

MEETING  
BEFORE THE  
CALIFORNIA AIR RESOURCES BOARD

ORIGINAL

HEARING ROOM  
CALIFORNIA AIR RESOURCES BOARD  
2020 L STREET  
SACRAMENTO, CALIFORNIA

FRIDAY, DECEMBER 9, 1994

8:30 A.M.

Nadine J. Parks  
Shorthand Reporter

## MEMBERS PRESENT

Barbara Riordan, Acting Chairwoman  
Eugene Boston, M.D.  
Joseph C. Calhoun  
Lynne T. Edgerton  
M. Patricia Hilligoss  
John Lagarias  
Jack C. Parnell  
Doug Vagim

## Staff:

Jim Boyd, Executive Officer  
Tom Cackette, Chief Deputy Executive Officer  
Michael Kenny, Chief Counsel

Bob Cross, Assistant Division Chief, MSD  
Susan Huscroft, Chief, On-Road Controls Branch, MSD  
James Shears, Manager, On-Road Controls Section, MSD  
Su Nathan, Staff, On-Road Controls Section, MSD  
Paul Jacobs, Manager, Northern Heavy-Duty Diesel, MSD  
Jim Rydan, Staff Counsel

John Holmes, Chief, Research Division  
Bob Barham, Assistant Chief, Research Division

Patricia Hutchens, Board Secretary  
Wendy Grandchamp, Secretary  
Bill Valdez, Administrative Services Division

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## P R O C E E D I N G S

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CHAIRWOMAN RIORDAN: I'd like to call the Board the meeting to order. I believe we have a quorum. And we'll find out if we have a quorum, because I guess we'll have the Secretary call roll.

MS. HUTCHENS: Bilbray?

Boston?

DR. BOSTON: Here.

MS. HUTCHENS: Calhoun?

Edgerton?

MS. EDGERTON: Here.

MS. HUTCHENS: Hilligoss?

MAYOR HILLIGOSS: Here.

MS. HUTCHENS: Lagarias?

MR. LAGARIAS: Here.

MS. HUTCHENS: Parnell?

MR. PARNELL: Here.

MS. HUTCHENS: Riordan?

CHAIRWOMAN RIORDAN: Here.

MS. HUTCHENS: Vagim?

Wieder?

CHAIRWOMAN RIORDAN: Thank you. We do have a quorum, and I will say good morning and begin with our next item, which is 94-12-4. This is a public hearing too

1 consider delaying implementation of the periodic smoke self-  
2 inspection program for the heavy-duty diesel-powered vehicle  
3 fleets.

4 The subject of this public hearing is the Board's  
5 program calling for periodic self-inspection of heavy-duty  
6 diesel vehicles.

7 This is one of two programs that the ARB has  
8 established, with the assistance of the engine  
9 manufacturers, the California Highway Patrol, and  
10 representatives of the trucking industry, to control  
11 excessive smoking vehicles.

12 The first program, the roadside smoke inspection  
13 program, was adopted by the Board in 1990. This program  
14 began in November of 1991 and it provides for ARB inspectors  
15 to test vehicles at highway weigh stations and other  
16 roadside locations for excessive smoke.

17 The second program is the periodic smoke self-  
18 inspection program for heavy-duty diesel vehicle fleets  
19 adopted by this Board in December of 1992, which requires  
20 fleet owners or operators of heavy-duty diesel vehicles to  
21 perform regular smoke inspections on their vehicles. The  
22 program was to begin on January 1st of 1995.

23 We have before us a proposal to consider starting  
24 that periodic smoke self-inspection program in 1996 instead  
25 due to a delay of the completion of needed test procedures

1 by the Society of Automotive Engineers.

2 Mr. Boyd, I'd like you to introduce this item and  
3 begin the staff presentation.

4 MR. BOYD: Thank you, Chairwoman Riordan, and  
5 good morning, Board members, the public in the audience.

6 As you certainly well know, as members of the Air  
7 Resources Board and for some of you members of boards in  
8 your respective communities, there's a long history of  
9 public concern about smoke, and particularly excessive  
10 smoke, from heavy-duty vehicles here in the State of  
11 California, and particularly because of the known and  
12 additional possible health hazards from some of the  
13 components and constituents of that smoke.

14 Through the roadside smoke inspection program,  
15 your staff has been successful in the past in reducing the  
16 number of smoking vehicles that we've seen on California's  
17 highways.

18 Well, really, as required by statute, and to  
19 augment that roadside inspection program, the Board adopted  
20 in December of 1992, a program known as the periodic smoke  
21 inspection program for heavy-duty vehicle fleets based in  
22 California. And at the 1992 hearing, the Board specified  
23 January 1st of 1995 as the program implementation date. And  
24 at that time that date was set to allow completion of the  
25 development of a refined smoke test procedure by the Society

1 of Automotive Engineers as the Chairwoman has indicated.

2           However, since the Society of Automotive  
3 Engineers has not yet completed and approved this new test  
4 procedure that is to be known as SAE recommended practice  
5 J1667, there is frankly insufficient time now for the Board  
6 to formally adopt this procedure for implementation by -- of  
7 the program by January 1, 1995.

8           Consequently, we regretfully propose delaying the  
9 start-up of the program now until July of 1996.

10           And with that, I will just call upon Ms. Su  
11 Nathan of the Mobile Source Division to give you the  
12 particulars and background of this particular item.

13           MS. NATHAN: Thank you, Mr. Boyd, Madam  
14 Chairwoman Riordan, and members of the Board.

15           Good morning.

16           Today, I will present the staff's proposed  
17 amendment to the regulations for the periodic smoke  
18 inspection program. This is a program of self-inspection by  
19 heavy-duty diesel vehicle fleets that was adopted by the  
20 Board in December, 1992.

21           The proposed amendment would delay implementation  
22 of the periodic smoke self-inspection regulations from  
23 January 1st, 1995 July 1st, 1996.

24           I will begin by providing a brief background of  
25 the excessive diesel smoke emissions problem which led to



1 legislation requiring the Board to adopt the periodic smoke  
2 self-inspection program.

3 Excessive exhaust smoke is not only visually  
4 objectionable, it is harmful, because it is composed of  
5 particulate matter, which is believed to be carcinogenic.  
6 It impairs visibility and it contributes to the inability of  
7 the State to meet ambient particulate matter standards.

8 Additionally, excessive exhaust smoke is  
9 primarily caused by emission control tampering and  
10 malmaintenance, and is a target of numerous complaints from  
11 concerned citizens.

12 Heavy-duty vehicles account for five percent of  
13 the vehicle miles traveled in California. The chart shows,  
14 however, that this relatively small group of vehicles emits  
15 34 percent of the NOx in 83 percent of the vehicular  
16 particulate matter emissions. It should be noted that  
17 diesel exhaust PM10 contributes to only about two percent of  
18 the statewide PM10 emissions. However, its contribution is  
19 important because of its potential health impact.

20 Vehicle owners' practices cause excessive smoke  
21 through engine malmaintenance, emission control tampering,  
22 or combinations of both. Certain engine components, such as  
23 fuel injectors and air cleaners, tend to suffer from lack of  
24 maintenance, while fuel-pump flow settings and smoke-puff  
25 limiters are items that are likely to be tampered.

1           The primary reason for tampering with these  
2 controls is to increase the acceleration of the vehicle.  
3 Excessive smoke can also be caused by defective emission  
4 control system components.

5           Recognizing the need for improved enforcement of  
6 the State's smog laws for heavy-duty diesel vehicles, the  
7 State Legislature adopted two laws concerning diesel exhaust  
8 smoke enforcement.

9           First, in 1988, the Legislature passed Senate  
10 Bill 1997, which directed the Air Resources Board, in  
11 conjunction with the California Highway Patrol, to establish  
12 a roadside inspection program for heavy-duty vehicles.

13           In November, 1990, the Board adopted regulations  
14 implementing this program. In 1990, the Legislature passed  
15 a second bill, Senate Bill 2330, which directed the ARB to  
16 establish a periodic smoke self-inspection program.

17           In December, 1992, the Board adopted the periodic  
18 smoke self-inspection program regulations with an  
19 implementation date of January 1st, 1995.

20           Before discussing the periodic smoke self-  
21 inspection program, I will review the key elements of the  
22 existing roadside smoke inspection program. The roadside  
23 inspection program became effective in November, 1991. The  
24 program applies to all heavy-duty vehicles of 6,001 pounds  
25 gross vehicle weight rating or more operating in California.

1 ARB staff inspect these vehicles at highway weigh  
2 stations and urban roadside sites with assistance from the  
3 California Highway Patrol.

4 Under the roadside smoke inspection program,  
5 gasoline- and diesel-powered vehicles may be inspected for  
6 tampering of emission control equipment. Diesel-powered  
7 vehicles are also subject to the snap idle smoke test. The  
8 determination of whether a vehicle produces excessive smoke  
9 emissions is based upon smoke emission standards set forth  
10 in the regulations for specified categories of vehicles,  
11 generally based upon vehicle model year.

12 In most cases, the applicable smoke opacity  
13 standards are either 40 percent peak smoke opacity or 55  
14 percent peak smoke opacity, subject to exemptions granted by  
15 the ARB Executive Officer.

16 The penalties for excessive and/or emission  
17 control tampering range from \$300 mandatory to \$1800  
18 additional penalties for repeated violations.

19 Proof of repairs made are required to clear  
20 violations.

21 Although the roadside smoke inspection program  
22 has been very effective in reducing excessive smoke  
23 emissions from heavy-duty diesel vehicles, the Legislature  
24 recognized that it's also beneficial to establish a formal  
25 regulatory program under which heavy-duty diesel vehicle

1 owners regularly self-inspect and repair their vehicles.

2 An important reason for this is that the roadside  
3 program has been primarily at interstate highway weigh  
4 stations and focuses upon trucks and buses engaged in long-  
5 distance operations on major highways.

6 The periodic smoke self-inspection program would  
7 provide an incentive for the owners of other heavy-duty  
8 vehicles, including buses and trucks, with localized  
9 operations that rarely pass by roadside weigh stations to  
10 test and repair their vehicles and thereby lower smoke  
11 emissions.

12 Consequently, the periodic smoke self-inspection  
13 program and the existing roadside program would complement  
14 each other and strengthen the State's heavy-duty diesel  
15 vehicle smoke emissions reduction effort.

16 In December, 1992, the Board adopted the periodic  
17 smoke inspection program regulations, which are summarized  
18 as follows:

19 The program applies to heavy-duty diesel vehicles  
20 with a gross vehicle weight rating of 6,000 pounds, and  
21 which are part of California-based fleets consisting of two  
22 or more vehicles.

23 Interstate vehicles which are not based in  
24 California are exempted, because these vehicles -- being  
25 based outside the State -- are generally serviced and

1 maintained at facilities outside of California, and these  
2 vehicles would be subject to smoke inspections in the  
3 roadside program.

4 Under the regulations, the owners or operators  
5 shall smoke test their vehicles annually and, if needed,  
6 make repairs to bring their vehicles into compliance with  
7 the prescribed smoke standards.

8 After completing the needed repairs, owners will  
9 retest their vehicles and, if necessary, make additional  
10 repairs to assure that their vehicles are in compliance.  
11 They will also record the smoke testing and repair  
12 information and keep these records for two years.

13 Maintaining records of smoke emissions is  
14 necessary to prove that smoke testing has been performed  
15 periodically according to the regulatory requirements.

16 Smoke repair records would document that engine  
17 repairs were performed to correct any excessive smoke  
18 problems. These records would then be subject to audit by  
19 ARB inspectors to monitor program compliance by fleets.

20 At the time of adoption, the Board directed that  
21 the program not be implemented until January 1st, 1995, at  
22 the request of heavy-duty diesel engine manufacturers and  
23 others. This would allow time for the Society of Automotive  
24 Engines (sic) committee to develop and publish a  
25 standardized smoke test procedure, known as SAE recommended

1 practice J1667, for the snap idle smoke test.

2 During this time period, the ARB staff would  
3 study the recommendations made by the SAE and evaluate the  
4 new test methods and test instrumentation technology.

5 Additionally, the ARB staff would conduct a  
6 public outreach effort to prepare owners and operators of  
7 heavy-duty diesel vehicle fleets and the vehicle repair  
8 industry for the periodic smoke self-inspection program.

9 The staff has indeed carried out these efforts  
10 since the 1992 Board hearing. This has been a summary of  
11 the background up through the Board's adoption of the  
12 periodic smoke inspection program in 1992.

13 I will now update the Board on events since  
14 1992, which has led to our proposal for delaying the  
15 periodic smoke inspection program from January 1st, 1995 to  
16 July 1st, 1996.

17 In September of 1993, Assembly Bill 584 was  
18 passed. This bill modifies the current roadside program by  
19 specifying criteria relating to the adoption of smoke  
20 testing standards, procedures, and measuring equipment.

21 The bill requires that the smoke test procedure  
22 produce consistent and repeatable results, and that the test  
23 procedure produce no false test failures.

24 The bill states that the adoption of SAE  
25 recommended practice J1667, which specifies a standardized

1 procedure to measure smoke emissions from heavy-duty diesel  
2 vehicles, would satisfy these criteria.

3 I will now describe in more detail the ongoing  
4 work of the SAE committee. Since May, 1992, the ARB, along  
5 with engine manufacturers, smoke meter manufacturers, the  
6 California Trucking Association, and others, has worked in  
7 an SAE committee to develop an industrywide smoke test  
8 procedure.

9 As mentioned, this procedure is known as SAE  
10 recommended practice J1667. Testing conducted in accordance  
11 with SAE J1667 is intended to provide an indication of the  
12 state of engine maintenance and/or emissions controls  
13 tampering.

14 The procedure is expected to be of use to  
15 regulatory and enforcement authorities responsible for  
16 controlling smoke emissions from heavy-duty diesel powered  
17 vehicles and to heavy-duty vehicle maintenance and repair  
18 facilities.

19 The staff anticipates that smoke opacity meters  
20 that will meet SAE J1667 specifications should effectively  
21 evaluate the level of smoke emissions.

22 The ARB is working closely with SAE to develop  
23 the SAE J1667 procedure in an effort to comply with the  
24 provisions of AB 584.

25 The new procedure is expected to result in a

1 number of improvements. The smoke opacity meter sampling  
2 requirements are being revised and will be more precisely  
3 specified to ensure a standardized opacity sampling  
4 methodology.

5 Reference opacity meter response and performance  
6 characteristics will be specified along with performance  
7 acceptance test criteria to allow any type of opacity meter  
8 to be qualified.

9 The smoke test procedure will account for the  
10 wide variety of exhaust system configurations and use on  
11 heavy-duty diesel vehicles by providing guidelines and  
12 opacity correction factors for conducting vehicle opacity  
13 tests.

14 And SAE J1667 may include an altitude opacity  
15 correction model so that heavy-duty diesel vehicles at  
16 higher elevations can be tested to high altitude adjusted  
17 opacity standards.

18 The completion of the SAE J1667 work by the SAE  
19 committee has unfortunately taken longer than anticipated  
20 due to the delay in the resolution of a number of these  
21 technical issues. These issues need to be resolved, and the  
22 SAE must approve the J1667 before the periodic smoke  
23 inspection program can be implemented.

24 SAE J1667 must be completed for smoke opacity  
25 meter manufacturers to provide the properly configured



1 meters on the market for the heavy-duty diesel fleets to  
2 purchase.

3 As a result of this delay, the ARB has had to  
4 delay its work in adopting SAE J1667.

5 The following is a summary of the work that still  
6 must be done before the periodic smoke inspection program  
7 can begin:

8 The SAE Committee has given preliminary approval  
9 of SAE J1667; therefore, with the drafting of SAE J1667 well  
10 along the way, this will enable the ARB staff to conduct a  
11 limited vehicle demonstration study to confirm that J1667  
12 would comply with the mandates of AB 584.

13 As mentioned, AB 584 requires that the smoke test  
14 procedure produce consistent and repeatable results, and  
15 that false test failures should not result. Staff will  
16 oversee a hundred-vehicle study to be conducted and analyzed  
17 by an independent contractor to demonstrate that J1667  
18 complies with these mandates.

19 This demonstration will be performed from January  
20 to May of next year.

21 The next step in the SAE approval process of  
22 J1667 is for the document to be reviewed and approved by the  
23 Motor Vehicle Council of SAE. Prior to giving final  
24 approval, this body must review the work of the J1667  
25 Committee and any dissenting comments by the Committee.

1           When the governing body is assured that all  
2 significant dissenting comments have been satisfactorily  
3 addressed, it will vote on approving J1667. We expect this  
4 balloting to be completed by the summer of 1995.

5           The next step will be the ARB Board hearing to  
6 adopt SAE J1667 into regulations. Staff will present J1667  
7 along with accompanying regulatory language changes to the  
8 Board for adoption into the roadside smoke inspection and  
9 periodic smoke inspection programs. This should occur next  
10 year.

11           From the summer of 1995 to July 1996, it will be  
12 up to the opacity meter manufacturers to meet the J1667  
13 meters -- to make the J1667 meters available on the market  
14 for fleets to purchase.

15           Staff believes it is reasonable to also allow  
16 this time period for individual fleets to investigate the  
17 various brands of J1667 meters and procure the meter brand  
18 that is right for them.

19           This is the single most important reason for  
20 proposing the periodic smoke inspection program  
21 implementation delay to July 1st, 1996.

22           In conclusion, to allow adequate time for the SAE  
23 to formally approve the SAE J1667 smoke test procedure, for  
24 the ARB to demonstrate that J1667 complies with the AB 584  
25 mandates, for the adopt J1667 into regulation, and, most

1 importantly, to allow time for the J1667 meters to be placed  
2 on the market, and for fleets to prudently purchase these  
3 meters, staff recommends that thae periodic smoke inspection  
4 program implementation be delayed from January 1st, 1995 to  
5 July 1st, 1996.

6 I will be happy to answer any questions.

7 CHAIRWOMAN RIORDAN: Are there any questions for  
8 the staff by the Board members?

9 MR. CALHOUN: Yes, Madam Chair.

10 CHAIRWOMAN RIORDAN: Mr. Calhoun.

11 MR. CALHOUN: Yes, I'd like to ask one question.  
12 Do we have a draft copy of the SAE practice?

13 MR. SHEARS: Yes, we have a draft copy. We can  
14 give you one.

15 MR. CALHOUN: So, our planning for the  
16 demonstration project's, based on that draft, could be in  
17 process, right?

18 MR. SHEARS: That's right.

19 CHAIRWOMAN RIORDAN: Yes, Ms. Edgerton?

20 MS. EDGERTON: I have a comment, and then I have  
21 a question.

22 My comment is this, and it's basically to be sure  
23 that the members of the Board are aware of this, because  
24 this is an experience that I had.

25 This delay in this particular program has already

1 been very costly to this Board. In August of this year,  
2 during the confirmation hearings of Jacqueline Schafer,  
3 Senator Lockyer raised the delay in this particular program  
4 as one of the failings, in his view, of this Board.

5 During my confirmation hearing, Senator Ayala  
6 raised this issue with me, and pointed out to me that it is  
7 very difficult for Californians to understand why they must  
8 smog check their cars and the large trucks on our roads  
9 continue to move forward without this periodic self-  
10 inspection.

11 My fear is that this delay -- any further delay  
12 on this measure may be even more costly to this Board. It's  
13 hard to imagine that something could be more costly than  
14 what we've just experienced this fall, in that our most  
15 valued Jacqueline Schafer is not here with us right now.

16 But my fear is that this delay would be raised  
17 again by the Legislature, legislative committees, and might  
18 be more costly.

19 So, having said that, I've thought about this  
20 particular program, and I do not understand -- I think that  
21 there's a lot of trust that needs to be there between the  
22 ARB and the trucking industry. I don't understand exactly  
23 why this SAE committee with whom we're working couldn't have  
24 scheduled an earlier meeting to meet -- to help us meet our  
25 regulations.

1 I think these things are a two-way street, and I  
2 don't know why they couldn't get together. I understand  
3 they have this -- I understand they have this draft 16. And  
4 there's before me today Howard Sargent, Executive Vice  
5 President and Chief Engineer of Caltest. He's going to say,  
6 I guess, that almost for sure there will be a final formal  
7 vote by mail on draft 16 of the SAE committee, which will be  
8 developed in the next meeting of the committee, for which  
9 two days have been set aside -- March 16th and March 17th.

10 And my -- I just want to -- my view here is that,  
11 while I will support this delay, I would like to have the  
12 Board members -- I would like to have it understood that, at  
13 the moment, my feeling is that we should provide that if the  
14 SAE committee does not come to a final vote by the end of --  
15 by 90 days after the beginning of this year -- by March  
16 30th, that then we will ask our staff to move forward with  
17 your best guess of what that committee would do.

18 I mean, we will just move forward with the  
19 specifications, which will be, for all practical purposes,  
20 the same ones that would be adopted in that committee.

21 I think, as I said to a colleague of mine, I have  
22 children. You know, at first they don't get their homework  
23 in. You say, well, you were sick; secondly, the dog ate it.  
24 I don't think the Legislature can -- will be very patient  
25 with us anymore.

1           So, in that context, I fully agree that we need  
2 to work with the industry, and I fully agree that we want to  
3 have the very best regulations, and I fully agree we don't  
4 want to go in and have duplicative regulation -- make people  
5 buy one thing and then another.

6           But I do think that this particular program is --  
7 delays in this particular program are getting to be too  
8 expensive for this Board.

9           Thank you.

10          CHAIRWOMAN RIORDAN: Thank you, Ms. Edgerton.

11          Any comments by the staff to conclude the staff  
12 presentation?

13          Mr. Boyd?

14          MR. BOYD: Well, it might be dangerous for me to  
15 say very much. I appreciate Mr. Edgerton's comments. I  
16 share her concern. I, too, sat there through the  
17 legislative confirmation hearings, and didn't enjoy being on  
18 the receiving end, as an organization, of their chagrin and  
19 their concern. And it's legitimate. And I frankly don't  
20 think SAE ought to be very proud of what they have allowed  
21 themselves to be confronted with.

22          But nonetheless, the law is pretty specific, and  
23 we're in a "Catch 22." We need to work with the folks  
24 involved. We need to work with the requirements of the law,  
25 and we need to put something in place that meets the

1 requirements of the law.

2 So, as I indicated in my opening, I regretfully  
3 recommended the adoption of our proposal.

4 CHAIRWOMAN RIORDAN: Ms. Edgerton.

5 MS. EDGERTON: I'd like to ask counsel. This is  
6 something that was unclear to me from looking at this.

7 Do we have the authority -- it seemed to me that  
8 we do have the authority. The Legislature made it clear  
9 that we -- if we adopt the SAE committee, per se,  
10 recommendations, that's great with the Legislature.

11 But it didn't seem to me that they said we  
12 couldn't adopt anything but that. Did they direct us only  
13 to adopt something that was formally approved by that  
14 committee?

15 MR. RYDAN: No. The standard that they suggested  
16 was that it be repeatable and the test be fair. And they  
17 suggested in the statute that 1667 would meet those  
18 requirements.

19 If 1667 isn't viable, we could then come back and  
20 present some information and evidence to the Board, which  
21 would allow you to make a determination that, whatever else  
22 is out there -- for example, like 1243 -- if, in fact, in  
23 your judgment, that had repeatable results, that, you know,  
24 didn't violate the due process rights of the people who  
25 receive the citations, was that measure, I think that that

1 would probably be acceptable -- legally anyway.

2 CHAIRWOMAN RIORDAN: Any other questions? Dr.  
3 Boston.

4 DR. BOSTON: I share a lot of the same sentiments  
5 that Ms. Edgerton just expressed. But it seems to me that  
6 it would be possible for this SAE committee, which is  
7 composed of many different groups, to keep stalling and  
8 pushing this thing on, and on, and on and say, "Well, we  
9 just can't come up with a final 1667."

10 So, I think there should be a time certain when  
11 we say, if 1667 isn't finalized, we go ahead with our own  
12 program. And any further delays beyond -- I think even July  
13 of '96 is too far. That's 18 months' delay. To me, that  
14 seems way too much.

15 But I think there should be something in our  
16 recommendation that states, if this is not finalized, that  
17 we go ahead with our own program and our own test.

18 CHAIRWOMAN RIORDAN: As we listen perhaps the  
19 testimony, you can begin to formulate some of those thoughts  
20 as a Board, and maybe we can add that to the final action  
21 that this Board takes.

22 Any other comments by staff?

23 Mr. Cackette.

24 MR. CACKETTE: Yes, Madam Chairwoman. I want to  
25 just make it clear for the Board that there's actually two



1 different smoke inspection programs at stake here. And one  
2 of them is called the roadside program, which is a citation  
3 program for -- done at weigh stations, where trucks with  
4 excessive smoke get tickets.

5 And that program was suspended by the Board  
6 basically by the Board to devote resources from the staff  
7 that runs that program to the investigation of the diesel  
8 fuel problem. And in sort of the interim of doing that,  
9 that program got caught up in this same issue of -- are  
10 their procedures repeatable and good engineering practice?

11 And the restartup of that program depends on, as  
12 a first line of action, this 1667 resolution of the test  
13 procedure. If it gets resolved at the next meeting of that  
14 committee in March, the roadside program can start up before  
15 June of '96. The Board could probably deal with adoption  
16 of that 1667 into regulation sometime in late summer, early  
17 fall, depending on how much we can, you know, parallel the  
18 development -- as I think Ms. Edgerton and Dr. Boston have  
19 suggested.

20 And that really is, I think, the more critical of  
21 the two programs. This program is a complement one that the  
22 Legislature designed, and I think that the delay period, as  
23 the staff had indicated, is largely to allow -- once these  
24 meters are formalized -- people to go out and buy them, set  
25 up their own recordkeeping systems and how they're going to

1 do their self-inspection program.

2 And there's an educational issue involved there  
3 and outreach that takes that extra time.

4 So, what I wanted to leave the Board with is  
5 that, as they express a sense of urgency here, it could  
6 probably be best expressed in terms of the roadside program  
7 rather than the one that we're talking about delaying today.  
8 And hopefully that could get going in the upcoming calendar  
9 year and not 1996.

10 MR. CALHOUN: Has anyone challenged our use of  
11 the equipment at the roadside inspection program? As I  
12 recall, those probably have been business for years.

13 MR. CACKETTE: We've been in court continually, I  
14 believe. Maybe counsel or Paul Jacobs could --

15 CHAIRWOMAN RIORDAN: Counsel might like --

16 MR. CACKETTE: -- comment on that.

17 CHAIRWOMAN RIORDAN: -- to comment.

18 MR. RYDAN: The CTA, I think, has collectively --  
19 in fact, they're actually here, my worth opponent -- they've  
20 challenged, I don't know, five or six, seven hundred -- it's  
21 been challenged three times in the Superior Court level, and  
22 they've challenged a number of the citations that are  
23 probably well in excess of 500 of the citations.

24 We've been challenged one time in a declaratory  
25 judgment, which is sort of like a brand new review of it.

1 MR. CALHOUN: What was the basis for the  
2 challenge?

3 MR. RYDAN: The challenge had multiple bases.  
4 One was that the snap idle test didn't meet the Kelly-Frye  
5 standard. That's an evidentiary conclusion standard.

6 One, that the standard was phony science; that  
7 there were due process problems because they didn't get an  
8 adequate hearing. There have been issues raised that the  
9 Board wasn't fully informed when you adopted the program, a  
10 multivariety -- even to the point of raising some issues  
11 about search and seizure, improper Fourth Amendment  
12 inspections of the trucks on the roadsides.

13 And so far, I mean, a whole plethora of  
14 challenges have been made. And like I said, we've had them  
15 three times in Superior Courts, once down in Imperial  
16 County, which the judge essentially gave what's called an  
17 independent review, because it was a declaratory judgment,  
18 and came to the conclusion that the Board had authority  
19 adopt the test.

20 They gave adequate consideration. There was  
21 substantial evidence on the record to support the test, and  
22 they essentially upheld the roadside inspection program.

23 The actual citations have been challenged in the  
24 Superior Court of Sacramento last summer, in a  
25 conglomeration of cases that are now called Harris

1 Transportation, which is up on appeal through the Third  
2 District Court of Appeals, and we haven't gotten a decision  
3 back yet.

4 And another challenge came in a group of cases,  
5 14 or 12 cases, called Aura Hardwood vs. ARB. And the same  
6 issues essentially were raised, and Judge Ford essentially  
7 denied by their petition to review. It's called a "writ of  
8 administrative mandate," essentially upholding the validity  
9 of the program.

10 We received notices last week from Dan McCarthy  
11 that he's going to appeal that.

12 There's another case that they've filed in court,  
13 which is cumulatively called Viviano vs. The Air Resources  
14 Board, which I think has about almost 400 citations in it.  
15 And we've stayed the resolution of that pending the  
16 resolution of all the other cases that are currently before  
17 the court, because they essentially raise the same issues.

18 CHAIRWOMAN RIORDAN: Any other questions on this?

19 Okay. I think, then, we'll go to the witness  
20 list. I would invite Mr. George Karbowski from the L.A.  
21 Metro. Good to see you again.

22 (Thereupon, Supervisor Vagim entered the  
23 hearing room and took his place on the dais.)

24 MR. KARBOWSKI: Good morning, this time, Madam  
25 Chair and members of the Board, the ARB staff.

1 My name is George Karbowski, and I'm an Equipment  
2 Supervisor in the Engineering Section of the Los Angeles  
3 County Metropolitan Transportation Authority, standing  
4 before you this morning to kind of detail what our  
5 involvement in both the roadside inspection and the  
6 voluntary smoke inspection program has been over the last  
7 few years.

8 And we have been involved in both.

9 The video, the informational video that ARB uses  
10 to demonstrate the procedures involved in the roadside  
11 inspection program actually starred two of the mechanics  
12 that work for me. In that video, they have received tickets  
13 up and down the State.

14 So, I can tell you we've been -- the MTA and the  
15 predecessor agency, the SCRTD, have been very proactive in  
16 this program.

17 Additionally, probably about four years ago,  
18 maybe a little longer, the MTA purchased 20 smoke meters  
19 that, at that time, were recommended by ARB staff to comply  
20 with the soon to be mandatory smoke inspection program.

21 During that four years, we spent a hundred  
22 thousand dollars on meters. During that four years, we have  
23 probably performed 50 to 70,000 smoke inspections. Now,  
24 while the ARB staff -- the mandatory smoke inspection  
25 program requires that a vehicle be checked once a year, we

1 actually have been checking our vehicles on the average of  
2 eight to ten times a year.

3 We do it at every 6,000 mile inspection,  
4 generally between five and 6,000 miles.

5 I'd just like to point out now, with a mandate by  
6 our board of directors to never buy another diesel bus,  
7 currently, our fleet is composed of about 15 percent  
8 alternate fuel vehicles. If this postponement of the  
9 regulation does occur, by the time that it does come into  
10 effect, our fleet will probably be about 35 percent  
11 alternate fuel vehicles, of course, which don't fall under  
12 the mandatory smoke inspection program. And the air quality  
13 management plan for the South Coast Air Quality District has  
14 the MTA in a position of being eventually 70 percent  
15 alternative fuel and 30 percent zero emission vehicles, you  
16 know, after the turn of the century.

17 So, what I'm standing before you today kind of  
18 asking you to consider and maybe do a little work on is the  
19 fact that we have spent a considerable amount of money and  
20 probably, if you look at the time and the labor -- besides  
21 the equipment involved -- we have probably spent a million  
22 dollars over the last four years in looking at our fleet to  
23 verify that it does meet the requirements by the ARB for the  
24 smoke inspection program.

25 And I can tell you, quite honestly, it has

1 worked. The number of citations or comments -- not  
2 citations, but the number of smoky buses in our fleet have  
3 been reduced dramatically. I mean, we just don't see that  
4 anymore.

5 So, it is an effective program within our  
6 organization.

7 The situation we have here now is, because of our  
8 increasing size of alternate fuel vehicles, the amount of  
9 investment that we have in our current smoke inspection  
10 program, we are asking that the ARB consider looking at our  
11 situation in particular, in that we would be forced to again  
12 go out and buy a whole new group of equipment if J1667 does  
13 pass, even though our program has been very effective over  
14 the last few years.

15 With the mandate for zero emission vehicles in  
16 our future, money's very tough right now; it's something  
17 that we would rather spend looking toward the future to our  
18 zero emission vehicles rather than buying equipment that,  
19 within a few years, we will have no use for.

20 So, again, whatever the -- whatever the Air  
21 Resources Board does decide, we will definitely comply with  
22 the regulations. However, we are asking some consideration  
23 in this situation.

24 Thank you. And I'll answer any questions you may  
25 have.

1 CHAIRWOMAN RIORDAN: Okay.

2 MR. LAGARIAS: Madam Chair?

3 CHAIRWOMAN RIORDAN: Yes, Mr. Lagarias.

4 MR. LAGARIAS: Mr. Karbowski, I certainly  
5 sympathize with you. But don't you really feel that that  
6 issue should be addressed at the time this Board considers  
7 the adoption of the J1667 process, the SAE process for fleet  
8 inspection?

9 MR. KARBOWSKI: Oh, absolutely. I'm not asking  
10 for any action right now. I just wanted to bring it to your  
11 attention.

12 One of the problems that we have within our  
13 organization is the time frame. Now, we've been trying to  
14 get the ARB staff to say, gee, when the 1667 does come into  
15 effect, what's going to happen to our existing equipment?  
16 Are we going to have to replace it?

17 Within our organization, buying things --  
18 especially large dollar items -- is a fairly lengthy  
19 process. And if there is not a ruling on whether our  
20 equipment will be grandfathered, we'd like to have as much  
21 time as possible to be able to budget money to buy the new  
22 equipment. And we'll obviously comply with the regulations,  
23 whatever they are.

24 I just wanted to bring this to the Board and the  
25 staff's attention.



1 MR. LAGARIAS: Fine.

2 CHAIRWOMAN RIORDAN: Okay. Are there any other  
3 questions?

4 Staff? Mr. Cross.

5 MR. CROSS: Just quickly. From the staff's  
6 perspective, we will look at the issue of grandfathering  
7 meters during the development of the 1667 regulation. I  
8 think they bring up a good point, and we'll work with MTA  
9 and see if there is a way that that can be done. Because  
10 there probably will be other fleets with similar problems.

11 CHAIRWOMAN RIORDAN: Thank you.

12 MR. KARBOWSKI: Thank you.

13 CHAIRWOMAN RIORDAN: Thank you for raising the  
14 issue.

15 Let me call next on Mr. Howard Sargent from  
16 Caltest Instruments, Incorporated.

17 MR. SARGENT: Madam Chairman, members of the  
18 Board, as someone mentioned previously, I'm Executive Vice  
19 President and Chief Engineer of Caltest Instruments in  
20 Wilmington, California.

21 And Caltest is one of the three leading U.S.  
22 manufacturers of smoke opacity meters. And for two and a  
23 half years, I've been a member of the SAE's J1667 committee  
24 developing the recommended practice on the snap acceleration  
25 test procedure and smoke meter specifications.

1 I might say, as an aside, the snap procedure has  
2 been put to bed two years ago. I mean, there's hardly any  
3 change in that. Most of the time has been spent on smoke  
4 meter specifications.

5 And the snap procedure is very, very similar to  
6 what California's been using for many years.

7 Before I get started on the SAE, let me say a  
8 little bit about your mail-out. Your mail-out on page 145  
9 gives two alternatives to you. One is to delay the program  
10 implementation to July the 1st, 1996. Alternative 2 is an  
11 interesting alternative.

12 It says, implement the program on the 1st of  
13 January, '95, and require everybody to buy two meters.  
14 Spend \$10 million buying the J1243 meter, and then later buy  
15 the 1667 meter. And I think you agree that it would be very  
16 hard to find somebody in California who would be the  
17 proponent of that alternative.

18 But the biggest problem is that nobody makes 1243  
19 meters anymore, so you couldn't spend the \$10 million if you  
20 tried.

21 The 1243 meter doesn't have any specifications  
22 for the frequency of which smoke readings are taken. It  
23 doesn't have a half-second algorithm, which would smooth out  
24 irregularities, and it would make no sense to buy any of  
25 those.

1           Now, the alternative 3 that I'm proposing to you  
2 is a variation of alternative 1. It says, delay the program  
3 implementation to January, 1996, provided that the J1667 is  
4 approved by August the 31st, 1995. And if it isn't approved  
5 by August the 31st, 1995, then go ahead and delay the  
6 program to July the 1st, 1996.

7           It's very similar to, I believe, what Ms.  
8 Edgerton was proposing. Don't just schedule -- postpone  
9 everything 18 months. Give a chance to start it in 12  
10 months if J1667 is finally approved by SAE by the end of  
11 this coming August

12           Before I also comment on this, I'd like to say a  
13 little bit about our committee. Unfortunately, in the two  
14 and a half years, there's been delays caused by political  
15 pressures. We had an outstanding chairman provided by  
16 Detroit Diesel, John Duerr. We had an outstanding meter  
17 consultant provided by Detroit Diesel, Bill Baker, who  
18 happens to chair an SAE committee that supervises all of the  
19 recommended practices having to do with diesel emissions,  
20 including 1667 when it's published.

21           And they were ordered to quit by their CEO at  
22 Detroit Diesel. Suddenly. They had to walk out of the  
23 meeting. And nobody ever told us who put the pressure on  
24 the CEO at Detroit Diesel.

25           But anyway, we lost two valuable people. That

1 was political action.

2           And I've seen undue comments on the ARB  
3 membership. In my opinion, I've been in government for 30  
4 years and private enterprise for 20. I've never seen two  
5 better public servants than Don Chernich and Paul Jacobs.  
6 But, they, in my opinion, have come under unwarranted  
7 criticism for their participation on this particular  
8 committee. I won't go into details on that.

9           Let me give you the status of J1667. Just a few  
10 days, December the 1st and 2nd, we developed draft 15 of the  
11 recommended practice with five appendices. So, if you ask  
12 for the current draft, you won't find Appendices C and D,  
13 because we just added them a few days ago.

14           They've been sitting aside, and we've put them in  
15 there finally. And everyone on the committee, generally  
16 speaking, is eager to complete the task.

17           And, as I think, on the next meeting on March  
18 the 16th/17th, we will be making some final votes as far as  
19 our committee. It's possible we'll have another meeting,  
20 but this particular meeting has been set aside for three  
21 months to develop one of the appendices.

22           And this one is called Appendix D. It's the  
23 adjustment for altitude or air density. The California  
24 Trucking Association has asked for an independent study,  
25 possibly Southwest Research or something else, to look at

1 Appendix D, which is really -- comes up with a very funny  
2 looking table that you would use to adjust a reading taking  
3 on a smoke meter at some altitude.

4 And the committee voted formally a few days ago  
5 to consider Appendix D favored by ARB -- currently favored  
6 by ARB, plus the one that's supposed to be developed in the  
7 next three months by this independent laboratory to be --  
8 yet to be chosen.

9 The other thing that's still open -- let me tell  
10 you that -- let me explain a little bit what an algorithm is  
11 that differs -- J1667 meter, how it differs from a 1243  
12 meter, the old obsolete one.

13 Two years ago, Bill Baker gave us slides that  
14 showed an unmuffled truck. When you hit the accelerator,  
15 the puff of smoke can go from almost zero up to 80 in, oh,  
16 10 milliseconds. It goes up, drops, and then goes down.  
17 And then you put a muffler on the same truck, and it changes  
18 the shape of the curve.

19 So, to overcome that problem so that the effect  
20 of a muffler doesn't influence whether -- what your opacity  
21 is, the committee adopted a half-second moving average. So  
22 that, as the puff goes up on an unmuffled truck and drops,  
23 that is recorded over half a second, and a muffled is --  
24 same thing happens, and you get roughly the same score if  
25 you take a half-second moving average. That's the purpose

1 of the half-second moving average, is to more or less  
2 eliminate the effect of a muffler, or not having a muffler  
3 or having different design mufflers.

4 Basically, the meters read at least 100 readings  
5 per second. So, when you get a half-second moving average,  
6 50 of those readings are averaged. And then, every one-  
7 hundredth of a second is recomputed. One of those 50  
8 readings drops off, and the other is added, and the average  
9 keeps moving across the curve.

10 And whatever the highest one is, that's the one  
11 that's recorded for that particular vehicle.

12 Now, the one thing that's open for the committee  
13 is a filter proposed by a Dr. Jones of England. We adopted  
14 the half-second moving average -- it's called an arithmetic  
15 average, because all you do is take the 50 readings and take  
16 the arithmetic average. And that's been adopted in August,  
17 1993.

18 As a matter of fact, three manufacturers --  
19 Caltest and two others -- provided meters that were sent  
20 here to Sacramento for the Donner Pass-Sacramento road test.  
21 So, the half-second moving average has been in development,  
22 or you might say approved since August, '93.

23 Dr. Jones of England is proposing a filter be  
24 used. And let me read what I have here. The committee, in  
25 August, 1993, adopted an arithmetic half-second moving

1 average algorithm. That algorithm is in Appendix C of SAE  
2 J1667 since a week ago. It's formally put in there.

3 Dr. Jones proposed in the recent meeting in  
4 Chicago that he be permitted to present the case for a  
5 filter, which would replace the algorithm adopted in August,  
6 1993. The full flow meters made by American companies have  
7 physical response times about 5,000 times faster than the  
8 partial flow meters made by Dr. Jones' company, Lucas, and  
9 other meter manufacturers, Bausch and so forth.

10 In the July, 1994 meeting, the Bausch  
11 representative proposed such a filter so all meter  
12 manufacturers could have a level playing field and sell  
13 meters.

14 However, we did some testing in Chicago of six  
15 meters, six different manufacturers, using this half-second  
16 algorithm. And four of the meters came in very close  
17 together. I think under -- a statistician said a 95 percent  
18 confidence level.

19 So, in my personal opinion, the algorithm adopted  
20 in 1993, in August, is perfectly workable and probably -- I  
21 can't conceive of any filter being better. So, I don't  
22 believe Dr. Jones' last-minute proposal will be adopted.

23 The California ARB consultant -- I believe is the  
24 right word -- has proposed that the meters be tested against  
25 a reference meter. And I believe that that will also be

1 added to the 1667. It'll be a full flow meter, which all of  
2 the meters that wish to be used have to prove themselves to  
3 produce equal results to the reference meter tested by an  
4 independent lab.

5 I propose that -- if you remember that, if J1667  
6 is approved by the end of August of 1995, that you could go  
7 ahead and put into effect four months later. One of the  
8 reasons for that is I don't conceive there'll be any  
9 shortage of meters. Because what we're talking about now is  
10 not hardware. It's just what's going to go on the little  
11 memory chip inside the meters.

12 The hardware design is not, at least on full flow  
13 meters, influenced by anything that's on the deck now.

14 And also, I want to point out, if you implement  
15 something on the 1st of January, 1996, the first tests are  
16 not required under your own regulations for 90 days. They  
17 don't have to start testing the first week. They have 90  
18 days before their first test has to be done.

19 That finishes my presentation. Any questions?

20 CHAIRWOMAN RIORDAN: All right. Let me ask if  
21 any of the Board members have any questions for this  
22 witness.

23 Ms. Edgerton and then Mr. Lagarias.

24 MS. EDGERTON: An additional concern of this  
25 Board is that we have -- because we just went through our



1 SIP -- ozone SIP, which was due November 15th, 1994, and  
2 coming up in 1996 is our particulate -- our PM10 SIP  
3 revision. And obviously, the diesel fuel-- the diesel  
4 trucks are major contributors to PM10.

5 So, while it does seem that we lurch from one  
6 deadline to another, I was interested in -- particularly  
7 thinking of the schedule of how the Air Board can also meet  
8 our 1996 PM10 requirement under the Clean Air Act -- why did  
9 you pick August? Would you -- why did you pick August?

10 MR. SARGENT: Why did I pick -- I'm an engineer.  
11 Engineers always add fudge factors to what you think is  
12 ideal. I think we might wind this up in July sometime. But  
13 I used to be a combat engineer, and I learned never to  
14 predict when the floating bridge was going to be done.

15 If you thought it was going to be done by one  
16 o'clock, you told the general five o'clock. And then he was  
17 happy when it was by three.

18 So, I've added a little bit in there. I think we  
19 can beat that.

20 MS. EDGERTON: I like that phrase "combat  
21 engineer."

22 MR. SARGENT: Well, I spent 30 years in the  
23 combat engineers.

24 MS. EDGERTON: I wonder if there's such things as  
25 combat regulator.

1 (Laughter.)

2 MS. EDGERTON: In any case -- but you wouldn't  
3 have any problem if simultaneous -- if we went ahead and  
4 said that our staff, if the SAE committee had not reported  
5 and not finalized its --

6 MR. SARGENT: They know exactly what to put in  
7 it.

8 MS. EDGERTON: -- they could go --

9 MR. SARGENT: They don't have to hesitate. They  
10 know what it should be. It's the other people who are  
11 trying to change this thing.

12 MS. EDGERTON: So --

13 MR. SARGENT: They know exactly what should be.

14 MS. EDGERTON: And, in all likelihood, our staff  
15 will move ahead. Ultimately, that's what'll end up in the--

16 MR. SARGENT: Oh, you don't really --

17 MS. EDGERTON: -- SAE anyway.

18 MR. SARGENT: -- need SAE committees and all  
19 that. They know exactly what should be for California. All  
20 they're doing is fending off people who are trying to change  
21 it other ways.

22 MS. EDGERTON: Other issues.

23 MR. SARGENT: I think they're in favor -- I think  
24 they voted for the half-second algorithm in this meeting  
25 that just came up. Yes, they did. They voted for the half-

1 second algorithm approved in August, 1993, in the recent  
2 meeting.

3 So, they know exactly what should be done for  
4 California.

5 MS. EDGERTON: Thank you.

6 CHAIRWOMAN RIORDAN: Okay. Mr. Lagarias?

7 MR. LAGARIAS: Mr. Sargent, how many members are  
8 there on the SAE committee, this particular committee?

9 MR. SARGENT: Formal members, the last time we  
10 voted, I think there were about 36. But at a typical  
11 meeting, we're lucky to have 15 or -- the last vote, wait a  
12 minute. We had -- the vote was 10 to 9. So, we must have  
13 had 19 members there on one of the things they voted on.  
14 But about half usually show up.

15 But whatever we do in the meetings has to be  
16 formally voted on by mail.

17 MR. LAGARIAS: Uh-huh, so they all --

18 MR. SARGENT: Then that takes 40 days. And  
19 that's the problem.

20 MR. LAGARIAS: Is there a ratio, a mix of  
21 manufacturers of equipment, suppliers of vehicles?

22 MR. SARGENT: There are more European meter  
23 manufacturers represented than there are -- there are only  
24 three U.S. manufacturers, and there's about six Europeans,  
25 although not all of them show up at the same time at

1 meetings; quite a few engine manufacturers are there, all of  
2 the principal engine manufacturers.

3 From law enforcement, California's always there.  
4 New Jersey is typically there. Utah -- I think it's one of  
5 the counties of Utah; I'm not sure if it's the whole State.  
6 But Utah is quite often.

7 We had a big complaint by the head  
8 environmentalist in Utah at the April meeting. He said,  
9 "Get on the stick and get this thing done," you know.

10 But, in the trucking associations, California is  
11 always represented by Stephanie Williams, who's going to  
12 speak today.

13 It's a mixed bag.

14 MR. LAGARIAS: Well, I've served on SAE  
15 committees, and I know how long it takes to get anything  
16 through the process.

17 MR. SARGENT: Well, I made a formal protest in  
18 July at the way the meeting was run to the head of SAE. I  
19 said, "You're not doing your job keeping this thing moving."  
20 And it's improved since then.

21 MR. LAGARIAS: In this mail vote that you  
22 anticipate in March --

23 MR. SARGENT: It's a formal meeting in March.

24 MR. LAGARIAS: And do you expect to have a full  
25 vote on this --

1 MR. SARGENT: No, that's --

2 MR. LAGARIAS: -- on J1667 --

3 MR. SARGENT: -- a committee meeting at which  
4 we're going to hear from this so-called independent  
5 laboratory about the altitude study, and vote on whether or  
6 not the algorithm will be changed to what Dr. Jones wants.

7 MR. LAGARIAS: When do you expect a vote to occur  
8 by the committee on J1667, if ever?

9 MR. SARGENT: I would be very disappointed -- and  
10 I know a lot of other people would be disappointed -- if,  
11 after the March meeting, we don't have a mailing out for a  
12 formal vote. I mean, there's going to be an awful lot of  
13 very unhappy people if that doesn't happen.

14 MR. LAGARIAS: And let me rephrase it.

15 MR. SARGENT: In April, I hope we'll have a  
16 mailing out for a formal vote with a final decision --

17 MR. LAGARIAS: Approval of J --

18 MR. SARGENT: -- by the end of May or June.

19 MR. LAGARIAS: All right. Then, I'd like to --

20 MR. SARGENT: As far as our committee is  
21 concerned. Then it has to go up to the --

22 MR. LAGARIAS: Yeah. I'm exploring your concept  
23 of moving up the date for approval of this.

24 So, I'd like to ask the staff: Following an  
25 approval of the SAE committee on this J1667 resolution, how

1 long would it take the staff to evaluate and come back to  
2 the Board for proposed action?

3 MR. CACKETTE: Mr. Lagarias, right now, our  
4 tentative plans are to do sort of what's been suggested by  
5 the witness, in that we pretty much know what the -- we  
6 think the spec's going to be. And we have meters available  
7 that meet that spec, then we would go ahead and start the  
8 100 truck field evaluation of the procedure that we do to  
9 show that the test doesn't make any errors and that it's a  
10 repeatable test.

11 And we plan on doing that very early in 1995.  
12 So, that'll be sort of going in parallel with this SAE  
13 process. And then, if the procedure's adopted and the  
14 analysis of the data -- I think that's a two or three month  
15 effort -- looks good, then we could start the development of  
16 the regulation.

17 And so, right now, I think we'd be tentatively --  
18 we believe we could bring the regulation back to you,  
19 barring no other glitches, delays, et cetera, in late summer  
20 of this year.

21 The other thing we're looking at is that this  
22 altitude piece seems to be the one part that's not -- that's  
23 causing the committee the remaining concerns, the SAE  
24 committee the remaining concerns.

25 And if it continues to be a concern, we can look

1 at sort of ignoring the altitude aspects and starting the  
2 program up at sea level only. It doesn't have to be the  
3 piece that slows down the ultimate Board adoption of the  
4 regulations and restarting the program.

5 MR. LAGARIAS: All right. So --

6 MR. CACKETTE: It's only needed if you want to  
7 run the tests, you know, at two, three, four thousand feet.

8 MR. LAGARIAS: Thank you..

9 MR. CACKETTE: So, that's sort of the tentative  
10 plan.

11 MR. LAGARIAS: So, you're saying that it's  
12 possible, by the end of the summer of next year, you would  
13 have had evaluated the J1667 regulation. You would have had  
14 your fleet test evaluation, and you would be likely to  
15 return to the Board with a proposed regulation.

16 MR. CACKETTE: Right. Of course, if you had  
17 asked me last year, I would have told you that would have  
18 been in January this year. So --

19 MR. SARGENT: We manufacture meters to J1667 now.  
20 With the understanding by some odd happening, the half-  
21 second algorithm is changed, we'd just put a new chip in.  
22 The meters are being manufactured now. There's no long  
23 delay for meter manufacturing.

24 CHAIRWOMAN RIORDAN: Okay. Are there any other  
25 questions?

1 SUPERVISOR VAGIM: Yes, Madam Chair.

2 CHAIRWOMAN RIORDAN: Supervisor Vagim?

3 SUPERVISOR VAGIM: Based on Ms. Edgerton's  
4 statements about the confirmation and those of us who need  
5 to go through confirmation in January, and your statement  
6 about being a combat engineer and telling a general, so what  
7 do we tell the confirmation hearing board?

8 MR. SARGENT: Well, you have to tell me their  
9 question first, sir.

10 SUPERVISOR VAGIM: Well, the question she was --  
11 the question that she addressed.

12 CHAIRWOMAN RIORDAN: Why haven't you got this  
13 program going?

14 Right? Was that it?

15 SUPERVISOR VAGIM: Didn't you -- I'm sorry.

16 MR. SARGENT: I would answer that -- and I am not  
17 too sure of your law -- but the law says you have to wait  
18 for 1667. And since you don't control 1667, what can you do  
19 about it, except write a letter to the same guy I complained  
20 to -- his name is Max Rumbaugh -- if you want to, and tell  
21 him to get along with it.

22 SUPERVISOR VAGIM: And Max Rumbaugh is?

23 MR. SARGENT: He's an executive vice president of  
24 the SAE, and I think he hasn't pushed this properly, and  
25 he's let -- well --



1 SUPERVISOR VAGIM: Well, Madam Chair, would be  
2 appropriate --

3 MR. SARGENT: No, no, you don't want to do --  
4 actually, the answer is, you ought to get from the  
5 Legislature the option to move on your own initiative and,  
6 as Ms. Edgerton proposed, not wait for the SAE to hold you  
7 back. Because it's been known for many, many months what  
8 should be in this procedure. And we have been stalled by --  
9 well, this particular study we're doing now, the first draft  
10 was available in June. And on the subcommittee, nothing  
11 happened until this December, we said, we're proposing to  
12 make a study. Well, you can imagine, if you wait between  
13 June and December to do nothing, and then in December you  
14 propose a three-month study, what does that do to your time?

15 And that's just on altitude.

16 SUPERVISOR VAGIM: And you expressed that in a  
17 letter?

18 MR. SARGENT: Well, I already wrote one, and I  
19 don't want to write another one. But things have improved.

20 SUPERVISOR VAGIM: But would it be appropriate  
21 for the Board Chair to write a letter?

22 MR. SARGENT: And state the urgency, yes, it  
23 probably would.

24 SUPERVISOR VAGIM: Thank you.

25 MR. SARGENT: The urgency of coming to a

1 conclusion might get higher ups in SAE working a little bit  
2 harder at this.

3 SUPERVISOR VAGIM: Maybe that would be  
4 appropriate to do then. Thank you.

5 MR. SARGENT: I know the man from Utah came and  
6 complained to us. California ought to do the same thing.

7 CHAIRWOMAN RIORDAN: Thank you, Mr. Sargent. I  
8 assume there are no other questions for this witness.

9 Ms. Edgerton?

10 MS. EDGERTON: I'd just like to make sure that --  
11 my understanding again was that your answer to my question  
12 as to whether we -- or the legislation requires us to wait  
13 for the committee was that the legislation does not, and  
14 that the legislation directs us to move on having an  
15 inspection program and allows us to -- encourages us to have  
16 our program be consistent with the committee.

17 Is that correct?

18 MR. RYDAN: That's correct. What it suggests is  
19 that 1667 meets the due process requirements, repeatability,  
20 and fairness.

21 So, you can have other ones. It just happens  
22 that the Legislature's recognized 1667 as meeting that  
23 requirement.

24 SUPERVISOR VAGIM: But we don't have to --

25 MS. EDGERTON: Thank you.

1 SUPERVISOR VAGIM: -- wait.

2 MR. RYDAN: You don't have to wait.

3 CHAIRWOMAN RIORDAN: Okay?

4 MR. CALHOUN: May I ask the staff a question?

5 CHAIRWOMAN RIORDAN: Yes, Mr. Calhoun.

6 MR. CALHOUN: The decision to stop the roadside  
7 inspection was an internal decision, was it not?

8 MR. CACKETTE: Yes.

9 MR. CALHOUN: Thank you.

10 CHAIRWOMAN RIORDAN: Okay. Our last witness  
11 today is Stephanie Williams. Will you come forward, please?  
12 Representing the CTA.

13 MS. WILLIAMS: Good morning. My name is  
14 Stephanie Williams, and I'm speaking on behalf of the  
15 California Trucking Association.

16 We represent over 2400 intrastate and interstate  
17 carriers within and outside of California. We're here to  
18 support the staff's recommendation.

19 Can I answer any questions for you?

20 CHAIRWOMAN RIORDAN: Are there any questions for  
21 this witness?

22 Mr. Lagarias.

23 MR. LAGARIAS: I can't resist.

24 MS. WILLIAMS: I knew you would, Jack.

25 MR. LAGARIAS: What is the position of the

1 California Trucking Association on the California diesel  
2 fuel?

3 MS. WILLIAMS: Diesel fuel!

4 MR. LAGARIAS: Yes.

5 MS. WILLIAMS: I can't believe it.

6 MR. LAGARIAS: Yes, since you've gone on record  
7 on that, I thought that this would be a good time to hear  
8 you.

9 MS. WILLIAMS: Let me look back to legal and see  
10 what our -- we're in support of the diesel fuel to date.

11 MR. LAGARIAS: Thank you. That's fine.

12 MS. WILLIAMS: Okay. Any questions about the I&M  
13 program?

14 MR. LAGARIAS: No.

15 (Laughter.)

16 MS. WILLIAMS: Okay. Thank you.

17 CHAIRWOMAN RIORDAN: Okay. Supervisor Vagim?

18 SUPERVISOR VAGIM: I just want to ask, from  
19 out-of-state truckers, how does this affect interstate?

20 MR. CACKETTE: Which program? The roadside  
21 program or the one we're talking --

22 SUPERVISOR VAGIM: The roadside.

23 MR. CACKETTE: The roadside program affects the  
24 interstate trucks the same way as it does California-based  
25 trucks. The periodic self-inspection program we proposing a

1 delay in only affects in-state trucks, in-state operated  
2 trucks.

3 SUPERVISOR VAGIM: And the acceleration plume  
4 test?

5 MR. CACKETTE: It's the same in both.

6 SUPERVISOR VAGIM: Same in both?

7 MR. CACKETTE: The use common procedures.

8 SUPERVISOR VAGIM: So, if someone has a license  
9 to truck outside of California as interstate commerce, when  
10 they fail the test, what do we do?

11 MR. CACKETTE: We issue them a citation and they  
12 pay a fine, and they are asked to fix the truck. And the  
13 amount of fine is dependent on whether they fix the truck.  
14 It's \$800 if they don't fix the truck and \$300 if they do  
15 fix the truck, provide evidence that they do fix t he truck.

16 SUPERVISOR VAGIM: Okay. Thank you.

17 CHAIRWOMAN RIORDAN: Ms. Edgerton.

18 MS. EDGERTON: Ye.s I'm -- I'd like to know --  
19 I've gotten some reports on how your proposal for he  
20 scrappage of old trucks is moving. Can you tell me what's  
21 happened in the last three weeks with respect to that?

22 MS. WILLIAMS: We've been working -- I can't  
23 believe all these questions that are non-I&M, but I'll  
24 answer.

25 We're looking at international markets right

1 there for scrappage and sales. We've looked at China and  
2 some of the other countries where their standards are 32  
3 grams per brake horsepower hour versus the 10.7 of the pre-  
4 '84 vehicles, and the 4 grams per brake horsepower hour of  
5 the new vehicles.

6 So, by selling our scrap vehicles to other  
7 countries, that's one way to support part of the program.  
8 And then we're looking at funding to put the new vehicles in  
9 Sacramento and the South Coast.

10 MS. EDGERTON: Do you have a -- is there a draft  
11 bill that you've submitted to anybody?

12 MS. WILLIAMS: The FIP Task Force coalition is  
13 meeting on Thursday in Los Angeles, and they're working on  
14 that right now.

15 So, we're really moving ahead with that.

16 MS. EDGERTON: And will that same information be  
17 provided to the Air Board staff? Could we have a copy of  
18 what you submit to them?

19 MS. WILLIAMS: Sure.

20 MS. EDGERTON: Thank you.

21 CHAIRWOMAN RIORDAN: Okay. Any other questions?

22 Okay. Thank you very much for your testimony.

23 I have no other witnesses on our sign-up list.

24 So, if I could, Mr. Boyd, are there any comments by staff as  
25 summation?

1 MR. BOYD: We have some written --

2 CHAIRWOMAN RIORDAN: Oh, some written. All  
3 right.

4 MR. SHEARS: Yes. I have these comments. We  
5 have four comment letters, all of them in support of staff's  
6 proposal to delay the PSI, the periodic smoke inspection  
7 program implementation.

8 One is from the Engine Manufacturers Association,  
9 one is from the American Trucking Association, one is from  
10 the Associated California Loggers, and one is from Exxon  
11 Company, USA.

12 They all support our proposal.

13 I have another comment letter from the  
14 Metropolitan Water District of Southern California.  
15 Essentially, their comments parallel that of the  
16 Metropolitan Transit Authority, which you heard today. They  
17 have purchased some of the existing smoke opacity meters in  
18 anticipation of the program -- periodic smoke inspection  
19 program -- starting up in January, 1995. Now, they would  
20 like to ask for some kind of relief if the ARB is  
21 considering changing the meters to J1667. And, as Bob  
22 responded, the staff will be considering how those old  
23 meters can be used in some way when the program starts up.

24 The last comment letter I have is from Fullerton  
25 Joint Union High School District, from La Habra, California.

1           Essentially, their comment letter does not  
2 address the proposal today. They're indicating that they  
3 think that the periodic smoke inspection program would add a  
4 burden to them and forces an expense on them that they  
5 cannot bear.

6           They would rather see -- instead of mandatory  
7 testing of every diesel vehicle, that just the vehicles that  
8 are observed smoking on the road possibly be reported,  
9 possibly through a hot line, similar to what the South Coast  
10 Air Quality Management District has, and that a notice  
11 should be sent to the owner to have that vehicle fixed.

12           That summarizes the comment letters.

13           CHAIRWOMAN RIORDAN: Thank you very much. Mr.  
14 Boyd, any other comments for the conclusion of the staff  
15 recommendation?

16           MR. BOYD: Just a quick comment that the last  
17 letter reminds me of -- historically, as we get letters from  
18 operators of fleets who express concern or have questions,  
19 or perhaps -- as exhibited in some of the letters. Mr.  
20 Jacobs and his team of folks usually set up a visit with the  
21 people and explain the program, and give them a lot of hints  
22 of cost cutting and cost saving hints on how to deal with  
23 this. And we've had a very extremely positive response. In  
24 fact, I want to publicly commend the staff for the  
25 incredible outreach they've done in this area and helped a



1 lot of people understand the intent, and helped them with  
2 the mechanical approaches and inspection procedures that can  
3 help them.

4 I think here's another candidate for that  
5 particularly recognizing how strapped school districts are.

6 CHAIRWOMAN RIORDAN: And I appreciate that. And  
7 I'm sure the Board does, too, that there is, I think, in the  
8 whole process of air pollution control, a lot of education  
9 that has to take place. And if anybody is affected by the  
10 poor air, certainly it is school districts, because, as the  
11 alerts are posted, then the children aren't sent out to play  
12 at certain times.

13 I mean, there's obviously a very direct impact on  
14 those school districts of another avenue of what we do. And  
15 so, I appreciate your efforts to work with them, so that  
16 they can understand and work their work through the process.

17 DR. BOSTON: Madam Chair?

18 CHAIRWOMAN RIORDAN: Yes, Dr. Boston.

19 DR. BOSTON: I just want to make a comment. This  
20 letter from the Fullerton Union High School District really  
21 surprises me. I've lived in that district for 35 years, and  
22 some of the dirtiest vehicles I've seen in that area come  
23 from school buses. And his statements I would take great  
24 exception to.

25 I don't think his school buses are clean at all.

1 CHAIRWOMAN RIORDAN: We'll note that for the  
2 record, Dr. Boston.

3 MR. BOYD: Maybe Dr. Boston would like to  
4 accompany Mr. Jacobs.

5 CHAIRWOMAN RIORDAN: And, of course, they're the  
6 beneficiaries of some of the terrible air of the South  
7 Coast. And so, anyway -- it's interesting.

8 MR. PARNELL: Madam Chair?

9 CHAIRWOMAN RIORDAN: Yes, Mr. Parnell.

10 MR. PARNELL: Just a question of staff, with  
11 respect to comments that were made earlier, Mr. Cackette,  
12 about the restart or potential restart of the roadside  
13 testing.

14 It was a staff decision to put it on the shelf  
15 during the interim because of infrastructure?

16 MR. BOYD: Well, in the midst of the diesel fuel  
17 crisis, and at the emergency Board hearing in October of  
18 whenever -- a century or so ago -- the staff was directed by  
19 the Board at that hearing to try to address and to go into  
20 the field and investigate the allegations of serious  
21 mechanical harm, leakage, and so on, and so forth with the  
22 diesel fleet, in the most generic sense, in California.

23 And the most obvious staff, because of their  
24 training and the skills they possess in diesel mechanics  
25 were the people working that program. So, they were

1 redirected to that effort, which resulted in all the studies  
2 that --

3 MR. PARNELL: But the real point was, is it  
4 necessary if we then direct the staff to restart the program  
5 to go through the rulemaking process? Or is it a matter of  
6 an executive decision? I don't understand what we would  
7 have to do legally to be able to restart the roadside  
8 testing.

9 Do we have to go through a rulemaking?

10 MR. RYDAN: It would depend upon what test you  
11 would choose to adopt. I think it would be my advice that  
12 you consider whatever test is going to be the standard to  
13 base the citations on.

14 I think that's not only good public policymaking,  
15 but that's also something the courts look to when the  
16 citations are challenged. So, it would be my  
17 recommendation, even though you probably could just -- when  
18 1667 comes out, just make the amendment to the regulations  
19 by a letter that's allowed under the Office of  
20 Administrative Law rules. I think a full blown public  
21 hearing would be advisable so that you can fully consider  
22 the appropriateness of the test.

23 MR. PARNELL: Okay.

24 CHAIRWOMAN RIORDAN: Let me then officially close  
25 the record if there are no other questions of staff.

1 SUPERVISOR VAGIM: Madam Chair, I just want to --

2 CHAIRWOMAN RIORDAN: Excuse me. Yes, Supervisor  
3 Vagim.

4 SUPERVISOR VAGIM: I just want to discuss real  
5 quick what the other thoughts of the other Board members  
6 would be about a letter from the Chair to the SAE committee  
7 urging them about the importance of them getting on with the  
8 1667.

9 MR. LAGARIAS: And telling them that we will act  
10 in their absence as well?

11 SUPERVISOR VAGIM: Yes, I think that would be  
12 appropriate.

13 CHAIRWOMAN RIORDAN: Okay. Why don't we take  
14 that perhaps as an item of action after we do this closing,  
15 and that certainly fits in with some direction to staff.

16 But right now, are there any questions of staff  
17 on this particular issue that we need to follow?

18 Mr. Parnell.

19 MR. PARNELL: Well, I still have questions. I  
20 guess maybe I missed something earlier. But are we -- I  
21 hear counsel saying that whatever roadside testing we  
22 reestablish should be commensurate with or identical to our  
23 other voluntary testing program, or using equipment that is  
24 identical to.

25 So, what we're saying is that roadside testing

1 has to stay on an inactive basis until such time as we go  
2 through the complete process of SAE and ultimately put into  
3 place the voluntary testing before we get back into roadside  
4 testing, or are we in a position to begin roadside testing  
5 prior to that with some piece of equipment that may be  
6 compatible?

7 I guess I'm unclear.

8 MR. CACKETTE: The bill that passed the  
9 Legislature required us to have a procedure that was  
10 repeatable and accurate and that didn't create false  
11 failures; or if it did create false failures, that we had a  
12 process of remedying --

13 MR. PARNELL: On the voluntary?

14 MR. CACKETTE: No, this is on the --

15 MR. PARNELL: On both.

16 MR. CACKETTE: -- on the roadside.

17 MR. PARNELL: Okay.

18 MR. CACKETTE: And our rules on the smoke  
19 inspection program just say that we're going to use the same  
20 procedure. So, the burden of the Board was to make that  
21 finding, that the procedure that was used, whether it be the  
22 old one, the new one --

23 MR. PARNELL: Was repeatable.

24 MR. CACKETTE: -- or some other one --

25 MR. PARNELL: Okay.

1 MR. CACKETTE: -- meets these findings. It just  
2 so happened at the time that the -- for the reasons Mr. Boyd  
3 said -- that the program was suspended. And so, we were in  
4 this kind of a limbo situation. And at least, at any one  
5 instance, it seemed most appropriate to try to pursue the  
6 SAE procedure, because by definition under the law, if the  
7 SAE adopted 1667, those findings that we had to make were  
8 made automatically.

9 And so, the hope was that that would move on very  
10 quickly.

11 MR. PARNELL: Okay. Thanks.

12 CHAIRWOMAN RIORDAN: Okay. Ms. Edgerton and then  
13 Mr. Lagarias.

14 MS. EDGERTON: Mr. Parnell. I'm intending to  
15 make a motion that we'll direct the staff to -- if SAE  
16 doesn't approve the 1667 procedure at its March meeting to  
17 proceed to enable this Board to have specifications  
18 consistent with law by the 1st of January, 1996, and then,  
19 as a second part of that, I -- in my motion, I intend to ask  
20 that we direct the staff to start a field test of this new  
21 procedure, if needed, as soon as it's comfortable that the  
22 smoke meters that meet the draft 1667 procedures are  
23 available.

24 So, I think that these seem to be linked  
25 together, this road test, when we need to be moving forward

1 with a time certain on this 1667 or something equivalent.

2 And we also want to make sure we test that. We  
3 want to direct the staff to go forward and begin with the  
4 field test on that, if needed, because we've learned we've  
5 got to have field tests on all these things.

6 So, that's -- I don't know if that -- I think  
7 we're thinking along the same lines of how are they  
8 connected. And I think that was my way I'm going to propose  
9 to connect them.

10 CHAIRWOMAN RIORDAN: Okay. Mr. Lagarias?

11 MR. LAGARIAS: Well, I certainly concur with Ms.  
12 Edgerton's thinking. But when we suspended the roadside  
13 test process, we said at that time that we wanted to have  
14 the results of the SAE test procedure before we continue the  
15 roadside testing. So, I think the roadside testing has to  
16 parallel closely the SAE test results. I think that -- but,  
17 as for the self-inspection program, I think your approach  
18 makes a lot of sense to me.

19 CHAIRWOMAN RIORDAN: Okay. Well, let us --

20 MR. CALHOUN: May I add one comment in connection  
21 with this?

22 CHAIRWOMAN RIORDAN: Mr. Calhoun?

23 MR. CALHOUN: It seems as though the resolution,  
24 which we're going to talk about in a few minutes, provides  
25 for an 18-month delay. But perhaps it's possible to reword

1 that so it would be no longer than 18 months. Maybe we can  
2 get it started earlier.

3 CHAIRWOMAN RIORDAN: All right. When it comes to  
4 the time of the resolution, perhaps the maker of the motion  
5 could entertain that.

6 Let me, though, for the record, just close the  
7 hearing unless there are some further questions for staff.  
8 I'd like to indicate that all the testimony, written  
9 submissions, and staff comments for this item have been  
10 entered into the record, and the Board has not granted an  
11 extension of comment period. So, I'm officially closing the  
12 record on this portion of the agenda item, No. 94-12-4.  
13 Written or oral comments received after the comment period  
14 will not be accepted as part of the official record on this  
15 agenda item.

16 This item does have ex parte requirements. And  
17 so, Board members, if you have any, would you indicate that  
18 this time if it's appropriate. Are there any ex parte  
19 communications that need to be indicated?

20 All right. Seeing none, then, you do have a  
21 resolution in front of you. And if anyone wishes to add to  
22 it or delete whatever, perhaps they can give a moment of  
23 time to think about, and we'll consider this Resolution 94-  
24 69.

25 The Chair would be happy to entertain a motion.



1 Ms. Edgerton?

2 MS. EDGERTON: Madam Chair, I move that this  
3 Board adopt the proposed Resolution 94-69 with the following  
4 three modifications: First, that we resolve and direct the  
5 staff that if the SAE committee does not approve the SAE  
6 J1667 procedure at its March meeting, for the staff to  
7 proceed to enable this Board to have ARB specifications  
8 consistent with California law by no later than January 1st,  
9 1996, so that our roadside program also can start up as soon  
10 as possible.

11 Secondly, the second modification I'm proposing  
12 that we direct the staff to start a field test of the new  
13 procedure, if needed, as soon as it is comfortable that the  
14 smoke meters meet this draft 1667 procedure are available.

15 And third, I propose that we direct the staff to  
16 schedule a Board meeting to adopt regulations to start up  
17 the roadside program as soon as is practicable thereafter,  
18 and to -- and if there are problems that develop with  
19 starting up with roadside program, directing the staff to  
20 inform the Board of those difficulties so that we can be  
21 sure that we are developing all the alternatives we need to  
22 be sure we're complying with this Board's obligations under  
23 California law.

24 CHAIRWOMAN RIORDAN: Is there a second to the  
25 motion?

1 DR. BOSTON: I would --

2 CHAIRWOMAN RIORDAN: Dr. Boston?

3 DR. BOSTON: -- second with a clarification.

4 CHAIRWOMAN RIORDAN: Yes.

5 DR. BOSTON: The clarification, Ms. Edgerton,  
6 when you said that if the SAE did not come up with the 1667  
7 by March, that we would proceed and have a date of January  
8 1st of 1996. What if they do come up with the vote in  
9 March; do you still want the date of January 1st?

10 MS. EDGERTON: Oh, good point. A friendly  
11 amendment. Yes, and also if they do come up with it, we  
12 would like to have -- we would like to be able to implement  
13 by January 1st, 1996.

14 DR. BOSTON: Then I would second the motion.

15 CHAIRWOMAN RIORDAN: All right. There's a second  
16 by Dr. Boston. Mr. Lagarias?

17 MR. LAGARIAS: I need some clarification. The  
18 March SAE meeting will probably be followed by a letter  
19 vote, which may not take place till April or so. So,  
20 wouldn't it be better to say its spring meeting rather than  
21 March meeting? Because, presumably, the March will be the  
22 full committee meeting. But, in addition to that, they will  
23 have to have a letter vote. Is it your intention to include  
24 the letter vote, which will be binding on the SAE committee?

25 MS. EDGERTON: Well, my intention is to authorize

1 and direct the staff to move forward in a way that  
2 recognizes that we need to move forward, taking into account  
3 that --

4 MR. LAGARIAS: But you said March specifically,  
5 and that's the hangup.

6 MS. EDGERTON: Well, I wanted to have it a date  
7 certain at which the staff is supposed to -- has the  
8 authority from the Board to go forward to fulfill our  
9 obligations under California law, so long as it meets --

10 CHAIRWOMAN RIORDAN: How about April 30th? That  
11 gives them one month to get that vote in.

12 MS. EDGERTON: Okay. Is April 30th --

13 MR. LAGARIAS: fine.

14 MS. EDGERTON: -- good with you? If that meets  
15 that, I understand. The sense of it was to, you know, let's  
16 authorize the staff to move on.

17 MR. LAGARIAS: All right. That's fine.

18 MS. EDGERTON: April 30th. I accept that  
19 friendly amendment. April 30th, okay.

20 CHAIRWOMAN RIORDAN: Will you accept that, Dr.  
21 Boston?

22 DR. BOSTON: Yes.

23 CHAIRWOMAN RIORDAN: Okay.

24 MR. LAGARIAS: Secondly, the suggestion has been  
25 made, since we're moving up the date, instead of giving 90

1 days to implement the program, we allow 180 days for  
2 implementing this early startup. Would that be  
3 satisfactory?

4 MS. EDGERTON: Do you think that's a better idea?

5 MR. LAGARIAS: I think that's reasonable.

6 MS. EDGERTON: I accept the friendly amendment.

7 CHAIRWOMAN RIORDAN: Dr. Boston, do you accept  
8 that?

9 DR. BOSTON: I'm not sure Jack you meant to --

10 MR. LAGARIAS: The date is January 1st. And  
11 then, under the present regulation, they have 90 days to  
12 implement it. But we have the question -- the problem of  
13 getting the equipment on the field, getting it to all the  
14 fleet operators. And the suggestion of the equipment  
15 manufacturers said 180 days make more sense. So, I think  
16 that's not unreasonable.

17 DR. BOSTON: I thought 90 days was reasonable.

18 CHAIRWOMAN RIORDAN: Mr. Cackette, did you want  
19 to comment? Just wait just a moment. And the discussion  
20 right now is between Mr. Lagarias' suggestion and the  
21 seconder of the motion. So, Mr. Cackette, maybe you could  
22 shed some light.

23 MR. CACKETTE: I was -- just wanted to make sure  
24 we understood what was meant in the discussion here.

25 The 90 days has to do with the periodic or the

1 self-inspection program, which is the regulation that we're  
2 subject to. But the discussion about moving ahead with the  
3 pilot program and bringing the regs back to the Board so  
4 that we could move on the roadside program by 1/96 is a  
5 different program.

6 So, the two are not --

7 MR. LAGARIAS: I was going to come to the  
8 roadside program.

9 MR. CACKETTE: -- completely related here. And  
10 the motion -- or the resolution is to start the program --  
11 the self-inspection program up in July of '96.

12 MR. LAGARIAS: No, it's in January.

13 MS. EDGERTON: I amended that.

14 MR. CACKETTE: Oh, okay. I'm getting the two  
15 mixed up then, I guess. The amendment is to start the  
16 periodic inspection program up in 1/96.

17 MS. EDGERTON: So that you would return to us --  
18 so that we would be able to start that -- that would be the  
19 effective date, but then the friendly amendment, as I  
20 understood it, enables the implementation to be 180 days,  
21 which would effectively extend it then to July.

22 MR. LAGARIAS: No. Well, within that period,  
23 they would be --

24 MS. EDGERTON: Implementing it.

25 MR. LAGARIAS: Implementing it.

1 MS. EDGERTON: But it would be a drop -- you had  
2 to have it all implemented by --

3 MR. LAGARIAS: Yeah.

4 MR. CALHOUN: What impact does --

5 CHAIRWOMAN RIORDAN: Wait. Just so -- I still  
6 need to get the seconder to accept this, and I haven't seen  
7 him accept it. Otherwise, we're going to take it a  
8 different way.

9 DR. BOSTON: I'm not going to accept that  
10 amendment, because I think, again, that's delaying it until  
11 July 1st, which is what I was trying to avoid.

12 CHAIRWOMAN RIORDAN: So, Mr. Lagarias, if you  
13 want to then have an amendment, you can ask for an amendment  
14 and we'll second for that amendment and vote on that  
15 separately.

16 MR. LAGARIAS: Fine. But I'm continuing my  
17 friendly discussion.

18 CHAIRWOMAN RIORDAN: Okay. You're still going to  
19 try to convince him; is that what you're telling me?

20 MR. LAGARIAS: No, no. I'm dropping that for  
21 now.

22 CHAIRWOMAN RIORDAN: All right. Okay.

23 MR. LAGARIAS: While I continue with --

24 CHAIRWOMAN RIORDAN: All right.

25 MR. LAGARIAS: -- with a proposed resolution.

1 CHAIRWOMAN RIORDAN: Okay.

2 MR. LAGARIAS: You directed some action on the  
3 startup of the roadside test program. I have a question to  
4 counsel. We have not agendized that item. So, can we, at  
5 this point in time, discuss what we're going to do about the  
6 roadside test?

7 MR. RYDAN: I don't think that her amendment  
8 would really significantly impact the roadside inspection  
9 program, because I think it was sort of a direction to staff  
10 to complete the information and come back to speak to them  
11 about the future in accordance with the open meeting  
12 requirements.

13 MR. LAGARIAS: Is that your understanding?

14 MS. EDGERTON: Yes, it is. My motion is to  
15 direct the staff to schedule a Board meeting on the issue to  
16 start it up as soon as it's practicable.

17 MR. LAGARIAS: Oh, fine. There's no problem with  
18 that. I thought you were trying to implement some --

19 CHAIRWOMAN RIORDAN: Practicable was the word  
20 there.

21 MS. EDGERTON: Uh-huh.

22 MR. LAGARIAS: Okay. Now, I'm ready to make a --

23 CHAIRWOMAN RIORDAN: Now you're going to do your  
24 amendment.

25 MR. LAGARIAS: Yes.

1 CHAIRWOMAN RIORDAN: All right.

2 MS. EDGERTON: I would like to say, though, that  
3 since I don't have a second on that, I'm going to --

4 MR. LAGARIAS: You do have a second on it.

5 CHAIRWOMAN RIORDAN: You have a second. Dr.  
6 Boston.

7 MS. EDGERTON: I know I do have a second. But I  
8 mean on the friendly amendment of 180 days. I'm back with  
9 Dr. Boston on the 90.

10 MR. LAGARIAS: I recognize that.

11 MS. EDGERTON: Thank you.

12 SUPERVISOR VAGIM: Madam Chair?

13 CHAIRWOMAN RIORDAN: Yes. Supervisor. Go ahead.  
14 I really do owe him the opportunity for his amendment.

15 SUPERVISOR VAGIM: This will be real quick. Are  
16 we going to include the letter in this motion, or as a  
17 separate motion?

18 CHAIRWOMAN RIORDAN: You could. And I was going  
19 to ask you if you'd like to do that.

20 SUPERVISOR VAGIM: Yeah. You mind including the  
21 wording of asking the Chair to draft a letter that addresses  
22 the concerns of this Board through the SAE committee?

23 MS. EDGERTON: I would accept that as a friendly  
24 amendment with one change, and that is that I would  
25 actually, in view of the situation, I think I would ask the



1 Executive Officer to send the letter, because we don't  
2 technically have a chair at the moment.

3 CHAIRWOMAN RIORDAN: Dr. Boston, do you want to  
4 accept that?

5 DR. BOSTON: I accept that.

6 CHAIRWOMAN RIORDAN: Okay. Will that be all  
7 right?

8 SUPERVISOR VAGIM: I have no problem. As long as  
9 it comes from the official capacity of this body.

10 CHAIRWOMAN RIORDAN: Well, let's ask. Maybe Mr.  
11 Boyd can reflect the actions of the Board.

12 SUPERVISOR VAGIM: Of the Board, right.

13 CHAIRWOMAN RIORDAN: Mr. Lagarias, your  
14 amendment.

15 MR. LAGARIAS: Since the present resolution has  
16 an effective implementation date -- time period of 90 days  
17 after adoption of the regulation, from July to three months  
18 later, I propose, since we've moved up to January 1st in  
19 this resolution, that we have an implementation period of  
20 180 days from January.

21 So, the net effect is only a 90-day difference in  
22 the program.

23 CHAIRWOMAN RIORDAN: Okay. Is there a second to  
24 Mr. Lagarias' motion?

25 MR. CALHOUN: May I question -- would you be

1 receptive to no more than 180 days?

2 MR. LAGARIAS: That's right. No more than -- up  
3 to 180 days.

4 MR. CALHOUN: I'll second that motion.

5 CHAIRWOMAN RIORDAN: All right. It's been  
6 seconded by Mr. Calhoun.

7 SUPERVISOR VAGIM: For clarification, this is an  
8 amendment to the amendment.

9 MR. LAGARIAS: No, this is amendment to the  
10 resolution.

11 SUPERVISOR VAGIM: Because hers is 90, you're  
12 moving it to 180. So, it's an amendment to her amendment.

13 CHAIRWOMAN RIORDAN: Yes.

14 SUPERVISOR VAGIM: Which the would override her  
15 90.

16 CHAIRWOMAN RIORDAN: Yes.

17 MS. EDGERTON: We'll vote on his first and get --

18 CHAIRWOMAN RIORDAN: Exactly. Yes, Supervisor  
19 Vagim.

20 (Thereupon, several Board members spoke  
21 simultaneously.)

22 CHAIRWOMAN RIORDAN: Excuse me. There is a  
23 motion on the floor that has accepted a number of friendly  
24 amendments that have been accepted by the seconder of that  
25 motion.

1           The regular second now -- or amendment that's  
2       been seconded by Mr. Calhoun is that that we will vote on  
3       first, which does change some of the language. We call it  
4       the unfriendly amendment for the moment.

5           Is there any further discussion the amendment?  
6       Then, let me ask the Secretary to call roll.

7           This is for the amendment only by Mr. Lagarias.

8       MS. HUTCHENS: Boston? Dr. Boston?

9       DR. BOSTON: No.

10      MS. HUTCHENS: Calhoun?

11      MR. CALHOUN: Yes.

12      MS. HUTCHENS: Edgerton?

13      MS. EDGERTON: No.

14      MS. HUTCHENS: Hilligoss?

15      MAYOR HILLIGOSS: No.

16      MS. HUTCHENS: Lagarias?

17      MR. LAGARIAS: Yes.

18      MS. HUTCHENS: Parnell?

19      MR. PARNELL: Yes.

20      MS. HUTCHENS: Riordan?

21      CHAIRWOMAN RIORDAN: Aye.

22      MS. HUTCHENS: Vagim?

23      SUPERVISOR VAGIM: Aye.

24      MS. HUTCHENS: Passes 5-3.

25      CHAIRWOMAN RIORDAN: Okay. So now the vote will

1 take place on the amended motion, and I would ask the  
2 Secretary to call roll.

3 MS. HUTCHENS: Boston?

4 DR. BOSTON: Yes.

5 MS. HUTCHENS: Calhoun?

6 MR. CALHOUN: Yes.

7 MS. HUTCHENS: Edgerton?

8 MS. EDGERTON: Yes.

9 MS. HUTCHENS: Hilligoss?

10 MAYOR HILLIGOSS: Aye.

11 MS. HUTCHENS: Lagarias?

12 MR. LAGARIAS: Aye.

13 MS. HUTCHENS: Parnell?

14 MR. PARNELL: Aye.

15 MS. HUTCHENS: Riordan?

16 CHAIRWOMAN RIORDAN: aye.

17 MS. HUTCHENS: Vagim?

18 SUPERVISOR VAGIM: Aye.

19 CHAIRWOMAN RIORDAN: Motion carries. Okay.

20 And I thank you all for a very good discussion,  
21 and I thank the staff.

22 And I think we all have a sense of where we're  
23 going, and that we're going to move forward and allow the  
24 committee to April 30th. And if, by that point, there isn't  
25 some sort of finality there, we're moving forward. Okay?