair timeframes and potential vehicle transportation costs.

While providing a battery-capacity warranty would not be required, manufacturers would be required to ensure that whatever coverage is provided, even if no coverage, it is explicitly disclosed to the purchaser at the time of sale.

Given that zero-emission technologies are still unfamiliar to many of the fleets who will be considering such technologies in the near-term, these proposed provisions would help ensure consumers consider the appropriate parameters when selecting a particular vehicle model. The intent of these provisions is to increase the likelihood that a fleet chooses a heavy-duty electric or fuel-cell vehicle that fits its operational needs.

d. Repairability Provisions

Vehicle manufacturers would be required to make available its internal service manual as well as any re-

<sup>8</sup> CARB, Phase 2 and Tractor-Trailer Amendments Regulation, <https://www.arb.ca.gov/regact/2018/phase2/phase2.htm>, accessed September 25, 2018

<sup>9</sup> The proposal would also apply to medium-duty electric and fuel-cell vehicles (from 8,501 through 14,000 pounds gross vehicle weight rating) certified as incomplete vehicles.

quired service tools to third-party repair facilities at reasonable cost. The manufacturer could require special training in order to gain access to the service manual and tools.

The intent of these provisions is to help increase the efficiency of the repair network to reduce repair timeframes and potential vehicle transportation costs.

e. On-Board Vehicle Information

Staff’s proposal would require that certain vehicle information be accessible on-board to the fleet owner, such as *battery energy used per trip* and *remaining usable battery capacity*. These parameters would help fleet owners determine the efficiency of a particular vehicle or driver as well as provide the ability to assess the condition of a powertrain, which would be useful during a resale transaction, for example.

f. Fuel-Fired Heaters

Specific emission and operational requirements would be established for fuel-fired heaters used on heavy-duty electric and fuel-cell vehicles. Specifically, fuel-fired heaters would be required to meet the Low Emission Vehicle II program’s Ultra Low Emission Vehicle standards<sup>10</sup> and demonstrate zero-evaporative emissions under any and all possible operational modes and conditions. The proposal would align fuel-fired heater requirements with those set forth in the LEV II program and add clarity to the existing Phase 2 certification procedures.

New Emission Standards for Zero-Emission Powertrains

Staff’s proposal would establish new zero-emission greenhouse gas and criteria pollutant standards and certification requirements for 2021 model year and subsequent zero-emission powertrains. Certifying to the zero-emission powertrain standards would be voluntary, except for those powertrains installed in heavy-duty electric and fuel-cell vehicles certified in accordance with the alternative certification pathway that would be established by staff’s proposal.

The “powertrain” would include components, such as the energy storage system, the electric motor, and on-board charger, which are responsible for the storage, delivery, and conversion of energy within the vehicle to mechanical power.

a. Standardized Battery Test for Battery-Based Powertrains

Currently, there is no one procedure all manufacturers use to determine the usable battery capacity. Therefore, while battery-capacity information is widely cited (e.g., in vehicle marketing materials), the information cannot be reliably used to compare product offerings.

<sup>10</sup> Title 13, California Code of Regulations, Section 1961.1, accessed October 2018.

Staff is proposing to establish a standardized battery-capacity test for certification under the alternative certification pathway. Specifically, the proposed regulation would require the use of the constant current battery depletion test set forth in the SAE Standard J1798, “Recommended Practice for Performance Rating of Electric Vehicle Battery Modules,” or another test procedure that is substantially similar. While this test would not provide information on actual vehicle range, it would provide a useful reference point by which different battery-based powertrains could be compared.

Fuel-cell powertrains without plug-in capabilities, would not be subject to this requirement.

b. Powertrain Monitoring and Diagnostic Strategy Information

Staff’s proposal would require powertrain manufacturers to describe the monitoring and diagnostic strategies they use. The proposal would not however, dictate how a manufacturer *should* monitor a powertrain or diagnoses powertrain problems. The information provided under these provisions would help staff understand potential causes of, and solutions to, problems experienced by heavy-duty electric and fuel-cell vehicles, which could help inform the development of future zero-emission measures. Staff could also use this information to validate the effectiveness of zero-emission powertrain diagnostics systems should in-use problems arise.

c. Repairability Provisions

The powertrain manufacturer would be required to make available its internal service manual as well as any required service tools to third-party repair facilities at reasonable cost. The manufacturer could require special training in order to gain access to the service manual and tools.

This requirement would help facilitate the expansion of the repair network for such powertrains, thereby reducing repair timeframes and potential vehicle transportation costs.

d. Standardized Connector and Compatibility with Automotive Scan Tools

The proposal would establish the requirement to use a diagnostic connector that meets the requirements set forth in California’s On-Board Diagnostics regulations<sup>11</sup>. The proposal would also require malfunction codes and certain powertrain parameters to be readable by a generic automotive scan tool.

This requirement would help facilitate the expansion of the repair network for such vehicles and powertrains, thereby reducing repair timeframes and potential vehicle transportation costs.

<sup>11</sup> Title 13, California Code of Regulations, Section 1971.1, accessed October 2018.

e. Labeling

The proposed labeling provisions would require powertrain manufacturers to affix a label on each powertrain assembly that includes the following information:

- Manufacturer Name;
- Compliance Statement, indicating that the zero-emission powertrain has been certified to the proposed requirements;
- Certification Family Name;
- Model Code, identifying the specific configuration; and
- Build Date.

The proposed labeling requirements would allow consumers to identify powertrains certified to the proposed alternative pathway requirements. In addition, the proposed labeling requirements would also enable these powertrains to be identified in the field, either for compliance or research purposes.

Warranty and Recall

Each powertrain certified in accordance with the proposed alternative pathway would be required to be covered, at a minimum, by a 3-year, 50,000 mile warranty against workmanship and defects. In addition, other provisions currently applicable to the warranty of emission-control components, such as recall provisions, would apply.

These provisions would help ensure heavy-duty electric and fuel-cell vehicles are well supported once deployed. By ensuring such vehicles are adequately repaired, or removed from commerce, if and when problems arise, potential “poisoning” of the market could be prevented.

Other Changes

CARB may also consider other changes to the sections affected, as listed above, during the course of this rulemaking process.

**Objectives and Benefits of the Proposed Regulatory Action:**

In its continuing effort to combat poor air quality and climate change, California has set aggressive near- and long-term zero-emission goals. To help achieve those goals, staff has identified several mobile source measures to help accelerate the transition to zero-emission technology. Among those measures are ones that specifically target heavy-duty trucks and buses. While the applications targeted by these measures have been determined to be well-suited for zero-emission technology today, both technically and economically, the success of those measures will depend on whether the actual heavy-duty electric and fuel-cell vehicles deployed are as effective as the internal combustion vehicles they replace. The proposed regulation is expected

to increase the likelihood that such vehicles are successful in their intended applications through certification requirements that help ensure heavy-duty electric and fuel-cell vehicles are well supported once deployed and fleet purchasers are provided with consistent and reliable information when making purchase decisions.

While the certification pathway that would be established by the proposed regulation would be optional, staff expects it to be incorporated as a requirement for other future zero-emission measures, such as the Zero-Emission Airport Shuttle Regulation being considered concurrently at the same February 2019 hearing. In addition, manufacturers could, at their discretion, choose to certify to the certification pathway even if not required, in order to gain a potential market advantage by “proving” their technology over a more-stringent certification process. Therefore, the proposed regulation could encourage the development of more robust heavy-duty electric and fuel cell vehicles, and to the extent that certified products experience greater utilization (due either to increased vehicle deployments or more-optimal vehicle performance), the proposed regulation could indirectly benefit California, in terms of both the advancement of the zero-emission market as well as the potential displacement of emission-producing internal combustion engines.

Furthermore, disadvantaged communities are expected to benefit from the transition of the heavy-duty sector to zero-emission technologies. Most, if not all, of CARB’s planned heavy-duty zero emission measures are expected to have the greatest emission impact in disadvantaged communities because these communities are disproportionately impacted by heavy-duty truck traffic. While benefits would not be directly attributable, the proposed regulation is expected to benefit disadvantaged communities to the extent that it would help ensure the success of CARB’s other zero-emission efforts.

There are no expected benefits to public safety or worker safety as a result of this rulemaking.

**Comparable Federal Regulations:**

Staff’s proposal would amend California’s Phase 2 regulations, which largely align with U.S. EPA and the National Highway Traffic Safety Administration’s Phase 2 regulations (Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles — Phase 2, 81 Federal Register 73478-74274, (October 25, 2016)). Specifically, staff’s proposal would establish an optional certification pathway for heavy-duty electric and fuel-cell vehicles that would contain enhanced (i.e., more stringent) requirements.

In addition, the proposed regulation would establish new standards and certification procedures for zero-



emission powertrains. There are currently no federal emission regulations that apply to zero-emission powertrains.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATIONS

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulation would not impose a mandate on any local agency or school district, but the regulations would create costs to local agencies and school districts; however these costs would not be reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500).

**Cost to any Local Agency or School District Requiring Reimbursement under section 17500 et seq.:**

None. The Executive Officer has made the determination that the proposed regulatory proposal would create costs to local agencies and school districts but only if manufacturers choose to certify their vehicles through the alternative certification pathway and pass on costs to consumers, and local government agencies or school districts choose to purchase such certified vehicles. However, those voluntarily incurred costs would not require reimbursement from the State.

**Cost or Savings for State Agencies:**

Staff estimates three CARB staff would be needed starting in fiscal year 2020/2021 to handle the additional administrative workload: one Air Resources Engineer, one Air Pollution Specialist, and one Air Resources Technician. These additional personnel would be responsible for reviewing technical documents and determining vehicle or powertrain compliance. Further details are provided in the Staff Report: Initial Statement of Reasons (ISOR).

The Executive Officer has made the determination that the proposed regulatory actions would not create cost or savings to state agencies other than the additional CARB staffing costs described above.

**Other Non-Discretionary Costs or Savings on Local Agencies:**

The Executive Officer has made the determination that the proposed regulatory actions would not create non-discretionary costs or savings to local agencies.

**Cost or Savings in Federal Funding to the State:**

The Executive Officer has made the determination that the proposed regulatory actions would not create costs or savings in federal funding to the State.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Section IX of the ISOR.

**NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):**

Although the certification pathway that would be established by the proposed regulatory action would be optional, an Economic Impact Assessment was prepared.

**Effect on Jobs/Businesses:**

The Executive Officer has determined that the proposed regulatory action would not directly affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

**Benefits of the Proposed Regulation:**

The objective of the proposed regulatory action is to support future zero-emission measures by helping ensure heavy-duty electric and fuel-cell vehicles certified to the proposed requirements are well supported

once deployed and fleets are better informed when making purchase decisions.

A summary of these benefits is provided; please refer to “Objectives and Benefits”, under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion above.

**Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. No manufacturer would be required to participate and only those who have determined it would be in the best financial interest of the company would be expected to do so. If no manufacturers participate, the proposed regulatory action would have no cost; if all manufacturers (from 16 in 2021 to 24 in 2025) choose to participate, then incurred costs would average approximately \$86,360 annually from 2021 through 2025. Staff estimates that approximately 600 vehicles would be produced by these manufacturers within that timeframe at an average incremental cost of \$720 per vehicle, which would likely be passed on to the purchaser. However, if a purchaser (whether a private person or business) chooses to purchase such a vehicle, it would likely be because it has been determined it would be in the best financial interest of the purchaser.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. While there would be costs associated with participation, participation would be optional. Therefore, if a small business chooses to participate, it would be because the business has determined it would be in its best financial interest. The same could be stated for small business fleets that choose to purchase vehicles certified in accordance with the proposed provisions.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise

been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**ENVIRONMENTAL ANALYSIS**

CARB, as the lead agency for the proposed regulation, prepared a Draft Environmental Analysis (EA) in accordance with the requirements of its regulatory program certified by the Secretary of Natural Resources. (California Code of Regulation, title 17, sections 60006–60008; California Code of Regulations, title 14, section 15251, subdivision (d).) The Draft EA provides a single coordinated programmatic environmental analysis of an illustrative, reasonably foreseeable compliance scenario that could result from implementation of the proposed ZEP Cert as well as the proposed Zero-Emission Airport Shuttle Regulation. The proposed ZEP Cert and Zero-Emission Airport Shuttle Regulations have two separate notices and staff reports and will be considered by the Board in separate proceedings, but are connected actions. This approach is consistent with California Environmental Quality Act (CEQA’s) requirement that an agency consider the whole of an action when it assesses a project’s environmental effects, even if the project consists of separate approvals (Cal. Code Regs., tit. 14, § 15378(a)).

The resource areas from the CEQA Guidelines Environmental Checklist were used as a framework for a programmatic environmental analysis of the direct and reasonably foreseeable indirect environmental impacts resulting from implementation of the proposed amendments to the Cap-and-Trade Regulation. The Draft EA provides an analysis of both the beneficial and adverse impacts and feasible mitigation measures for the reasonably foreseeable compliance responses associated with the proposed amendments.

Because the proposed warranty and service requirements in ZEP Cert would not result in an increase in construction of new facilities and because the testing requirements are functionally similar to tests that are common industry practice and would not require modifications to existing test facilities, the Draft EA determined that the reasonably foreseeable compliance responses associated with the proposed ZEP Cert would not result in adverse impacts to any of the environmental resource areas.

However, the Draft EA concluded, under a conservative approach, that implementation of the proposed Zero-Emission Airport Shuttle Regulation could result

in the following beneficial and adverse impacts: beneficial impacts to: air quality (long term), energy demand, and greenhouse gases; less than significant, or no impacts, to: air quality (odors), energy, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population employment, housing, public service, recreation, and transportation and traffic; and potentially significant and unavoidable adverse impacts to aesthetics, agricultural and forest resources, air quality (short term), biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, noise, transportation and traffic, and utilities and service systems.

The Draft EA is included as Appendix B to the ISOR and can be obtained from CARB's website at: <https://ww2.arb.ca.gov/rulemaking/2019/zero-emission-powertrain-certification>.

#### SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

#### AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative David Eiges, Air Resources Engineer, Advanced Emission Control Strategies Section, (626) 575-6602 or (designated back-up contact) David Chen, Manager, Advanced Emission Control Strategies Section, at (626) 350-6579.

#### AVAILABILITY OF DOCUMENTS

CARB staff has prepared an ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations (if applicable), may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on December 31, 2018.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, at (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may vote on a resolution directing the Executive Officer to: make any proposed modified regulatory language that is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action, and any additional supporting documents and information, available to the public for a period of at least 15 days; consider written comments submitted during this period; and make any further modifications as may be appropriate in light of the com-

ments received available for further public comment. The Board may also direct the Executive Officer to: evaluate all comments received during the public comment periods, including comments regarding the Draft Environmental Analysis, and prepare written responses to those comments; and present to the Board, at a subsequently scheduled public hearing, the final proposed regulatory language, staff's written responses to comments on the Draft Environmental Analysis, along with the Final Environmental Analysis for action.

**FINAL STATEMENT OF  
REASONS AVAILABILITY**

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

**INTERNET ACCESS**

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://www.arb.ca.gov/rulemaking/2019/zero-emission-powertrain-certification>.

**TITLE 15. BOARD OF  
PAROLE HEARINGS**

**TITLE 15. CRIME PREVENTION  
AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE**

**Enactment of:**

**ARTICLE 14. PAROLE CONSIDERATION  
HEARINGS FOR YOUTH OFFENDERS**

**Enactment of Sections 2440–2446, governing  
parole consideration hearings for youth offenders**

**NOTICE IS HEREBY GIVEN** that the Executive Officer of the Board of Parole Hearings (board), under the authority granted by Government Code section 12838.4 and Penal Code sections 3051, 3052, and 5076.2, authorizes the board to adopt the proposed added Sections 2440 through 2446 of the California Code of Regulations, Title 15, Division 2, concerning Parole Consideration Hearings for Youth Offenders.

**AUTHORITY AND REFERENCE**

Government Code section 12838.4 vests the board with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code section 3051, subdivision (e), requires the board to review and revise existing regulations, or adopt new regulations, regarding determinations of suitability for youth offenders as defined in that section.

Penal Code section 3052 generally vests with the board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code section 5076.2 requires the board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

Penal Code section 667 contains prior felony or "strike" sentencing requirements for persons sentenced to felonies who have already been convicted of prior violent felonies.

Penal Code section 667.61 contains "one-strike" sentencing requirements for persons sentenced to certain enumerated sex crimes committed under specified circumstances.

Penal Code section 1170.12 contains prior felony or "strike" sentencing requirements for persons sentenced to felonies who have already been convicted of prior violent felonies.

Penal Code section 3041.5 establishes the requirements and conditions concerning parole denial periods.

Penal Code section 3046 establishes the requirement for youth offenders to be paroled upon receiving a grant from the board, subject to the board and Governor's statutory decision review periods, regardless of how the board would normally calculate an inmate's parole date.

Penal Code section 3051 establishes youth offender parole hearings and the procedures for reviewing the parole suitability of any inmate who was under the age of 26 at the time the inmate committed his or her controlling offense as defined in that section, or under the age of 18 at the time the inmate committed his or her controlling offense that resulted in a sentence of life without the possibility of parole.

Penal Code section 3051.1 establishes the timeline under which the board must complete youth offender parole hearings for inmates who became eligible for youth offender parole hearings on January 1, 2016, the effective date of this section.

Penal Code section 4801 establishes the requirement for panels to give great weight to three specified youth

factors when assessing the suitability of a youth offender.

In the case *Roper v. Simmons* (2005) 543 U.S. 551, the United States Supreme Court abolished capital punishment as a legal sentence for any juvenile offender.

In the case *Graham v. Florida* (2010) 560 U.S. 48, the United States Supreme Court abolished the sentence of life without the possibility of parole as a legal sentence for a juvenile who had committed a non-homicide crime.

In the case *Miller v. Alabama* (2012) 132 S.Ct. 2455, the United States Supreme Court prohibited courts from imposing a mandated sentence of life without the possibility of parole on a juvenile who committed a homicide crime without the court's individual consideration of specified youth factors and whether the life-without-parole sentence was appropriate for the circumstances of the particular juvenile.

In the case *People v. Caballero* (2012) 55 Cal.4th 262, the California Supreme Court held that sentencing a non-homicide juvenile offender to a term of life with the possibility of parole with a minimum term of years that would be expected to exceed the juvenile's natural life expectancy violated the *Graham* abolition against sentencing non-homicide juvenile offenders to life without the possibility of parole.

In the case *Moore v. Biter* (2013) 725 F.3d 1184, the Ninth Circuit Court of Appeals determined that sentencing a non-homicide juvenile offender to a determinate term of years that would be expected to exceed the juvenile's natural life expectancy similarly violated the *Graham* abolition against sentencing non-homicide juvenile offenders to life without the possibility of parole.

In the case *People v. Franklin* (2016) 63 Cal.4th 261, the California Supreme Court concluded that the Legislature's enactment of the youth offender parole laws in Penal Code sections 3051 and 4801, subdivision (c), mooted an inmate's claim that he received an unconstitutional sentence under *Miller* because the youth offender parole process already provided an appropriate remedy.

In the case *Montgomery v. Louisiana* (2016) 136 S.Ct. 718, the United States Supreme Court determined that the holding of the *Miller* case applied retroactively to juveniles sentenced before the date of that decision, such that juveniles with older sentences can legally challenge their sentences under that case.

In the case *In re Lawrence* (2008) 44 Cal.4th 1181, 1214, the California Supreme Court held that, when a board hearing panel conducts a parole consideration hearing, the panel members must grant the inmate's parole unless they find evidence that the inmate continues to pose a current unreasonable risk of danger to the public safety if released on parole.

## PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON FRIDAY, JANUARY 4, 2019, AND WILL CLOSE AT 5:00 P.M. ON MONDAY, FEBRUARY 18, 2019.** For comments to be considered by the board, they must be submitted in writing to the board's Contact Person identified in this Notice no later than the close of the comment period.

## CONTACT PERSON

Please direct requests for copies of the Initial Statement of Reasons, the Proposed Text of the Regulation, or other information upon which the rulemaking is based to:

### **Christopher J. Hoeft, Staff Attorney**

Board of Parole Hearings

P.O. Box 4036

Sacramento, CA 95812-4036

Phone: (916) 322-6729

Facsimile: (916) 322-3475

E-mail: [BPH.Regulations@cdcr.ca.gov](mailto:BPH.Regulations@cdcr.ca.gov)

If Christopher Hoeft is unavailable, please contact Assistant Chief Counsel, Heather L. McCray at [Heather.McCray@cdcr.ca.gov](mailto:Heather.McCray@cdcr.ca.gov). In any such inquiries, please identify the action by using the board's regulation control number **BPH RN 18-02**.

## NO PUBLIC HEARING SCHEDULED

The board has not scheduled a public hearing on this proposed regulatory action. The board, however, will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Written or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing.

If scheduled, the purpose of a public hearing would be to receive oral comments about the proposed regulations. It would not be a forum to debate the proposed regulations, and no decision regarding the permanent adoption of the proposed regulations would be rendered at a public hearing. The members of the board would not necessarily be present at a public hearing.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

In 2005, the United States Supreme Court abolished capital punishment as a legal sentence for a juvenile offender, based on significant differences in the brain development between juveniles and adults. (*Roper v. Simmons* (2005) 543 U.S. 551.) Using this same reasoning, the United States Supreme Court later abolished the sentence of life without the possibility of parole for a juvenile who had committed a non-homicide crime (*Graham v. Florida* (2010) 560 U.S. 48), and subsequently prohibited courts from imposing a mandated sentence of life without the possibility of parole on a juvenile who committed a homicide crime without the court's individual consideration of specified youth factors and whether the life-without-parole sentence was appropriate for the circumstances of the particular juvenile (*Miller v. Alabama* (2012) 132 S.Ct. 2455).

The California Supreme Court extended the United States Supreme Court's holding in *Graham* to cases in which a non-homicide juvenile offender was sentenced to a term of *life with the possibility of parole* with a minimum term of years that would be expected to exceed the juvenile's natural life expectancy. (*People v. Caballero* (2012) 55 Cal.4th 262.) Similarly, in 2013, the Ninth Circuit Court of Appeal used the same legal reasoning to extend the *Graham* decision to cases in which a non-homicide juvenile offender was sentenced to a *determinate term* of years that would be expected to exceed the juvenile's natural life expectancy. (*Moore v. Biter* (2013) 725 F.3d 1184.)

On January 1, 2014, the California Legislature enacted Senate Bill No. 260 (2013–2014 Reg. Sess.) (SB 260), which established parole consideration hearings for youth offenders. Specifically, this bill enacted Penal Code section 3051 and amended Penal Code sections 3046 and 4801 to establish alternative hearing deadlines and requirements for persons who were under the age of 18 when they committed their controlling offenses, as defined by statute, and who were not disqualified under section 3051 from youth offender status. Section 3051, subdivision (e), mandated the board to “revise existing regulations and adopt new regulations” regarding determinations of suitability for qualified youth offenders under that section.

On January 1, 2016, before the board could file its proposed regulations, the California Legislature enacted Senate Bill No. 261 (2015–2016 Reg. Sess.) (SB 261), which amended Penal Code sections 3051 and 4801 to raise the qualifying age of youth offenders to persons who were under the age of 23 when they committed their controlling offenses, as defined by statute.

On January 27, 2016, the United States Supreme Court found that its prior decision in *Miller v. Alabama*,

prohibiting mandatory life sentences without parole for juvenile offenders, was retroactive on state collateral review. (*Montgomery v. Louisiana* (2016) 136 S.Ct. 718.) Consequently, juveniles currently serving sentences of life without the possibility of parole have the right to request resentencing following individualized consideration of factors relating to their youth at any time. Alternatively, the court noted that “[a] State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them.” (*Id.* at 736.)

On January 1, 2018, again before the board could file its proposed regulations, the California Legislature enacted two bills that impacted parole consideration hearings for youth offenders. First, Assembly Bill No. 1308 (2017–2018 Reg. Sess.) (AB 1308) amended Penal Code sections 3051 and 4801 to raise the qualifying age of youth offenders to persons 25 years of age or younger when they committed their controlling offenses, as defined by statute. Second, in accordance with the *Montgomery* decision, Senate Bill No. 394 (2017–2018 Reg. Sess.) (SB 394) amended Penal Code section 3051 to establish parole hearing deadlines for persons who were sentenced to life without the possibility of parole for their controlling offense, as defined by statute, so long as they committed that offense under the age of 18, and are not disqualified from youth offender status under any exemptions in subdivision (h) of section 3051.

This proposed regulation package is submitted to comply with the statutory mandate to regulate the board's process for providing parole consideration hearings for qualified youth offenders. In this package, the board is providing clarity on youth offender qualification, the board's process for scheduling and holding youth offender parole consideration hearings, and the youth offender factors that require different levels of consideration throughout the hearing process.

ANTICIPATED BENEFITS OF  
THE PROPOSED REGULATIONS

Defining who qualifies as a youth offender benefits all stakeholders by resolving several ambiguities and clarifying how to determine whether an inmate will qualify for youth offender protections. Additionally, clarifying the methods through which inmates may seek administrative remedy or one-time board review for erroneous disqualifications or Youth Parole Eligible Date (YPED) calculations benefits inmates by clarifying how to resolve potential errors. These processes also benefit public safety by ensuring the greatest possible accuracy in qualifying inmates for youth offender status and calculating their parole eligibility dates.

Clarifying the process for calculating a YPED, as well as how initial and subsequent hearings will be

scheduled, benefits inmates, victims, and other hearing participants because each stakeholder will have a better understanding of when to prepare for a youth offender’s initial or subsequent parole consideration hearing. Also, specifying how a board psychologist will consider the youth offender factors when preparing a risk assessment for a youth offender and document the consideration in the risk assessment benefits hearing participants by ensuring a more unified approach to presenting this information in a risk assessment. Interpreting the three youth factors also benefits each stakeholder by clarifying what information will be discussed and given great weight at hearings for youth offenders, and considered by board psychologists in risk assessments for youth offenders. Moreover, collating each of the at-hearing rights and requirements into a single subdivision further benefits these stakeholders by providing a single location from which to identify all of the ways in which hearings for youth offenders differ from other parole consideration hearings, which allows each hearing participant to better prepare for their role in the hearings.

DETERMINATION OF  
INCONSISTENCY/INCOMPATIBILITY WITH  
EXISTING STATE REGULATIONS

The board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the board has concluded that these are the only regulations that concern the board’s requirements in conducting parole hearings for youth offenders.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

**Local Mandates:** The board has determined that the proposed action imposes no mandate upon local agencies or school districts.

**Fiscal Impact Statement:** The board has made the following initial determinations:

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None.**
- Cost or savings to any state agency: **TOTAL COST \$4,813,975: This budget increase was already granted to the board for implementation of statutory youth offender requirements. The implementation of these regulations will be absorbed by the current increased budget and**

**resources and will not result in additional discretionary costs or savings to the board.**

In the current and next two subsequent fiscal years, the board has not and will not request any additional funding for the sole purpose of implementing the youth offender laws or these proposed regulations. While the board may request additional funding during the current and two subsequent fiscal years due to an anticipated general increase in workload across all board functions, which may include youth offender parole hearings, the board does not anticipate any necessary increase in budget specifically to implement these regulations. Additionally, the anticipated budget increase requests would not be necessary solely to complete all anticipated youth offender parole hearings over these fiscal years.

In prior fiscal years, the board requested, and was granted, funding of \$1,297,741 (Fiscal Year 2014–2015), \$314,528 (Fiscal Year 2015–2016), and \$3,201,706 (Fiscal Year 2016–2017) for a total of 11.5 psychologist positions, 2 senior psychologist positions, 1.5 limited-term attorney III positions, 4 administrative law judges, 2 commissioners, 1 associate governmental program analyst, and 1 office technician, and including associate governmental program analyst overtime pay and additional contracted interpreter, transcription, and attorney services, all for the specific purpose of implementing the statutory requirements for youth offender hearings following the enactment of Senate Bills 260 (2013–2014 Reg. Sess.) and 261 (2015–2016 Reg. Sess.).

- Other non-discretionary cost or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**

**Significant Statewide Adverse Economic Impact on Business:** The board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Cost Impacts on Representative Private Persons or Businesses:** The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Assessment of Effects on Job and/or Business Creation, Elimination or Expansion:** The board has determined that adoption of this regulation will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses

currently doing business within California. While the enactment of Senate Bills 260 and 261, establishing the youth offender statutes, necessitated the board's establishment of new positions as noted above, these jobs were already established to implement the board's new duties under the statutory youth offender laws. The adoption of these regulations will not result in the creation or elimination of additional jobs beyond those already established in the previously granted budget change proposals.

**Effect on Housing Costs:** The board has made an initial determination that the proposed action will have no significant effect on housing costs because housing costs are not affected by the internal processes governing the board's requirements in conducting parole consideration hearings or parole reconsideration hearings for youth offenders.

**Small Business Determination:** The board has determined that the proposed regulations do not have a significant adverse economic impact on small business because small businesses are not affected by the internal processes governing the board's requirements in conducting parole consideration hearings or parole reconsideration hearings for youth offenders.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The board concludes that it is (1) unlikely that the proposed regulations will create or eliminate any jobs in California, (2) unlikely that the proposed regulations will create any new business or eliminate any existing businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

**Anticipated Benefits to the health and welfare of California residents, worker safety, and the state's environment:** As further explained in the Economic Impact Analysis, contained within the Initial Statement of Reasons, these proposed regulations will benefit all stakeholders by providing greater clarity on how to determine which inmates qualify as youth offenders and when each hearing participant should prepare for the youth offender's initial hearing. We anticipate that having a better understanding for how to prepare for these hearings will ultimately help to reduce some of the risk and anxiety hearing participants experience when faced with these hearings. Additionally, the proposed regulations reduce the risk of error through the appeal and review processes and ensure greater uniformity in how the youth factors are considered and applied to inmate cases. This will ultimately benefit public safety and

welfare by ensuring that the candidates most suitable for parole will be released.

#### CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

#### AVAILABILITY OF PROPOSED TEXT

The board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 K Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulation), the Proposed Text of the Regulation and Initial Statement of Reasons. Copies of any of these documents may be obtained by contacting the board's Contact Person identified in this notice at the mailing address, fax number, or email address listed above or by visiting the board's website at: [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html).

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice. If the board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html). If the board makes modifications, the board will accept written comments on the modified regulations for 15 days after the date on which they are made available.



AVAILABILITY OF THE  
FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the board's Contact Person identified in this notice at the mailing address, phone number, fax number, or email address listed above or by visiting the board's website at: [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html).

**TITLE 15. CALIFORNIA PRISON  
INDUSTRY AUTHORITY**

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code 2808, propose to add section 8903 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8.5, Settlement Authority.

**PUBLIC HEARING**

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than February 3, 2019.

**PUBLIC COMMENT PERIOD**

The public comment period will close February 18, 2019. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

**MAIL or HAND DELIVER**  
CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

**FAX**  
(916) 358-2709

**E-MAIL**  
[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

**CONTACT PERSONS**

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

M. Doherty, Regulatory Analyst  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

C. Pesce, Administrative Assistant  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711

**AUTHORITY AND REFERENCE**

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Section 2808, in order to implement, interpret and make specific Penal Code Sections 2808 and 2809, propose to add section 8903 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8.5, Settlement Authority.

**INFORMATIVE DIGEST**

PIB is adding Section 8903 to provide notice and affirm the PIB's authority to approve CALPIA settlements. The proposed regulatory action will allow PIB to implement its authority vested by the Legislature. In PC section 2808, the Legislature granted PIB powers equal to "all of the things that the board of directors of a private corporation would do . . . ."

This regulatory action is necessary to implement, interpret, clarify and make specific Penal Code (PC) Section 2801 regarding inmate participation for work assignments with CALPIA. PC Sections 2801 and 2808 provide the PIB with implied rulemaking authority to establish regulations for developing and operating enterprises to employ prisoners. Pursuant to these statutes, the PIB has authority to approve settlements.

**POLICY STATEMENT OVERVIEW**

Historically, the Department of Finance (DOF) has asserted that CALPIA must submit settlements through DOF oversight for approval pursuant to DOF's budget authority and because DOF controls the state budget. CALPIA is not subject to this budget authority and its budget is not within the state budget but is outside the DOF oversight. As noted below, CALPIA's independent authority exists over settlements, and this regulation implements and makes more specific Penal Code sections 2801 and 2808.

In order for CALPIA to function safely and efficiently, this revised regulation is needed to provide notice

and affirm the PIB's authority to approve settlements. Presently, CALPIA has settlements pending approval that are delayed by the DOF approval process. CALPIA operates like a private business in order to meet its mission of reducing recidivism by training and employing inmate workers. Like a private business, CALPIA has occasions to enter into settlement agreements that will be cost-effective and expeditiously resolve disputes that arise in the ordinary course of its operations.

#### ANTICIPATED BENEFITS

- Will continue to provide a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations employment inmate workers, and providing work experiences for inmate workers to utilize upon release from custody.
- Will allow resolution on a timelier and more expeditious basis in a business-like fashion an estimated \$685,000 per annum in legal settlements which benefits the public and general welfare of California.

These settlements are time sensitive and current delays may be up to six months creating a slowdown and hampering CALPIA's operations. In addition, these settlements are in the best business interests of CALPIA. An estimated \$685,000 annually in settlements have been stagnated by the cumbersome DOF approval process. As of July 2018, \$400,000 in settlements were pending and delayed. As the PIB has the authority to do all the things a board of directors would do, this includes the authority to approve settlements on behalf of CALPIA. Therefore, to promote CALPIA's operations, reduce costs and delays that impede operations, section 8903 is added to affirm the PIB's authority to approve settlements. The proposed regulatory action will save costs and promote operations by affirming the PIB's settlement authority to resolve business disputes and matters impeding CALPIA's effective operations.

The CALPIA has independent authority separate from DOF and the Prison Industry Board (PIB) has rulemaking authority to promulgate the proposed regulation. In addition, the proposed Section 8903 is consistent with, not in conflict with, applicable statutes and reasonably necessary to effectuate the purpose of the relevant statutes.

In 1982, the California Legislature restructured the Department of Corrections' industries and vocational training program abolishing the Correctional Industries Commission and replacing it with the newly created Prison Industry Authority (PIA) (subsequently renamed CALPIA) under the direction of the Prison In-

dustry Board. The Legislature established the Prison Industry Board as autonomous from the Department of Corrections. In 1982, the new Prison Industry Authority was given independent autonomy. The 1982 autonomy of CALPIA provides that normally applicable statutes and administrative regulations placing DOF oversight for approval with DOF over state agencies whose budgets are within the state budget do not apply to CALPIA.

#### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

During the process of developing this regulation, the PIB has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is neither inconsistent nor incompatible with existing laws and regulations.

#### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

#### FISCAL IMPACT STATEMENT

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Cost or savings to any state agency: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

#### EFFECT ON HOUSING COSTS

The PIB has made an initial determination that the proposed action will have no significant effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The PIB has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

In accordance with the Government Code Section 11346.3(a), CALPIA has made the following assessments regarding the proposed regulation:

BENEFITS OF THE PROPOSED ACTION

As stated above under the Informative Digest and Policy Statement Overview, the benefits of the regulatory action include:

- Providing a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations employment inmate workers, and providing work experiences for inmate workers to utilize upon release from custody.
- Allowing resolution on a timelier and more expeditious basis in a business-like fashion an estimated \$685,000 per annum in legal settlements which benefits the public and general welfare of California.
- Allowing processing and final conclusion of \$400,000 in settlements were pending since July 2018 and delayed.

To promote CALPIA's operations, reduce costs and delays that impede operations, section 8903 is added to affirm the PIB's authority to approve settlements. The proposed regulatory action will save costs and promote operations by affirming the PIB's settlement authority to resolve business disputes and matters impeding CALPIA's effective operations. **Thus, this proposed action benefits the public and general welfare.**

CREATION OR ELIMINATION OF JOBS  
WITHIN THE STATE OF CALIFORNIA

The PIB has determined that the proposed regulatory action will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CALPIA employees.

CREATION OF NEW BUSINESSES OR  
ELIMINATION OF EXISTING BUSINESSES  
WITHIN THE STATE OF CALIFORNIA

This proposed regulatory action will have no effect on the creation of new or elimination of existing businesses within California because those businesses are not affected by the internal management of CALPIA employees.

EXPANSION OF BUSINESSES  
CURRENTLY DOING BUSINESS  
WITHIN THE STATE OF CALIFORNIA

This proposed regulatory action will have no effect on the expansion of businesses currently doing business within the State of California because they are not affected by the internal management of CALPIA employees.

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

CALPIA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

CALPIA has determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of CALPIA inmate workers.

CONSIDERATION OF ALTERNATIVES

CALPIA has determined that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective implementing the statutory policy or other provision of law. Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

REPORTS RELIED UPON

None.

AVAILABILITY OF PROPOSED TEXT, INITIAL  
STATEMENT OF REASONS, AND  
RULEMAKING RECORD; DOCUMENTS ON  
CALPIA'S WEBSITE

The Proposed Text, Initial Statement of Reasons, and all the information upon which this proposal is based have been placed in the rulemaking record, which is

available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**AVAILABILITY OF CHANGES TO  
PROPOSED TEXT**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**TITLE 15. CALIFORNIA PRISON  
INDUSTRY AUTHORITY**

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code 2808, propose to add section 8904 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8.5.

**PUBLIC HEARING**

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than February 3, 2019.

**PUBLIC COMMENT PERIOD**

The public comment period will close February 18, 2019. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

**MAIL or HAND DELIVER**

CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

**FAX**

(916) 358-2709

**E-MAIL**

[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

**CONTACT PERSONS**

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

M. Doherty, Regulatory Analyst  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

C. Pesce, Administrative Assistant  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711

**AUTHORITY AND REFERENCE**

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Section 2808, in order to implement, interpret and make specific Penal Code Sections 2808 and 2809, propose to add section 8904 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8.5.

**INFORMATIVE DIGEST**

PIB is adding Section 8904 to provide notice and affirm the PIB's authority to approve CALPIA to provide recruitment and ongoing retention compensation incentives. The proposed regulatory action will allow PIB to implement its authority vested by the Legislature. In PC

section 2808, the Legislature granted PIB powers equal to “all of the things that the board of directors of a private corporation would do . . . .” This regulatory action is necessary to implement, interpret, clarify and make specific Penal Code (PC) Section 2801. PC Sections 2801, 2808, and 2809 provide the PIB with implied rulemaking authority to establish regulations for developing and operating enterprises to employ prisoners. Pursuant to these statutes, the PIB has authority to provide recruitment and ongoing retention compensation incentives. In PC section 2809, the Legislature specified that the PIB has authority to provide recruitment and retention compensation for employees. The PIB and CALPIA intend to provide incentive compensation as necessary to fulfill its mission in any manner that PIB determines to be commercially reasonable and competitive with procurement systems used by private industry. The proposed regulation is reasonably necessary to effectuate the statute’s purpose, and recruit and retain the most qualified staff.

#### POLICY STATEMENT OVERVIEW

CALPIA proposes to add section 8904 to Title 15, Division 8.5, titled Compensation, to expressly notice and affirm the authority of the Prison Industry Board (PIB) to authorize a recruitment and ongoing compensation differential to employees. CALPIA is currently in the process of recruiting a General Manager upon the retirement of the current General Manager in January 2019.

In addition, in various other positions, CALPIA has vacancies that are continuing to rise and require competitiveness to recruit and retain staff. For example, CALPIA has position authority for a total of 446 positions in the Custodian (CF) series. Since 2015, there has been more than a 400% increase in positions for this classification. This number of personnel will continue to increase as the Health Care Facilities Improvement Project (HCFIP) continues to complete new construction of medical space and buildings statewide. With the projected increase in square footage, a 38% vacancy rate is anticipated. CALPIA has a turnover rate of 49%, in part due to workers taking positions both inside and outside of civil service which offer a higher salary and incentives. In order to recruit the most qualified individual and to reach a broad a segment of qualified and skilled professionals, it is necessary to affirm the PIB’s authority to authorize a recruitment and ongoing compensation differential to employees.

In 1982, the California Legislature restructured the Department of Corrections’ industries and vocational training program abolishing the Correctional Industries Commission and replacing it with the newly created

Prison Industry Authority (PIA) (subsequently renamed CALPIA) under the direction of the Prison Industry Board. The Legislature established the Prison Industry Board as autonomous from the Department of Corrections. In 1982, the new Prison Industry Authority was given independent autonomy.

CALPIA is tasked with operating similar to a private business, established for the mission of providing training, skills, and employment to inmates in order to reduce recidivism upon release from incarceration. The PIB has the authority to do all the things that a private board of directors would do, such as hiring a CEO who reports to the board of directors. Therefore, this change will better address the desire to reach the most qualified applicants and retain the most qualified candidate for this position. Without additional recruitment incentives and ongoing incentive compensation, many qualified applicants may not apply, and the PIB and CALPIA lose the opportunity to reach the most qualified applicants and retain the most qualified candidates for its workforce. As CALPIA competes directly with the private sector in its staff recruitments, recruitment incentives and ongoing incentive compensation will increase the competitiveness of CALPIA in its executive search.

Using recruitment incentives and ongoing incentive compensation also addresses the State Auditor’s findings issued in its report regarding the challenges of State agencies with a workforce of approximately 41% within potential reach of retiring, as they are age 50 or older. See State Auditor’s Report 2015–608, titled “State Departments Need to Improve Their Workforce and Succession Planning Efforts to Mitigate the Risks of Increasing Retirements.” In addition, as of October 2018, California’s unemployment rate is at a low of 3.5% making it timely to more competitively recruit staff with recruitment incentives and ongoing incentive compensation.

#### ANTICIPATED BENEFITS

- Will continue to provide a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations, employment for inmate workers, and providing work experiences for inmate workers to utilize upon release from custody.
- Will allow more effective recruitment and retention of staff to support CALPIA operations.
- Will reduce CALPIA’s position vacancy rate and provide additional employment opportunities to the public.
- Staff may save these earnings, add them to retirements accounts, or otherwise use them in the state, national, or worldwide economy.

This proposed regulatory action will benefit CALPIA by providing recruitment and ongoing retention compensation incentives to compete with the private marketplace to meet CALPIA's labor and staffing needs. **Thus, this proposed action benefits the public and general welfare.**

#### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

During the process of developing this regulation, the PIB has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is neither inconsistent nor incompatible with existing laws and regulations.

#### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

#### FISCAL IMPACT STATEMENT

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Cost or savings to any state agency: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

#### EFFECT ON HOUSING COSTS

The PIB has made an initial determination that the proposed action will have no significant effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The PIB has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

In accordance with the Government Code Section 11346.3(a), CALPIA has made the following assessments regarding the proposed regulation:

#### BENEFITS OF THE PROPOSED ACTION

As stated above under the Informative Digest and Policy Statement Overview, the benefits of the regulatory action include:

- Nonmonetary benefit for the protection and safety of public health and safety.
- Supports and ensures ongoing efficiency of operations.
- By effective operations through incentive compensation, promotes continued employment for inmate workers.
- By effective operations through incentive compensation, promotes and provides work experiences for inmate workers to utilize upon release from custody.
- Will allow more effective recruitment and retention of staff to support CALPIA operations.
- Will reduce CALPIA's position vacancy rate and provide additional employment opportunities to the public.
- Staff may save these earnings, add them to retirements accounts, or otherwise use them in the state, national, or worldwide economy.

This proposed regulatory action will benefit CALPIA by providing recruitment and ongoing retention compensation incentives to compete with the private marketplace to meet CALPIA's labor and staffing needs. **Thus, this proposed action benefits the public and general welfare.**

#### CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The PIB has determined that the proposed regulatory action will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CALPIA employees.

#### CREATION OF NEW BUSINESSES OR ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

This proposed regulatory action will have no effect on the creation of new or elimination of existing businesses within California because those businesses are

not affected by the internal management of CALPIA employees.

EXPANSION OF BUSINESSES  
CURRENTLY DOING BUSINESS  
WITHIN THE STATE OF CALIFORNIA

This proposed regulatory action will have no effect on the expansion of businesses currently doing business within the State of California because they are not affected by the internal management of CALPIA employees.

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

CALPIA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

CALPIA has determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of CALPIA inmate workers.

CONSIDERATION OF ALTERNATIVES

CALPIA has determined that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective implementing the statutory policy or other provision of law. Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

REPORTS RELIED UPON

None.

AVAILABILITY OF PROPOSED TEXT,  
INITIAL STATEMENT OF REASONS,  
AND RULEMAKING RECORD;  
DOCUMENTS ON CALPIA'S WEBSITE

The Proposed Text, Initial Statement of Reasons, and all the information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

AVAILABILITY OF CHANGES TO  
PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**TITLE 16. STRUCTURAL PEST  
CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (SPCB) is proposing to take action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs  
Lake Tahoe Conference Room  
2005 Evergreen Street  
Sacramento, CA 95747  
February 19, 2019  
9:00 a.m.**

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the SPCB. Comments may also be submitted by facsimile to the SPCB at (916) 263-2469 or by email to [pestboard@dca.ca.gov](mailto:pestboard@dca.ca.gov). The written comment period closes at **5:00 p.m. on February 18, 2019**. The SPCB will only consider comments received at the SPCB Office by that time. Submit comments to:

**David Skelton, Administrative Analyst  
Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815**

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 8518 and 8674, the SPCB is proposing to amend California Code of Regulations (CCR), Title 16, section 1997.

#### INFORMATIVE DIGEST

Currently, CCR section 1997 mandates a fee for pest control companies of \$2.50 for each property address reported to the SPCB where a Wood Destroying Organism (WDO) inspection has been performed.

This regulatory proposal would increase that fee from \$2.50 per reported property address, to \$3.00 per reported property address. This is currently the statutory maximum fee that may be charged pursuant to B&P Code section 8674(n). Effective January 1, 2019, the maximum authorized fee will increase to \$5.00. (Stats. 2018, Ch. 572, Sec. 16.)

#### POLICY STATEMENT/OVERVIEW

During the 2017-18 legislative session, the SPCB underwent an oversight process known as “sunset review” during which the Senate Business, Professions, and Economic Development Committee, and the Assembly Committee on Business and Professions (Committees) examined all aspects of the SPCB’s functions and performance.

While performing SPCB’s sunset review, the Committees identified the SPCB’s long-term fund condition as an area of concern. By fiscal year 2018-19, the SPCB is projected to have a reserve balance of less than two months, and a negative reserve by 2020-21. To ensure the continued ability to fulfill its primary mission of protecting the public, the SPCB, like other boards and bureaus within the Department of Consumer Affairs (DCA), strives to maintain an operating budget reserve of at least six months and no more than two years, to account for fluctuations in licensee populations, enforcement costs, and other unforeseen expenses.

In order to address the committees’ concerns about the SPCB’s operating budget reserve, the SPCB is proposing to raise the WDO inspection reporting fee from \$2.50 per property address to the statutory maximum of \$3.00 per property address. In taking this action, the SPCB projects an annual revenue increase of over \$682,000 which will equate to an additional 1.6 months in reserve funding in 2019-20. The SPCB anticipates that the fee increase will result in a reserve balance in 2019-20 of approximately 6 months.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulation the SPCB conducted a search for any similar regulations relating to this topic. The SPCB determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs / Savings in Federal Funding to the State: In taking this action the SPCB projects an annual revenue increase of approximately \$682,000. This revenue translates into an additional 1.6 months of reserve funding in 2019-20.

Nondiscretionary Costs / Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

#### BUSINESS IMPACT STATEMENT

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The Board has determined that the following types of businesses may experience a minimal adverse econom-



ic impact — **Businesses that perform WDO inspections.**

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The cost impact that a representative private person or business would incur to be in reasonable compliance with the proposed regulation is as follows:

► **Impact on Businesses That Perform WDO Inspections**

Currently, there are 1,544 companies registered with the SPCB with the proper license to perform WDO inspections. Over 2013–14, 2014–15, 2015–16, and 2016–17 these companies reported an annual average total of 1,365,414 WDO inspections per year. This translates to an average of 884 annual WDO inspections per registered company. The proposed regulation would increase the fee registered companies pay to report a WDO inspection by \$0.50. Therefore, the average cost impact of the proposed regulation on a representative business is \$442 per year.

Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

The SPCB has determined that the proposed regulation will affect small businesses in the following ways:

Small businesses that perform WDO inspections will incur an increase of \$0.50 in the fee that they are required to pay to the SPCB when they report a WDO inspection. While the SPCB does not keep statistics on how many small businesses it registers, the average annual cost increase for a company that performs WDO inspections is expected to be \$442.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The SPCB has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The SPCB made this determination because the economic impact of the proposed regulation is expected to be minor and therefore would not affect job creation.

The SPCB has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The SPCB made this determination because the economic impact of the proposed regulation is expected

to be minor and therefore would not affect the creation of new businesses or the elimination of existing businesses.

The SPCB has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The SPCB made this determination because the economic impact of the proposed regulation is expected to be minor and therefore would not affect the expansion of businesses currently operating within the state.

The SPCB has determined that the proposed regulatory action will benefit the health and welfare of California’s residents, worker safety, and the state’s environment in the following way:

- The health and welfare of California residents will benefit from the proposed regulation because it will enable the SPCB to address the concerns about its fund condition and therefore ensure that the SPCB can continue to fulfill its primary function of protecting the public.

**EFFECT ON HOUSING COSTS**

The SPCB has determined that the proposed regulation will have no effect on housing costs. The SPCB made this determination because the economic impact of the proposed regulation is expected to be minor and therefore would not affect the cost of housing.

**BUSINESS REPORTING REQUIREMENT STATEMENT**

The SPCB has determined that the proposed regulation will not create a reporting requirement for businesses.

**CONSIDERATION OF ALTERNATIVES**

The SPCB must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF  
REASONS AND INFORMATION**

The SPCB has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the SPCB may adopt the proposed regulations substantially as described in this notice. If the SPCB makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the SPCB adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of David Skelton at the address indicated above. The SPCB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY AND LOCATION OF  
THE FINAL STATEMENT OF  
REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

**WEBSITE ACCESS**

Materials regarding this proposal can be found at the Board's website at: <http://www.pestboard.ca.gov/forms/index.shtml>.

**CONTACT PERSON**

**Inquiries or comments concerning the proposed rulemaking action may be addressed to:**

Name: **David Skelton**  
Address: **Structural Pest  
Control Board  
2005 Evergreen Street  
Suite 1500  
Sacramento, CA 95815**  
Telephone Number: **916-561-8722**  
Fax Number: **916-263-2469**  
Email Address: [david.skelton@dca.ca.gov](mailto:david.skelton@dca.ca.gov)

**BACKUP CONTACT PERSON**

Name: **Ronni O'Flaherty**  
Address: **Structural Pest  
Control Board  
2005 Evergreen Street  
Suite 1500  
Sacramento, CA 95815**  
Telephone Number: **916-561-8700**  
Fax Number: **916-263-2469**  
Email Address: [ronni.oflaherty@dca.ca.gov](mailto:ronni.oflaherty@dca.ca.gov)

**TITLE 17. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER THE PROPOSED  
ZERO-EMISSION AIRPORT  
SHUTTLE REGULATION**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed Zero-Emission Airport Shuttle Regulations (California Code of Regulations, title 17, sections 95690.1 through 95690.7.).

DATE: February 21, 2019  
TIME: 9:00 a.m.  
LOCATION: California Environmental  
Protection Agency  
California Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95812

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., February 21, 2019, and may continue at 8:30 a.m., on February 22, 2019. Please consult the agenda for the hearing, which

will be available at least ten days before February 21, 2019, to determine the day on which this item will be considered.

43009, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204, 43205, 43205.5, and 43600.

WRITTEN COMMENT PERIOD AND  
SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on January 4, 2019. Written comments not physically submitted at the hearing must be submitted on or after January 4, 2019, and received **no later than 5:00 p.m. on February 19, 2019**. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulation. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerk of the Board, California  
Air Resources Board  
1001 I Street  
Sacramento, California 95814

Electronic submittal:  
<http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code sections 38501, 38505, 38510, 38560, 38566, 39002, 39003, 39500, 39516, 39600, 39601, 39602, 39602.5, 39650, 39658, 39659, 39677, 43013, 43018, 43100, 43101, 43102, 43104, 43105, and 43106. This action is proposed to implement, interpret, and make specific sections from Health and Safety Code Sections 38501, 38505, 38510, 38560, 39650, 39658, 39659, 39667, 43000, 43000.5,

INFORMATIVE DIGEST OF PROPOSED  
ACTION AND POLICY STATEMENT  
OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))

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

CARB may also consider other changes to the sections affected, as listed earlier in this notice, during the course of this rulemaking process.

**Background and Effect of the Proposed Regulation:**

CARB 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 this sector. 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. This acceleration of the use of zero-emission technology is necessary to provide cleaner air for all Californians while slowing down the effects of climate change.

California has a vast network of airports, serving both urban and rural communities, which provide a variety of essential functions critical to California’s economy. Eleven of the North American’s top 100 passenger airports are located in California, with Los Angeles International Airport and San Francisco International Airport ranking number two and seven, respectively, in terms of annual commercial airline passengers. This level of activity brings commensurate emissions. Reducing emissions of criteria pollutants, toxic air contaminants, and greenhouse gas (GHG) from all sectors,

including the aviation sector, will support CARB’s mission to meet federal health-based National Ambient Air Quality Standards (NAAQS) and California’s climate change abatement goals.

Currently, almost 1,000 public and private airport shuttles operate in California, transporting travelers to parking lots, rental car offices, hotels, and other destinations at California’s 13 largest airports. The shuttles themselves consist of vans, cutaways, and transit-style buses and are owned either by local government agencies or by private businesses, such as independent off-airport parking lots and hotels. The majority of airport shuttles currently use gasoline and compressed natural gas, although some use electric, propane, and diesel.

Shuttle operators have already recognized that ZEVs can be a good fit for their operations. Currently over 110 ZEV shuttles are in-use or are on order, including 33 in operation at Wally Park, a private off-airport parking business serving the Los Angeles International Airport that became the first all-electric airport shuttle fleet in the nation. These fleet owners utilized incentive funds to offset the incremental cost of the battery electric shuttles and are seeing operational benefits of reduced fueling and maintenance costs.

As noted previously, airport shuttles are small in number, relative to the larger transportation vehicle populations, and therefore their impact on air pollution is similarly small. However, airport shuttle operation characteristics (i.e., fixed short routes, stop-and-go operation, and low average speeds) are an optimal match to current battery electric vehicle technology. Therefore, this category of vehicles (along with transit buses) are a logical initiation point for medium- and heavy-duty ZEV implementation from which the technology can expand to the larger population of buses and trucks. Technology transformation regulations, like the proposed regulation, contribute to CARB’s air quality and climate change goals by increasing the use of ZEVs in the medium- and heavy-duty on-road sector while providing a bridge toward zero-emission pathways in other sectors. This regulatory effort will expand medium- and heavy-duty electric charging and hydrogen fueling infrastructure, build consumer awareness and public visibility of ZEVs, send a market signal to assist in encouraging economies of scale, and support technology transfer to other medium- and heavy-duty on-road and off-road sections.

CARB has the authority to regulate mobile sources and to adopt motor vehicle standards and measures to attain ambient air quality standards and climate change requirements and goals. Furthermore, CARB is tasked with developing the State Implementation Plan, California’s road map toward achieving the NAAQS. Additional oxides of nitrogen (NOx) and GHG emission reductions are needed from the transportation sector in or-

der to attain the NAAQS, reduce individual health risk, and meet climate change goals while promoting the transportation sector’s transition to ZEV technology. Shuttles that serve California’s commercial airports are among the first that will be required to transition to the cleanest technologies available.

**Objectives and Benefits of the Proposed Regulation:**

The Revised Proposed 2016 State Strategies for the State Implementation Plan included several areas that are key to launching heavy-duty zero-emission technology in the on-road heavy-duty sector including transit buses, delivery trucks, and airport shuttles. These efforts — besides providing NOx, particulate matter (PM), toxic air contaminant (TAC), and GHG emission reductions needed to clean the air — will increase the first wave of heavy-duty ZEV deployment. The purpose of the proposal is to implement one of these California State Implementation Plan (SIP) strategies, the Zero-Emission Airport Shuttle Bus measure. The proposed regulation would require public and private airport shuttle fleets to transition from internal combustion vehicles to ZEVs. Staff’s proposal consists of an early action voluntary period followed by regulatory requirements. The proposal would increase the use of current commercially available medium- and heavy-duty zero-emission vehicles in applications that are ideally suited for its use while providing emission benefits to help meet mandated California’s SIP strategies requirements and GHG climate reduction goals.

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
  - o 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 proposed compliance benchmarks are designed to provide flexibility throughout the transition period, especially in earlier years, in acknowledgement of comments received regarding access to publicly available incentive funding opportunities. The proposal includes a no-backsliding provision to ensure continued progress as well as exemptions and extensions in order to ease the complete transformation to ZEVs.

Major portions of California are not in attainment with the federal ozone 8-hour standards, including areas around commercial airports. Adoption of the proposed regulation will provide cleaner air for all Californians, especially in areas surrounding airports that include disadvantaged and low-income communities, while slowing down the effects of climate change. Replacing combustion vehicles with electric vehicles will contribute to overall reductions of NOx and GHG emissions. The proposal will assist in attaining air quality standards, reducing health risks to individuals living in California, and meeting GHG goals.

The proposed regulation would apply to public and private fleet owners of medium- and heavy-duty vehicles that provide airport shuttle service to and around large, medium, and small hub airports in California (see Table 1). In response to stakeholder feedback, staff’s proposal stakeholder feedback does not apply to every airport in California or to every shuttle that stops at an airport.

**Table 1: Proposed List of California Airports**

Airport Hub Type	California Airports
Large	Los Angeles International
	San Diego International
	San Francisco International
Medium	Hollywood Burbank
	Oakland International
	Ontario International
	John Wayne, Orange County
	Sacramento International
	Mineta San Jose International
Small	Fresno Yosemite International
	Long Beach
	Palm Springs International
	Santa Barbara

The proposal is limited to these airports because they engage the vast majority of passenger traffic and the operation of ZEVs is a viable alternative. The proposed regulation will apply to airport shuttle fleets containing one or more shuttles that meet the following conditions:

- Operates on a fixed destination route of 30 miles or less,
- Makes at least one stop at one of the 13 proposed airports, and
- Dispatched for service within a 15-mile radius from an airport.

These conditions work together to capture the current zero-emission technology operational characteristics best suited for ZEV deployment today. CARB’s Medium- and Heavy-Duty Battery Electric Trucks and Buses Technology Assessments identified airport shuttles as readily suited for battery electric operation because of their well-defined routes. Limiting the scope to fixed destination routes enables fleets to manage current vehicle range limits based on current ZEV technology.

Specifying maximum distance from the airport ensures the proposal will address those vehicles that demonstrate the low-mileage, stop-and-go operation, and low average speeds that are advantageous to the fuel (energy) economy benefits of electric vehicle operation.

The proposed regulation is expected to cumulatively reduce GHG emissions, relative to current conditions, by 500,000 metric tons of carbon dioxide equivalent (CO<sub>2e</sub>) from 2020–2040 as well as reducing NO<sub>x</sub> and PM (see Table 2). By 2040, the proposed regulation is expected to have a beneficial economic impact of \$30 million.

**Table 2: Cumulative Emission Reductions, 2020–2040**

<b>NO<sub>x</sub> (tons)</b>	<b>PM<sub>2.5</sub> (tons)</b>	<b>CO<sub>2e</sub> (million metric tonnes)</b>
138	2.5	0.5

While the proposed regulation would have a direct cost impact to airport shuttle fleet owners in the early years with a payback period of eight years, staff’s cost analyses also show that operating costs, as well as maintenance and fuel costs, are beneficial when compared with combustion vehicles. Furthermore, staff specifically structured the proposal to include a voluntary early action period to facilitate the use of funding incentives to help mitigate the up-front capital costs.

In addition, the proposed regulation provides benefits from the avoided tailpipe emissions such as improvements to public health and worker safety while also providing toxic emission reductions in disadvantaged communities located near airports.

The anticipated benefits are summarized below:

**Air Quality and Climate Benefits**

The demanding air quality and climate protection goals that California faces require cleaner technologies be deployed, especially in the transportation sector. The proposed regulation, as part of a larger portfolio for clean transportation and fuels, would assist in meeting California’s climate change and air quality goals while having a positive net impact on the economy. The proposal helps reduce emissions several ways:

- 1) Beneficial impacts to disadvantaged and low-income communities;
- 2) Eliminate tailpipe emissions and excess emissions caused by deteriorated vehicles;
- 3) Reduce emissions from the oil and gas extraction and production processes; and

- 4) Establish zero emissions vehicle technology in a specific medium- and heavy-duty vehicle sector well suited for the technology.

**Public Health and Worker Safety Benefits**

The adoption of the proposed regulation will provide criteria pollutant, GHG, and other harmful exhaust emission reductions providing immediate air quality benefits to communities surrounding airports and reducing the impact of climate change. Reduced emissions will likely improve worker safety by reducing their exposure to harmful exhaust emissions. In addition, this benefit will extend to all people at airports including children and elderly sensitive subgroups.

**Health and Benefits in Disadvantaged Communities**

The proposed regulation reduces NO<sub>x</sub>, PM<sub>2.5</sub> emissions, resulting in health benefits for Californians, including in disadvantaged and low-income communities. Eleven of the nation’s top 100 passenger airports are in California. A large road network supporting this high level of activity results in disproportionate pollutant burden in regions surrounding airports. Although California is making progress towards meeting the health-based NAAQS, some of the most populated areas surrounding major commercial airports continue to experience disproportionately high levels of pollution. The impact is even more severe for disadvantaged communities.

**Increase in Employment Opportunities**

With more than ten ZEV Original Equipment Manufacturers (OEM) currently located in California, it is highly plausible that the increased demand for this technology would result in higher employment opportunities in the manufacturing sector, including employment in disadvantaged communities. Examples include Motiv Power and Phoenix Motorcars, two small business ZEV manufacturers located in economically disadvantaged communities. In addition the required infrastructure will also create a favorable environment for employment growth in infrastructure manufacturing, installation, and maintenance markets.

**Establishing Zero Emissions Technology in the Medium- and Heavy-Duty Sector**

Success of any new technology heavily depends on consumer acceptance. By transporting a large volume of passengers at airports, manufacturers of ZEV airport shuttles have the exclusive opportunity to create positive impressions across a wide sector of the population through direct real-life experience. The projected increase in air travel would mean increased visibility and exposure to ZEV operation.

The superior fuel efficiency of ZEVs operating in this sector improves with the low speeds and frequent stops operation. The airport shuttle sector is of optimum size

to initiate the introduction of ZEV technology cut-aways, vans, and buses to consumers.

Infrastructure is an important aspect of the proposed regulation as it will lead to an increased demand for charging infrastructure. Multi-modal charging infrastructure, supporting medium- and heavy- and light-duty ZEVs, at hotel and airport parking facilities would send a strong signal to ZEV manufacturers and consumers.

An additional benefit is that ZEVs are quieter than their fossil-fueled counterparts. The appreciation of the lower noise level would further increase consumer acceptance and could become a vital catalyst for the supply-chain market growth.

CARB staff developed the proposed regulation through an extensive two-year public process, including meeting with airport authorities, ZEV manufacturers, various industry associations, and trade organizations. Prior to each public meeting, CARB staff posted information regarding these workshops and meetings and other associated materials on the Airport Shuttle Bus (ASB) website (<https://www.arb.ca.gov/msprog/asb/asb.htm>). Specifically, staff solicited public input on the regulatory proposal at the June 30, 2017; December 4, 2017; March 7, 2018; and March 8, 2018, meetings.

These pre-rulemaking discussions gave an opportunity for government, industry and other stakeholders to engage in an open discussion regarding CARB's efforts. CARB staff developed the proposal based on research, survey results, analysis, and feedback from stakeholders.

**Comparable Federal Regulations:**

Currently, there are no comparable federal regulations.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulation, CARB conducted a search of any similar regulations on this topic and concluded that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. California has regulations in place that set new engine standards and in-use fleet regulations. A brief description of two other CARB in-use regulations that reduce diesel PM and NOx in heavy-duty diesel fueled vehicles is as follows:

- Private entities must comply with the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles, also known as the CARB-Truck and Bus Regulation for diesel vehicles weighing more than

14,000 pounds GVWR. (Cal. Code of Regs., tit. 13, § 2025). This regulation is different from the proposed Zero-Emission Airport Shuttle regulation in that it applies to a sector that is not covered under the proposed regulation and contains different requirements.

- Any municipality or utility that owns, leases, or operates an on-road, diesel-fueled heavy-duty vehicle must comply with California's Diesel Particulate Matter Control Measure for Municipality or Utility On-road Heavy-Duty Diesel Fueled Vehicles (Cal. Code of Regs., tit. 13, § 2022 et seq.). This regulation is different from the proposed Zero-Emission Airport Shuttle regulation in that it applies to a sector that is not covered under the proposed regulation and contains different requirements.

The proposed regulation will require Zero-Emission Airport Shuttles to be certified for sale in California. A rigorous certification process has been the foundation of CARB's emission standards. It ensures that vehicles meet applicable emission standards throughout their useful life. For the nascent zero-emission technology, excessive or premature deterioration of the emission control system is not a concern. However, other factors become more important. Transparency about system capabilities, warranty, and recall provisions are all critically important protections for the consumer. This is especially true when regulations are requiring their use as with the proposed regulation. The current certification process for ZEVs used in the airport shuttle sector are in the process of being revised.

CARB conducted separate rulemaking to consider the Proposed California Greenhouse Gas Emissions Standards for Medium- and Heavy-duty engines and Vehicles and the Proposed Amendments to the Tractor-Trailer GHG Regulation (CARB, Phase 2 Initial Statement of Reasons and 15-day changes) and the Proposed Alternative Certification Requirements and Test Procedure for Heavy-duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains. These rulemakings were noticed but are not effective because they have not been approved by the Office of Administrative Law and filed with the Secretary of State. Under Phase 2, heavy-duty electric and fuel cell vehicles may generate GHG credits through the 2027 MY, credits derived for such vehicles are multiplied by 4.5 and 5.5, respectively, when determining GHG fleet averages. Heavy-duty electric and fuel cell vehicles are considered to have no tailpipe emissions under Phase 2.

Proposed Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Proce-

dures for Zero-Emission Powertrains (ZEP Cert) would build upon existing certification requirements set forth in California’s Phase 2 regulation. The proposal would establish a more robust, alternative certification pathway that manufacturers could use, at their own discretion, to certify their heavy-duty electric and fuel-cell vehicles and the zero-emission powertrains they use.

ZEP Cert will help ensure that zero-emission powertrains, along with the heavy-duty vehicles they are designed for, are reliable in their intended applications. The measure is expected to help drive technology innovation and refinement, empower fleet decision-making by increasing consumer confidence in the technology, and provide data to inform future measures that accelerate the overall transition to the zero-emission technologies which California needs to meet its long-term air quality and climate goals. Model year 2026 and later heavy-duty zero-emission airport shuttles will be required to meet ZEP Cert requirements to comply with the proposed regulation.

CARB staff carefully reviewed these current regulations in the development of the proposed regulation and determined that the proposed regulation is different in its application, different in the sectors covered, and will achieve additional emission reductions by removing all tailpipe emissions from airport shuttles, which were not previously prohibited.

The adoption of the proposed regulation will provide criteria pollutant, GHG, and other harmful exhaust emission reductions providing immediate air quality benefits to communities surrounding airports and reducing the impact of climate change.

DISCLOSURE REGARDING  
THE PROPOSED REGULATION

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subs. (a)(5)&(6)):**

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulation are presented below.

**Cost to any Local Agency or School District Requiring Reimbursement under Government Code section 17500 et seq.:**

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulation would not impose a mandate on any local agency or school district, but the regulations would create costs to local agencies and school districts, however these costs would not be reimbursable by the State under Govern-

ment Code, title 2, division 4, part 7, (commencing with section 17500). The costs on airport operators are not reimbursable because they are voluntary and not mandated by the State because airport shuttle bus services are voluntary. The government jurisdictions that operate airports in general, and transit services in particular, are not obligated to provide these facilities or services. (*See Arcadia Unified School Dist. v. State Dept. of Ed.* (1992) 2 Cal.4th 251, 264 [school districts not obligated to provide transit services].) Costs of optional services are not mandated and are not subject to reimbursement. (State Administrative Manual § 6606; *Dept. of Finance v. Com. on State Mandates* (2003) 30 Cal.4th 727, 735; see also *Com. on State Mandates Test Claim No. 03–TC–01* (May 26, 2011), available at: <https://www.csm.ca.gov/decisions/504.pdf>.)

The proposed Zero-Emission Airport Shuttle regulation directly impacts local government entities that operate California’s airports. The costs and cost-savings to these local agencies varies annually. Specific costs to each agency depend on the size of the fleets, the number of shuttles already in their fleets, and existing airport planning efforts that mitigate the need for shuttles. These airport efforts include increasing the walkable access to airport facilities, electric rail “people mover” projects, and improving connectivity with existing public transportation systems. Without additional funding support, upfront costs from purchasing zero-emission airport shuttles and improving or adding infrastructure would outweigh cost-savings in the early years of the regulation adoption. Over time, the cost savings in maintenance, fuels costs, credit values from Low Carbon Fuel Standard (LCFS) program, and the build out of infrastructure is estimated to result in an overall cost-savings to the airports. Annual and Fiscal Year costs to local government entities are located in the Initial Statement of Reasons (ISOR) Appendix C.

Local government agencies that operate airports will need to identify means of addressing the incremental cost differences of zero-emission airport shuttles in the early implementation years before the economies of scale and technology improvements substantially reduce the capital vehicle and infrastructure costs. The proposed regulation is structured to provide the opportunity for fleet owners to be eligible for grant funding, which could substantially reduce or eliminate the incremental cost of deploying zero-emission airport shuttles.

The State is committed to provide funding to help with the transition to zero-emission technologies. There are several funding sources that could offset the incremental costs (see the ISOR Chapter I, Section G). For example, on May 31, 2018, the California Public Utility Commission (CPUC) unanimously approved transportation electrification projects proposed by three



major Investor Owner Utilities, with a total of \$738 million including \$236 million from Pacific Gas and Electric and \$343 million from Southern California Edison on medium- and heavy-duty infrastructure, required under Senate Bill 350, chapter 547, statutes of 2015. This approval will reduce the infrastructure costs to airports in those utility service areas. In addition, on May 25, 2018, CARB approved allocations of Volkswagen Environmental Trust Funds that included up to \$65 million for zero-emission shuttles. Funds from both of these programs are available to public and private fleet shuttle owners.

The proposed regulation would not impose additional costs on school districts.

Other Non-Discretionary Costs or Savings on Local Agencies:

The proposed regulation affects local government agencies that operate airports and is expected to impose additional non-discretionary costs from capital vehicle and infrastructure purchases as well as non-discretionary cost-savings resulting from operating the zero-emission airport shuttles. Annual and Fiscal Year costs and cost-savings to local government entities are located in the Appendix C of the ISOR. As previously discussed the impact depends on many factors including existing airport planning efforts to reduce the need for shuttles and cost sharing opportunities (see ISOR Chapter I, Section G).

Cost or Savings in Federal Funding to the State:

Airports may apply for federal grants administered through the Federal Aviation Administration (FAA) to purchase airport shuttles and corresponding infrastructure. Airports will remain eligible for this program until the final compliance date of the proposed regulation. No other impacts to federal funding to the state are anticipated due to the proposed regulation.

Cost or Savings for State Agencies:

Under Government Code section 11346.5, subdivision (a)(6), the Executive Officer has concluded that the proposed regulation would create costs to a State agency in that it would result in costs to CARB due to the anticipated hiring of additional staff. This regulatory action would not result in savings to any State agency.

The proposed regulation is anticipated to require CARB hiring of two additional Air Pollution Specialists (APS) to support implementation and enforcement, starting in the 2020-2021 fiscal year. The cost for an APS position is \$173,000 for the first year with an annual cost in subsequent years of \$172,000. The hiring of those two requested positions would be spread out from 2020 to 2023. One APS is needed starting in FY 2020-2021 and the other APS is needed in FY 2022-2023. Funding for these positions is expected to

come from the Motor Vehicle Account or other funding source.

The proposed regulation is not expected to have adverse impacts on other state agencies.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulation will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulation would not have a statewide adverse economic impact directly affecting businesses.

No significant impacts to the competitive advantages or disadvantages for businesses currently doing business in the state are anticipated. All businesses owning or operating fleets that service airports in California would be subject to the same proposed zero-emission vehicle requirements, regardless of in-state and out-of-state ownership status. The proposed requirements would not create any competitive disadvantage to businesses located in California.

Types of Businesses

The proposed regulation will apply to public and private fleet owners of medium- and heavy-duty vehicles that provide airport shuttle service to and around hub airports in California. Businesses impacted by the proposed regulation include hotels, off-airport parking companies, and other businesses which provide transportation between their business locations and California airports.

Compliance Requirements

Compliance requirements are previously discussed in the "Objective and Benefits" section above.

**Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

**NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):**

A detailed assessment of the economic impacts of the proposed regulation can be found in Chapter VIII, "Economic Impact Assessment," and in Appendix C of the ISOR.

The Creation or Elimination of Jobs within the State of California:

The Executive Officer has concluded that the proposed regulation would have an effect on the creation or elimination of jobs within the State of California. However, this impact is expected to be minimal. As described in Chapter VIII, "Economic Impact Assessment," of the ISOR, the overall impact of the proposed

regulation is likely a cost savings to business. There are net costs in early years for initial zero-emission shuttle and infrastructure investments which could be passed on to the consumer or could result in a decrease in service or other cost saving measures. If a fleet decreased service then some jobs in the industry could be lost. However, since Appendix C of the ISOR shows costs could be passed to consumers with a small increase in price, it is anticipated that decrease in service will be minimal if any.

A small number of jobs could be created in industries associated with zero-emission shuttle manufacturing, conversion, maintenance, and support due to the increased demand for these technologies.

**Businesses Creation, Elimination, and Expansion:**

The Executive Officer has concluded that the proposed regulation would have a minimal impact on the creation or elimination of business within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the proposed economic impacts of the proposed regulation can be found in Chapter VIII, “Economic Impact Assessment,” of the ISOR.

**Benefits to Health and Welfare**

The adoption of the proposed regulation will remove harmful tailpipe emissions from airport shuttles providing cleaner air for airport travelers that include sensitive receptors (children and the elderly), communities surrounding airports, and reducing fleet operators’ occupational exposure. Operation of zero-emission shuttles requires no use of petroleum fuels and will help California achieve the state’s GHG reduction goals. GHG emission reductions result from the avoided fuel combustion and from mining and refining processes. GHG emissions can remain in the atmosphere for decades. Removal of GHG emissions will reduce the impacts of climate change on the state’s environment.

In addition, the operation of zero-emission shuttles will provide a synergy that will help accelerate the transition to zero-emission technologies in other transportation sectors.

A summary of these benefits is provided; please refer to “Objectives and Benefits,” under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion above. Benefits to worker safety and the state’s environment are also addressed above.

**Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

In accordance with Government Code sections 11346.5, subdivision (a)(11) and 11346.3, subdivision

(d), the Executive Officer finds the reporting requirements of the proposed regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The proposed Zero-Emission Airport Shuttle regulation would impose additional costs and cost-savings on entities that own or operate airport shuttle fleets that serve California’s airports. This includes private off-airport parking lots, hotels near airports that provide shuttle services, and airport shuttle service companies that provide shuttle service for hotels. Anticipated costs from the proposed Zero-Emission Airport Shuttle regulation would include capital expenditure costs, such as purchase of zero-emission airport shuttles, capital infrastructure costs, electricity costs, and annual reporting costs. The cost-savings include maintenance, fuel costs, and credits from the LCFS program.

The costs and cost-savings to these entities vary annually. Specific costs to each entity depend on the size of the fleets and the number of zero-emission airport shuttles already in their fleets. Although businesses incur costs in every year, the investment in zero-emission airport shuttles will result in net cost savings over time. Examples of costs for different business types and sizes as well as potential price impacts to customers are located in Appendix C of the ISOR.

Without additional funding support, upfront costs from purchasing ZEVs and improving or adding infrastructure would outweigh cost-savings in the early years of the regulation adoption. Private businesses that operate airport shuttle fleets will need to identify means of addressing the incremental cost differences in the early implementation years before the economies of scale and technology improvements substantially reduce the capital vehicle and infrastructure costs. The staff’s proposal is structured to allow private and public fleet owners to be eligible for grant funding, which could substantially reduce, or eliminate, the incremental cost of deploying ZEVs.

The State is committed to provide funding to help with the transition to zero-emission technologies. There are several funding sources that could offset the incremental costs (see the Initial Statement of Reasons (ISOR) Chapter I, Section G). In May 2018, action by the CPUC and CARB approved up to \$803 million (see above under the Costs to Local Agency section for more details) that can be applied toward the incremental costs for public and private fleets.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, Title 1, section 4, that the proposed regulation would affect small businesses. The proposed Zero-Emission Airport Shuttle regulation would impose additional costs and cost-savings on small businesses that own or operate airport shuttle fleets that include private off-airport parking lots, hotels near airports that provide shuttle services, and airport shuttle service companies that provide shuttle service for hotels.

Anticipated costs from the proposed Zero-Emission Airport Shuttle regulation would include capital expenditure costs, such as purchase of zero-emission airport shuttles, capital infrastructure costs, electricity costs, and annual reporting costs. The cost-savings include maintenance, fuel costs, and credits from the LCFS program. Although small businesses incur costs in every year, the investment in zero-emission airport shuttles will result in net cost savings over time. A detailed assessment of the economic impacts of the proposed regulation on a small business as well as potential price impacts to customers can be found in Appendix C of the ISOR.

Cost sharing opportunities identified in the “Cost Impacts on Representative Private Persons or Businesses” section above are also available to small businesses.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulation, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The analysis of such alternatives can be found in Chapter VIII of ISOR for these proposed alternatives. Staff has discussed several alternative concepts in the ISOR, including stricter compliance requirements, less stringent compliance requirements, small business, accelerated phase-in, a no phase-in, use of ultra-low NOx engines, and a performance standard alternative. The Board has not identified any reasonable alternatives that would lessen any adverse impact on small business.

STATE IMPLEMENTATION PLAN REVISION

If adopted by the Board, CARB plans to submit the proposed regulation to the United States Environmental Protection Agency (U.S. EPA) for approval as a revision to the California State Implementation Plan (SIP) as required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it adopts regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed Zero-Emission Airport Shuttle Regulation, has prepared a joint draft environmental analysis (Draft EA), which analyzes the proposed Regulation in accordance with the requirements of its regulatory program certified by the Secretary of Natural Resources. (California Code of Regulations, title 17, sections 60006–60008; California Code of Regulations, title 14, section 15251, subdivision (d).) The Draft EA assesses the potential for significant adverse and beneficial environmental impacts associated with the proposed actions and provides a programmatic environmental analysis of the reasonably foreseeable compliance responses that could result from implementation of the proposed regulation.

The resource areas from the California Environmental Quality Act (CEQA) Guidelines Environmental Checklist were used as a framework for a programmatic environmental analysis of the direct, and reasonably foreseeable indirect, environmental impacts resulting from implementation of the proposed regulation. The Draft EA provides an analysis of both the beneficial and adverse impacts and feasible mitigation measures for the reasonably foreseeable compliance responses associated with the recommended amendments.

The Draft EA concluded implementation of the proposed regulation could result in the following short-term and long-term beneficial and adverse impacts:

- Beneficial impacts to energy demand, air quality, and greenhouse gases;
- Less than significant impacts, or no impacts, to energy, mineral resources, population employment, housing, public service, and recreation; and
- Potentially significant adverse impacts to aesthetics, agricultural and forest resources, short-term air quality, biological resources,

cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, noise, mineral resources, transportation and traffic, and utilities and service systems.

The potentially significant and unavoidable adverse impacts are primarily related to short-term, construction-related activities. This explains why some resource areas are identified above as having both less-than-significant impacts and potentially significant impacts. Please refer to the Draft EA for further details.

The Draft EA is included as Appendix B to the ISOR and can be obtained from CARB's website at: <http://www.arb.ca.gov/regact/2018/asb18/asb18.htm>.

Copies of the Draft EA may also be obtained from CARB's Public Information Office, 1001 I Street, First Floor, Environmental Services Center, Sacramento, California, 95814.

#### SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

#### AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to the agency representative Katherine Garrison, Air Resources Engineer, Carl Moyer Off-Road Section, at (916) 322-1522 or (designated back-up contact) Anthony Poggi, Air Pollution Specialist, Alternatives Strategies Section, at (916) 324-9424.

#### AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report (Initial Statement of Reasons (ISOR)) for the proposed regulation, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Zero-Emission Airport Shuttle Regulation.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on December 31, 2018.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

The public may request a copy of the modified regulatory text from CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Following the public hearing, the Board may vote on a resolution directing the Executive Officer to: make any proposed modified regulatory language that is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulation, and any additional supporting documents and information, available to the public for a period of at least 15 days; consider written comments submitted during this period; and make any further modifi-

cations as may be appropriate in light of the comments received available for further public comment. The Board may also direct the Executive Officer to: evaluate all comments received during the public comment periods, including comments regarding the Draft Environmental Analysis, and prepare written responses to those comments; and present to the Board, at a subsequently scheduled public hearing, the final proposed regulatory language, staff's written responses to comments on the Draft Environmental Analysis, along with the Final Environmental Analysis for action.

**FINAL STATEMENT OF REASONS AVAILABILITY**

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

**INTERNET ACCESS**

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2019/asb19>.

**TITLE 17. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED 2018 AMENDMENTS TO AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of the proposed 2018 amendments to the regulations designating areas of California as Attainment, Nonattainment, Nonattainment-transitional, or Unclassified for pollutants with State ambient air quality standards.

DATE: February 21, 2019  
 TIME: 9:00 a.m.  
 LOCATION: California Environmental Protection Agency  
 Air Resources Board  
 Byron Sher Auditorium  
 1001 I Street  
 Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., February 21, 2019, and may continue at 8:30 a.m., on February 22,

2019. This item is scheduled to be heard on the Board's Consent Calendar, unless removal upon the request of a Board member or if someone in the audience submits a request-to-speak card on this item. Please consult the agenda for the meeting, which will be available at least ten days before February 21, 2019, to determine when this item will be considered.

**WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on January 4, 2019. Written comments not physically submitted at the hearing must be submitted on or after January 4, 2019, and received **no later than 5:00 p.m. on February 19, 2019**. CARB requests that when possible, written and email statements be filed at least 10 days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerk of the Board  
 California Air Resources Board  
 1001 I Street  
 Sacramento, California 95814

Electronic submittal:  
<http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

**AUTHORITY AND REFERENCE**

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, 39607(e), 39608, and 40925.5. This action is proposed to implement, interpret, and make specific sections 39607(e), 39608, and 40925.5.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))

**Sections Affected:** Proposed amendment to California Code of Regulations, title 17, sections 60200, 60201, and 60203.

**Background and Effect of the Proposed Regulatory Action:**

CARB is charged with the responsibility of adopting ambient air quality standards in consideration of the public health, safety, and welfare (Health and Safety Code [H&SC] section 39606). To date, CARB has adopted State ambient air quality standards (State standards) for ten pollutants, set forth in CCR, title 17, section 70200. In addition, H&SC section 39607(e) requires CARB to establish designation criteria which provide the basis for designating areas of California as Attainment or Nonattainment with respect to the State standards. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 3 thereof. Based on these designation criteria, H&SC section 39608 further requires CARB to establish and annually review area designations for State standards.

**Objectives and Benefits of the Proposed Regulatory Action:**

During the annual review, CARB determines whether changes to the described areas or existing area designations are warranted based on an evaluation of recent air quality data. The proposed amendments to the area designations separately describe two areas and classify the air quality in communities as to whether it meets the State standards. Depending on the proposed changes to an area’s designation, districts may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards, e.g., for ozone and nitrogen dioxide. The proposed regulatory action identifies changes in an area’s designation, and therefore, assists impacted districts in determining whether such a plan is necessary. Districts may modify the emissions reduction strategy or alternative measure of progress in the plan if the district demonstrates to CARB’s satisfaction that the modified strategy is at least as effective in improving air quality as the strategy in the plan.

The annual review and update of the area designations gives the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

**Objectives:**

This year’s review of the area designations is based on air quality data from 2015 through 2017. The proposed amendments provide for the following changes:

- Description of Non-County Areas (section 60200):
  - Add description of Sutter Buttes portion of Sutter County in the Sacramento Valley Air Basin.
  - Add description of the CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin.
- Ozone Area Designations (section 60201):
  - Classify the Sutter Buttes portion of Sutter County in the Sacramento Valley Air Basin as a separate designation area, and retain the area as Nonattainment. This area is currently designated with Sutter County in the Sacramento Valley Air Basin as Nonattainment.
  - Redesignate Yuba County and that portion of Sutter County outside of the Sutter Buttes in the Sacramento Valley Air Basin as Attainment. This area is currently designated as Nonattainment.
  - Redesignate the North Central Coast Air Basin as Nonattainment–transitional. This area is currently designated as Nonattainment.
  - Redesignate Yolo and Solano Counties in the Sacramento Valley Air Basin as Nonattainment–transitional. This area is currently designated as Nonattainment.
- Nitrogen Dioxide Area Designations (section 60203):
  - Classify the CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, as a separate designation area, and redesignate the area as Nonattainment. This area is currently designated as Attainment.

**Benefits:**

*Environmental Justice.* Some communities experience higher exposures to air pollutants, and it is a priority of CARB to ensure that full protection is afforded to all Californians. CARB’s designations, as well as the separate description and designation of the Sutter Buttes and CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, provides members of these communities with updated information about the air quality of their communities which, as stated, allows them to make

more educated decisions regarding personal health and residency, as well as participation in outdoor activities.

*Safeguarding the quality of the physical environment.* An area's designation status provides a classification that assists local districts to more accurately assess local air quality. As discussed above, depending on the proposed changes to an area's designation, a district may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards, e.g., for ozone and nitrogen dioxide. The proposed regulatory action identifies changes in an area's designation, and therefore, assists impacted districts in determining whether such a plan is necessary. As a result, indirect benefits to the quality of the physical environment may result if the district adopts or amends its regulations with a goal toward achieving the State standards.

The Sutter Buttes is currently designated with Sutter County in the Sacramento Valley Air Basin. However, substantial topographic and residential differences warrant separately designating the Sutter Buttes. Including the Sutter Buttes with the Sutter County designation, as is currently done, results in skewed data. Adding a description of, and separately designating, the Sutter Buttes, as proposed, provides the public with a more accurate assessment of the air quality of the area.

Nitrogen dioxide is one of many pollutants generated from the combustion of fossil fuels in motor vehicles. It is therefore possible that nitrogen dioxide levels may be elevated near frequently traveled highways. Data from the CA 60 nitrogen dioxide near-road monitor exceeded the annual standard for the first time in 2017. The CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, is currently designated with the respective counties. However, on average nitrogen dioxide near-road air pollution concentrations largely decay to background levels at about 500 meters from the roadway. This warrants separately designating this area. Including this area with the respective counties, as is currently done, results in skewed data. Adding a description of, and separately designating, the CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, as proposed, provides the public with a more accurate assessment of the air quality of the area and the remainder of the Air Basin.

*Encouraging a regional approach to the State ambient air quality, whenever possible.* The proposed designations by discrete areas allow each local district to assess the air quality of individual areas and address their unique situations and needs. This approach allows each local district to identify the most cost-effective, efficient, and acceptable approach to achieve the State standards.

*Consistency with the State goal of providing a decent home and suitable living environment.* The annual re-

view and update of the area designations, as well as the separate description and designation of the Sutter Buttes and CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, gives local districts an updated and more accurate indication of whether the health-based standards are being met. This information allows local districts to make informed decisions regarding appropriate actions to meet the State standards.

*Protection of worker safety.* The annual review and update of the area designations, as well as the separate description and designation of the Sutter Buttes and CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, gives the public, businesses, and government an updated and more accurate indication of whether the health-based standards are being met. This information also allows businesses and government the opportunity to make better informed decisions regarding worker health and safety.

**Comparable Federal Regulations:**

There are no comparable federal or local regulations that address area designations for the State standards.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

The proposed changes, as well as the process for effecting those changes, to the area designations are consistent and compatible with existing State regulations.

In proposing the designation changes, as well as the separate description and designation of the Sutter Buttes and CA 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, CARB has considered the data for record (defined in California Code of Regulations, title 17, section 70301(a)),<sup>1</sup> which meet the representativeness and completeness criteria. The representativeness criteria are set forth in Appendix B to the Initial Statement of Reasons and in the California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 1. The completeness criteria are also set forth

<sup>1</sup> California Code of Regulations, title 17, section 70301(a) provides, "Except as otherwise provided in this article, designations shall be based on 'data for record.' (1) Data for record are those data collected by or under the auspices of the state board or the districts for the purpose of measuring ambient air quality, and which the Executive Officer or his or her delegate has determined comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures. (2) Any other data which are provided by a district or by any other person will be data for record if the Executive Officer or his or her delegate determines within 90 days of submittal of complete supporting documentation that the data comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures. . . ."

in Appendix B to the Initial Statement of Reasons and in the California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 3.

In addition, CARB has considered the criteria for designating areas as Nonattainment (California Code of Regulations, title 17, section 70303), Nonattainment–transitional for ozone (California Code of Regulations, title 17, section 70303.5), and Attainment (California Code of Regulations, title 17, section 70304) in making these proposed designations.

Finally, in proposing the separate designation of areas smaller than a county, CARB has considered the criteria for the geographic extent of designations (California Code of Regulations, title 17, section 70302).

DISCLOSURE REGARDING THE  
PROPOSED REGULATION

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subs. (a)(5)&(6)):**

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to the majority of local air agencies or school districts, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies. The proposed regulatory action would create savings to one local air district by suspending a reporting requirement under the Health and Safety Code sections 40910–40930.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

*Effect on Jobs/Businesses:*

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

The separate description and designation of the Sutter Buttes and CA 60 near–road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin merely groups areas for purposes of designating the healthfulness of the area. Because the proposed regulatory action, separately describing and designating these areas, are simply groupings of the areas, they do not contain any specific requirements for action, other than the review, adoption, and submittal of a triennial plan by the district. As a result, they have no specific, direct economic impact.

The area designations are labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves are simply labels of an area’s air quality, they do not contain any specific requirements for action, other than the review, adoption, and submittal of a triennial plan by the district. As a result, in most cases they have no specific, direct economic impact. In general, this regional approach to categorizing air quality allows each district to identify the most cost–effective and efficient approach to achieve the ambient air quality standards. The change in ozone designation from Nonattainment to Attainment for Yuba and Sutter Counties will suspend a reporting requirement for the Feather River Air Quality Management District and will result in cost savings.

In addition, the annual review and update of the area designations gives the public an indication of whether the health–based standards are being met, thereby allowing the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. These personal health and residency decisions may translate into cost savings from reduced medical expenses, hospitalizations, and time off from work, as well as improved psychological benefits. It also allows businesses and government the opportunity to make informed decisions about worker health and safety. These business and government decisions may also translate into cost savings from reduced workers’ expenses such as medical expenses, hospital-



izations, time off from work, and worker’s compensation, as well as improved worker morale.

**Benefits of the Proposed Regulation:**

The objective of the proposed amendments to the regulation is to review and update the area designations which give the public, businesses, and government, an indication of whether the health-based standards are being met.

A summary of these benefits is provided; please refer to “Objectives and Anticipated Benefits of the Proposed Amendments,” under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion above.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the proposed regulatory actions are simply descriptions and groupings of certain areas and labels of an area’s air quality; they do not contain any specific requirements for action, other than the review, adoption, and submittal of a triennial plan by the district. As a result, they have no specific, direct impact on small businesses.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board (which includes during preliminary workshop activities), would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulation and concluded that this is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may result in significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter VI of the Initial Statement of Reasons (ISOR).

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency repre-

sentative, Theresa Najita, Air Pollution Specialist, Central Valley Air Quality Planning Section, at (916) 322-7297 or (designated back-up contact) Jenette Kwong, Air Resources Engineer, Air Quality Analysis Section, at (916) 324-9460.

#### AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed 2018 Amendments to Area Designations for State Ambient Air Quality Standards."

Copies of the ISOR, which includes the full text of the proposed regulatory language in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on December 31, 2018.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environ-

mental Services Center, First Floor, Sacramento, California, 95814.

#### FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

#### INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2019/areadesignations18>.

### **GENERAL PUBLIC INTEREST**

#### **DEPARTMENT OF FISH AND WILDLIFE**

#### **CESA CONSISTENCY DETERMINATION REQUEST FOR Cottonwood Creek Bridge Restoration Project 2080-2018-016-02 Butte County**

The California Department of Fish and Wildlife (CDFW) received a notice on December 21, 2018 that the California Department of Transportation proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves replacing the Cottonwood Creek Bridge. Proposed activities will include, but are not limited to, construction of a new bridge, realignment of the roadway, pile driving using a vibratory hammer, excavation, pouring of concrete, and the installation of rock slope protection. The proposed project will occur on State Route 99 at post mile 15.41 over Cottonwood Creek in Butte County.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. 08ESMF00-2017-F-3174-R001-1) in a memorandum to the California Department of Transportation on August 1, 2018, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, the California Department of Transportation is requesting a determination that the BO and its associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and its associated ITS are consistent with CESA for the proposed project, the California Department of Transportation will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

PROPOSED CONSENT DECREE AND  
LAND USE COVENANT REMEDY FOR  
THE DAVIS CHEMICAL COMPANY SITE,  
LOS ANGELES, CA 90063  
PUBLIC COMMENT PERIOD: JANUARY 4TH,  
2019 — FEBRUARY 4TH, 2019

**WHAT IS BEING PROPOSED?** The Department of Toxic Substances Control (DTSC) is the lead agency overseeing the approved environmental investigation and approved cleanup activities at the Davis Chemical Site (Site), a former recycling facility, located at 1550 North Bonnie Beach Place, in Los Angeles, California 90063. This approximately 1/3-acre vacant parcel is in a light commercial/industrial area. In January 2008, DTSC approved a cleanup plan to address soil contaminated with volatile organic compounds, primarily acetone, tetrachloroethene (PCE) and trichloroethene (TCE). The approved cleanup plan, called a Remedial Action Plan (RAP), describes a hot spots soil excavation and a remedial technology, known as Soil Vapor Extraction (SVE), conducted that cleaned up the Site. DTSC’s cleanup activities reduced contamination to levels acceptable for commercial and industrial development. DTSC invites you to comment on a proposed Consent Decree and on a proposed Land Use Covenant (LUC) for the Site that would be required by the Consent Decree.

The Consent Decree is an agreement reached by parties settling a dispute and submitted to a court for approval. The proposed Consent Decree is between DTSC and Westside Delivery, LLC (Westside), who purchased the Site in 2009. The proposed Consent Decree requires Westside to pay DTSC \$175,000 for cleanup oversight costs. In the event, Westside sells the Site under specified conditions, Westside must also convey a portion of the sales proceeds to DTSC.

DTSC determined a LUC is necessary to further protect human health and the environment. If approved, the LUC prohibits: 1) sensitive uses such as residences, day cares, schools, and hospitals; 2) disturbing the soil without a DTSC-approved soil management plan; 3) drilling for any water, without a DTSC-approved Groundwater Management Plan. The LUC will be recorded in the property’s chain of title and will restrict current and future land use to commercial or industrial use only. The LUC is an exhibit to the proposed consent decree.

Following the 30-day public comment period, DTSC will report to the United States District Court, Central District, on any public comments DTSC received during the 30-day public comment period regarding the Consent Decree and LUC and ask the Court to approve the Consent Decree. If approved by the District Court, the Consent Decree will resolve the settling defendant’s settling responsibility for the Site, subject to limitations in the LUC and provide Settling Defendants with contribution protection, pursuant to Section 113 of the Comprehensive Environmental Response, Compensation, and Recovery Act (CERCLA).

**HOW YOU CAN PARTICIPATE:** A 30-day public comment period is being held to receive public comments on the Consent Decree and LUC. **The 30-day public comment period begins January 4th, 2019 and ends February 4th, 2019. All public comments must be postmarked or e-mailed no later than February 4th, 2019 and sent to:** Safouh Sayed, DTSC Project Manager, 5796 Corporate Avenue, Cypress, CA 90630-4732, or e-mail address at: [Safouh.Sayed@dtsc.ca.gov](mailto:Safouh.Sayed@dtsc.ca.gov). A copy of the Proposed Settlement Agreement and LUC is available for public review electronically at: [www.EnviroStor.dtsc.ca.gov](http://www.EnviroStor.dtsc.ca.gov), and at the DTSC Regional Records Office, 5796 Corporate Avenue, Cypress, CA 90630-4732, (714) 484-5336. Call for an appointment, Mon-Fri: 8:00 a.m.-5:00 p.m.

**CONTACT INFORMATION:** If you have any questions or concerns, please contact:

Safouh Sayed  
Project Manager  
(714) 484-5478  
[Safouh.Sayed@dtsc.ca.gov](mailto:Safouh.Sayed@dtsc.ca.gov)

Stacey Lear  
Public Participation Specialist  
(714) 484-5354  
[Stacey.Lear@dtsc.ca.gov](mailto:Stacey.Lear@dtsc.ca.gov)

Sandford Nax  
Public Information Officer  
(916) 327-6114  
[Sanford.Nax@dtsc.ca.gov](mailto:Sanford.Nax@dtsc.ca.gov)

**OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING AND BUSINESS  
MEETING OF THE OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

**PUBLIC MEETING:** On **February 21, 2019**, at 10:00 a.m. in the Council Chambers of the Walnut Creek City Hall 1666 N. Main Street Walnut Creek, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**BUSINESS MEETING:** On **February 21, 2019**, at 10:00 a.m. in the Council Chambers of the Walnut Creek City Hall 1666 N. Main Street Walnut Creek, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language inter-

preter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**AVAILABILITY OF INDEX OF  
PRECEDENTIAL DECISIONS**

**BUREAU OF AUTOMOTIVE REPAIR**

Pursuant to Government Code section 11425.60, subdivision (c), notice is hereby given that the Bureau of Automotive Repair (BAR) maintains a precedential decisions index. The index is available to the public and may be viewed at [www.bar.ca.gov/About BAR/Precedential Decisions.html](http://www.bar.ca.gov/About_BAR/Precedential_Decisions.html).

To subscribe to receive notifications when the index is updated, join BAR's e-mail list at [www.bar.ca.gov/About BAR/Email List Signup.html](http://www.bar.ca.gov/About_BAR/Email_List_Signup.html) and/or BAR's mailing list at [www.bar.ca.gov/pdf/BAR Mailing List Form 201801.pdf](http://www.bar.ca.gov/pdf/BAR_Mailing_List_Form_201801.pdf). For additional information, contact:

Brian Clark  
Bureau of Automotive Repair  
10949 North Mather Blvd.  
Rancho Cordova, California, 95670  
Telephone: (916) 403-8560  
Fax: (916) 464-3424  
E-mail: [Brian.Clark@dca.ca.gov](mailto:Brian.Clark@dca.ca.gov)

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2018-1203-01  
AIR RESOURCES BOARD  
Deletion of 2014 Amendments to 13 CCR section 2025

This change without regulatory effect filing by the Air Resources Board amends existing regulations re-

garding reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use heavy-duty diesel-fueled vehicles in order to align with the decision in *John R. Lawson Rock & Oil, Inc. v. State Air Resources Board* (2018) 20 Cal.App.5th 77 issued by the Fifth District Court of Appeal.

Title 13  
 AMEND: 2025  
 Filed 12/26/2018  
 Agency Contact: Bradley Bechtold (916) 322-6533

File# 2018-1129-01  
 CALIFORNIA HIGHWAY PATROL  
 Charter Party Carrier Bus Safety

This action adopts two sections concerning emergency lighting fixtures and passenger safety information for charter-party carrier buses.

Title 13  
 ADOPT: 1217.2, 1263.2  
 Filed 12/20/2018  
 Effective 12/20/2018  
 Agency Contact: David Kelly (916) 843-3400

File# 2018-1211-04  
 CALIFORNIA HIGHWAY PATROL  
 Explosives Routes and Stopping Places

This regulatory action by the California Highway Patrol updates the routes for the transportation of explosives by commercial vehicles on highways in the Calexico-El Centro-Brawley area by removing 65.4 miles and extending 31.6 miles of currently designated routes. Pursuant to Vehicle Code section 31616, these amendments are effective on filing with the Secretary of State.

Title 13  
 AMEND: 1152.7, 1152.7.1  
 Filed 12/26/2018  
 Effective 12/26/2018  
 Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2018-1211-01  
 DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 Supplemental Reforms to Parole Consideration

This emergency rulemaking by the Department of Corrections and Rehabilitation (Department) adopts and amends regulations to allow inmates who are incarcerated for a term of life with the possibility of parole for nonviolent offenses to be eligible for parole consideration by the Board of Parole Hearings. These changes are in response to the decision in *In re Edwards* (2018) 26 Cal.App. 5th 1181.

Title 15  
 ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497 AMEND: 2449.1, 3490, 3491  
 Filed 12/26/2018  
 Effective 01/01/2019  
 Agency Contact: Laura Lomonaco (916) 445-2217

File# 2018-1109-02  
 DEPARTMENT OF INSURANCE  
 Average Contracted Rate Methodology

In this action, the Department of Insurance implements Insurance Code sections 10112.8 and 10112.82 (Assembly Bill 72, Stats. 2016, ch. 492) to establish a methodology for determining the average contracted rates for the most frequently used health care services for purposes of determining insurance payments to non-contracting health professionals who provide covered services at contracted facilities.

Title 10  
 ADOPT: 2238.10, 2238.11, 2238.12  
 Filed 12/26/2018  
 Effective 01/01/2019  
 Agency Contact: Bruce Hinze (415) 538-4392

File# 2018-1210-01  
 DEPARTMENT OF PUBLIC HEALTH  
 Skilled Nursing Facilities 3.5 Direct Care Hours

This emergency rulemaking action by the Department of Public Health readopts and amends regulations originally adopted in emergency action 2018-0619-02 that implement minimum staffing requirements for skilled nursing facilities as established by statutes 2017, chapter 52 (SB 97).

Title 22  
 AMEND: 72329.2  
 Filed 12/19/2018  
 Effective 12/29/2018  
 Agency Contact: Anita Shumaker (916) 440-7718

File# 2018-1212-01  
 DEPARTMENT OF SOCIAL SERVICES  
 CalWORKS Statewide Fingerprint Imaging System Repeal and New ID Process

This emergency regulatory action was submitted by the Department of Social Services as a file and print to amend regulations to reflect the repeal of the Statewide Fingerprint Imaging System (SFIS), and to implement the new identity verification process in the California Work Opportunity and Responsibility to Kids (CalWORKS). Pursuant to the uncodified provision of section 58 of Statutes 2017, chapter 24 (SB 89), this action is a deemed emergency and exempt from OAL review Summary of Rulemaking.

Title MPP  
 AMEND: 40-105, 40-171, 80-301 REPEAL:  
 40-026  
 Filed 12/20/2018  
 Effective 12/20/2018  
 Agency Contact: Oliver Chu (916) 657-3588

File# 2018-1107-03  
 DEPARTMENT OF TOXIC SUBSTANCES  
 CONTROL  
 Non-Substantive Correction to Import/Export Rule  
 Revisions

This action makes non-substantive corrections to the recently adopted Import/Export regulations in title 22.

Title 22  
 AMEND: 66262.41  
 Filed 12/19/2018  
 Agency Contact: Victoria Rouse (916) 323-3388

File# 2018-1213-01  
 DEPARTMENT OF WATER RESOURCES  
 Annual Fees — Dam Safety Program

In this emergency action, the Department of Water Resources (Department) readopts the method for determining the fee schedule to cover the Department's reasonable budgetary costs to carry out the Department's Dam Safety Program.

Title 23  
 AMEND: 315, 316  
 Filed 12/19/2018  
 Effective 12/25/2018  
 Agency Contact:  
 Marcelino Alcantar (916) 227-4640

File# 2018-1207-01  
 DIVISION OF WORKERS' COMPENSATION  
 Workers' Compensation — Official Medical Fee  
 Schedule — Physicians

This action by the Division of Workers' Compensation within the Department of Industrial Relations amends the Official Medical Fee Schedule for Physicians located within section 9789.19 in title 8 of the California Code of Regulations. This action was submitted to OAL for filing and printing only pursuant to Labor Code section 5307.1, subdivision (g)(2).

Title 8  
 AMEND: 9789.19  
 Filed 12/26/2018  
 Effective 01/01/2019  
 Agency Contact: Jarvia Shu (510) 286-0646

File# 2018-1106-02  
 PHYSICIAN ASSISTANT BOARD  
 Retired Status

This regular rulemaking by the Physician Assistant Board establishes procedures for placing a physician assistant license on a "retired" status.

Title 16  
 ADOPT: 1399.515  
 Filed 12/21/2018  
 Effective 04/01/2019  
 Agency Contact: Anita Winslow (916) 561-8782

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN July 25, 2018 TO  
 December 26, 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 2**  
 12/18/18 AMEND: 1859.76  
 12/14/18 ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21  
 12/12/18 AMEND: 2970  
 12/12/18 AMEND: 18545, 18700, 18730, 18940.2  
 12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445  
 12/04/18 AMEND: 1897  
 11/29/18 ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97  
 11/27/18 AMEND: 1897  
 11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17  
 10/29/18 AMEND: 1896.99.100, 1896.99.120  
 10/22/18 ADOPT: 18215.4  
 10/11/18 AMEND: 1859.51(e)

**CALIFORNIA REGULATORY NOTICE REGISTER 2019, VOLUME NO. 1-Z**

09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009  
 09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1  
 09/26/18 AMEND: 59760  
 09/24/18 AMEND: 18700.2  
 09/20/18 AMEND: 559.885  
 09/20/18 ADOPT: 211.2 AMEND: 211  
 09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5  
 09/11/18 AMEND: 1859.77.3  
 08/02/18 ADOPT: 59830  
 08/01/18 AMEND: 58200

**Title 3**

12/18/18 ADOPT: 4921  
 11/29/18 AMEND: 3899  
 11/06/18 AMEND: 3435(b)  
 10/08/18 AMEND: 3591.12  
 10/02/18 AMEND: 3591.12  
 09/13/18 AMEND: 6502  
 09/12/18 AMEND: 3591.13  
 09/12/18 AMEND: 3591.12  
 09/06/18 AMEND: 3601  
 08/22/18 AMEND: 3591.2  
 08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015  
 08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53  
 08/02/18 AMEND: 3591.2  
 07/31/18 AMEND: 3

**Title 4**

12/17/18 ADOPT: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14  
 12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7  
 11/26/18 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329  
 11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429  
 11/20/18 AMEND: 1632  
 11/20/18 AMEND: 1843.3  
 11/20/18 AMEND: 8078.3, 8078.15  
 11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

11/02/18 AMEND: 8078.8, 8078.10  
 10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071  
 10/18/18 AMEND: 1843.2  
 10/18/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.14  
 09/26/18 AMEND: 12205.1  
 09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259  
 09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071  
 09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15  
 08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229  
 07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190

**Title 5**

12/05/18 AMEND: 19810  
 10/22/18 ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 20119, 20158, 20125, 20216, 20217, 20251, 20251, 20255, 20251, 20260, 20265  
 10/17/18 AMEND: 18600  
 08/03/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5

**Title 8**

12/26/18 AMEND: 9789.19  
 11/26/18 AMEND: 9789.25  
 11/15/18 AMEND: 344, 344.1, 344.2  
 11/06/18 ADOPT: 9789.19.1 AMEND: 9789.12.1, 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.12, 9789.12.13, 9789.13.2, 9789.16.1, 9789.16.7, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.11, 9789.19  
 11/01/18 AMEND: 14300.35, 14300.41  
 10/30/18 ADOPT: 9792.24.5 AMEND: 9792.22  
 10/10/18 AMEND: 344.18

**CALIFORNIA REGULATORY NOTICE REGISTER 2019, VOLUME NO. 1-Z**

10/08/18 ADOPT: 13850, 13851, 13853, 13855, 13856, 13857, 13858, 13859, 13860, 13861, 13862, 13863, 13864, 13865, 13866, 13867, 13868, 13870, 13871, 13872, 13873, 13874

**Title 9**

10/04/18 AMEND: 4350  
08/20/18 ADOPT: 4020, 4020.1

**Title 10**

12/26/18 ADOPT: 2238.10, 2238.11, 2238.12  
11/29/18 ADOPT: 2509.80, 2509.81, 2509.82  
11/27/18 AMEND: 3704  
11/20/18 AMEND: 8000, 8030  
11/19/18 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007  
09/25/18 AMEND: 2498.4.9  
09/25/18 AMEND: 2498.5  
09/25/18 AMEND: 2498.6  
09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622  
09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538  
08/31/18 ADOPT: 2218.80, 2218.81, 2218.82, 2218.83

**Title 11**

10/24/18 AMEND: 1953, 1955  
09/26/18 AMEND: 44.2  
08/23/18 AMEND: 1004, 1005, 1081  
08/15/18 AMEND: 1005, 1015  
08/02/18 AMEND: 4002  
07/31/18 AMEND: 49.18

**Title 12**

11/07/18 AMEND: 505.2  
09/27/18 AMEND: 500 (renumbered to 501), 501 (renumbered to 505), 501.1 (renumbered to 501.3), 501.2 (renumbered to 505.2), 501.3 (renumbered to 505.1), 501.4 (renumbered to 505.11), 502 (renumbered to 505.3), 502.1 (renumbered to 505.6), 502.2 (renumbered to 505.12), 502.3 (renumbered to 505.4), 503 (renumbered to 501.2), 503.1 (renumbered to 505.7), 504 (renumbered to 505.8), 504.1 (renumbered to 505.9), 505 (renumbered to 510.1), 506 (renumbered to 500), 507 (renumbered to 510.9), 508 (renumbered to 510.10), 509 (renumbered to 520.2)  
09/25/18 AMEND: 600

**Title 13**

12/26/18 AMEND: 2025  
12/26/18 AMEND: 1152.7, 1152.7.1  
12/20/18 ADOPT: 1217.2, 1263.2  
12/12/18 AMEND: 1961.2, 1961.3  
12/04/18 ADOPT: 425.01  
11/29/18 AMEND: 17.00  
11/27/18 AMEND: 1157.21  
10/22/18 AMEND: 551.14, 551.24, 555.1, 584  
10/18/18 AMEND: 551.12  
10/10/18 AMEND: Appendix (Article 2.0)  
09/24/18 AMEND: 2222  
09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4  
08/30/18 AMEND: 1213  
08/30/18 AMEND: 1239  
08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22

**Title 14**

12/17/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
12/17/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
12/17/18 ADOPT: 820.02  
12/17/18 ADOPT: 817.04 AMEND: 790  
12/14/18 ADOPT: 4970.17.1 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2  
12/13/18 AMEND: 2975  
12/10/18 ADOPT: 126.1 AMEND: 125.1, 126 [renumbered to 126.1]  
11/28/18 ADOPT: 716 AMEND: 300  
11/28/18 ADOPT: 42 AMEND: 43, 651, 703  
11/20/18 AMEND: 699.5  
11/15/18 AMEND: 632  
11/15/18 AMEND: 632  
11/15/18 AMEND: Subsection 120.7(m)  
REPEAL: Appendix A Form DFG-120.7 (10/87)  
11/13/18 AMEND: 1038, 1038.1, 1038.2  
11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015  
11/05/18 ADOPT: 29.11  
10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2, 132.3  
10/30/18 AMEND: 11600



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10/29/18	AMEND: 17041, 17042, 17043, 17044, 17045, 17046	10/29/18	REPEAL: 3999.20
10/29/18	AMEND: 1038	10/22/18	ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157
10/16/18	AMEND: 890	10/17/18	ADOPT: 3371.1 AMEND: 3043.7, 3044
10/16/18	AMEND: 1038		REPEAL: 3371.1
10/15/18	AMEND: 895, 895.1, 912.9, 932.9, 952.9	10/08/18	AMEND: 3352.2, 3352.3, 3354, 3355.1
09/17/18	ADOPT: 18660.44, 18660.45, 18660.46	10/03/18	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
	AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23	10/03/18	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
09/06/18	AMEND: 1104.1	09/13/18	AMEND: 1006, 1029, 1041, 1050, 1069, 1206
08/13/18	AMEND: 7.50	08/20/18	AMEND: 3294.5
08/09/18	AMEND: 13055	08/13/18	AMEND: 3000, 3190, 3213
07/30/18	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797	08/06/18	ADOPT: 3999.98, 3999.99, 3999.320
07/30/18	ADOPT: 820.02		AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as 3999.226, 3087.2 renumbered as 3999.227, 3087.3 renumbered as 3999.228, 3087.4 renumbered as 3999.229, 3087.5 renumbered as 3999.230, 3087.6 renumbered as 3999.231, 3087.7 renumbered as 3999.232, 3087.8 renumbered as 3999.233, 3087.9 renumbered as 3999.234, 3087.10 renumbered as 3999.235, 3087.11 renumbered as 3999.236, 3087.12 renumbered as 3999.237, 3350 renumbered as 3999.200(a), 3350.1 renumbered as 3999.200(b), (c), and (d), 3350.2 renumbered as 3999.200(f), (g), and (h), 3351 renumbered as 3999.210, 3353 renumbered as 3999.202, 3353.1 renumbered as 3999.203, 3354.2 renumbered as 3999.206, 3356 renumbered as 3999.410, 3357 renumbered as 3999.440, 3358 renumbered as 3999.375, 3359 renumbered as 3999.411, 3359.8 renumbered as 3999.200(e)
07/30/18	ADOPT: 817.04 AMEND: 790	08/01/18	AMEND: 3350, 3350.1
07/30/18	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07	<b>Title 16</b>	
<b>Title 15</b>		12/21/18	ADOPT: 1399.515
12/26/18	ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497		
	AMEND: 2449.1, 3490, 3491		
11/14/18	ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378		
11/13/18	ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299		
11/01/18	ADOPT: 3999.25		
10/30/18	ADOPT: 3329.5		

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- 12/05/18 AMEND: 1380.3, 1380.6, 1381, 1381.1, 1381.4, 1381.5, 1381.7, 1382, 1382.3, 1382.4, 1382.5, 1382.6, 1386, 1387.3, 1387.4, 1387.5, 1387.7, 1388, 1389.1, 1390.1, 1390.3, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.11, 1393, 1394, 1395, 1395.1, 1396.5, 1397, 1397.35, 1397.50, 1397.51, 1397.53, 1397.54, 1397.55, 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 REPEAL: 1381.6, 1397.63, 1397.64, 1397.65, 1397.66, 1397.68, 1397.71
- 12/03/18 AMEND: 18
- 11/28/18 AMEND: 1399.514
- 11/20/18 AMEND: 2450
- 10/25/18 AMEND: 1300.1, 1300.2, 1300.4, 1355, 1355.1, 1355.3 REPEAL: 1333, 1333.1, 1333.2, 1333.3, 1362, 1362.1
- 10/16/18 AMEND: 2070, 2071
- 10/15/18 AMEND: 1417
- 10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430
- 09/17/18 AMEND: 1735.2
- 09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355
- 08/30/18 AMEND: 1399.573
- 08/29/18 AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886
- 08/08/18 REPEAL: 1399.531, 1399.532
- 08/02/18 AMEND: 3340.17, 3340.41, 3340.45
- 08/01/18 AMEND: 2070, 2071
- Title 17**
- 10/10/18 AMEND: 35095
- 10/09/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196
- 09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4
- 09/24/18 AMEND: 60201, 60205, 60210
- 09/05/18 ADOPT: 100650
- 08/29/18 AMEND: 60065.18, 60075.17
- 08/21/18 AMEND: 35083, 35087
- Title 18**
- 12/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256
- 11/20/18 AMEND: 25137-1, 17951-4
- 10/23/18 ADOPT: 35201
- 09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5
- 09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266,

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	5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256	10/31/18	AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248
09/10/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832	10/24/18	ADOPT: 66720.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57 AMEND: 66260.10, 66264.16, 66264.101, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147
08/28/18	AMEND: 2460, 2461, 2462	10/22/18	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75 REPEAL: 66273.90, 66273.91, 66273.100, 66273.101
08/20/18	AMEND: 301	09/04/18	ADOPT: 68400.5, 69020, 69021, 69022
08/20/18	AMEND: 469	09/04/18	AMEND: 51490.1
<b>Title 19</b>		08/20/18	ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL: 66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89
11/30/18	ADOPT: 4010	08/16/18	AMEND: 5200
<b>Title 20</b>		08/07/18	ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450
12/05/18	ADOPT: 1751, 1769.1, 1937, 1941, 1942, 2300 AMEND: 1201, 1209, 1211.5, 1211.7, 1212, 1231, 1232, 1232.5, 1233.1, 1233.2, 1233.3, 1233.4, 1234, 1240, 1704, 1706, 1708, 1709, 1710, 1714, 1714.3, 1714.5, 1720.2, 1745.5, 1748, 1768 (renumbered to 1749), 1769, 1936, 1940, 1943, 1944, 1945, 1946, 2308 (renumbered to 2300.1) REPEAL: 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2309	07/25/18	REPEAL: 98300, 98301, 98302, 98303, 98304, 98305, 98306, 98310, 98311, 98312, 98313, 98314, 98320, 98321, 98322, 98323, 98324, 98325, 98326, 98340, 98341, 98342, 98343, 98344, 98345, 98346, 98347, 98348, 98349, 98360, 98361, 98362, 98363, 98364, 98365, 98366, 98370, 98380, 98381, 98382, 98400, 98410, 98411, 98412, 98413
09/26/18	AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609		
<b>Title 22</b>			
12/19/18	AMEND: 66262.41		
12/19/18	AMEND: 72329.2		
12/13/18	ADOPT: 51002.5 AMEND: 51003.1		
12/04/18	ADOPT: 69511.3 AMEND: 69511		
12/04/18	AMEND: 20100.5		
11/29/18	ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087		
10/31/18	ADOPT: 66264.121, 66265.121, 66270.28 AMEND: 66264.90, 66264.110, 66265.90, 66265.110, 66270.1, 66270.14		

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**Title 22, MPP**

11/15/18 AMEND: 35000, 35011, 31-005,  
31-405, 31-420, 31-425  
08/24/18 ADOPT: 87468.1, 87468.2 AMEND:  
87101, 87102, 87109, 87309, 87468,  
87506, 87612, 87615, 87631  
08/22/18 ADOPT: 89600, 89601, 89602, 89632,  
89633, 89637, 89662, 89667

**Title 23**

12/19/18 AMEND: 315, 316  
12/13/18 ADOPT: 3939.56  
12/13/18 ADOPT: 3939.55  
11/29/18 ADOPT: 335, 335.2, 335.4, 335.6  
[renumbered to 335.16], 335.8  
[renumbered from 335.12(a)], 335.10  
[renumbered to 335.12], 335.12  
[335.12(a) renumbered to 335.8;  
335.12(b)-(c) renumbered to 335.6],  
335.14 [renumbered to 335.10], 335.16  
[renumbered to 335.14], 335.18, 335.20  
AMEND: 310  
11/29/18 ADOPT: 3919.18  
11/14/18 AMEND: 3006  
11/05/18 AMEND: 2200, 2200.4, 2200.6

11/01/18 AMEND: 1062, 1063, 1064, 1066, 1068  
09/24/18 ADOPT: 3979.10  
09/20/18 AMEND: 315, 316  
08/27/18 ADOPT: 2637.1, 2637.2, 2640.1, 2716,  
Appendix VII, VIII, IX, X, XI, XII, XIII  
AMEND: 2611, 2620, 2621, 2631, 2634,  
2635, 2636, 2637, 2638, 2640, 2643,  
2644, 2644.1, 2646.1, 2647, 2648, 2649,  
2660, 2661, 2663, 2665, 2666, 2672,  
2711, 2712, 2715, Appendix III, VI  
REPEAL: 2645, 2646  
08/22/18 AMEND: 3920

**Title 27**

11/27/18 AMEND: 25603  
08/30/18 REPEAL: 25601, 25602, 25603,  
25603.1, 25603.2, 25603.3, 25604,  
25604.1, 25604.2, 25605, 25605.1,  
25605.2.  
08/02/18 ADOPT: 25501.1

**Title MPP**

12/20/18 AMEND: 40-105, 40-171, 80-301  
REPEAL: 40-026  
09/26/18 AMEND: 31-206, 31-525