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HEALTH AND SAFETY CODE - HSC

DIVISION 26. AIR RESOURCES [39000 - 44475.3] (*Division 26 repealed and added by Stats. 1975, Ch. 957.*)

PART 5. VEHICULAR AIR POLLUTION CONTROL [43000 - 44299.91] (*Part 5 added by Stats. 1975, Ch. 957.*)

CHAPTER 8.9. California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction

Act of 2007 [44270 - 44274.15] (*Chapter 8.9 added by Stats. 2007, Ch. 750, Sec. 5.*)

ARTICLE 1. General Provisions [44270 - 44271.5] (*Article 1 heading added by Stats. 2008, Ch. 313, Sec. 1.*)

44270. This chapter shall be known, and may be cited, as the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007.

(*Added by Stats. 2007, Ch. 750, Sec. 5. Effective January 1, 2008.*)

44270.3. (a) For the purposes of this chapter, the following terms have the following meanings:

(1) "Benefit-cost score," for the Clean Transportation Program created pursuant to Section 44272, means a project's expected or potential greenhouse gas emissions reduction per dollar awarded by the commission to the project from the Alternative and Renewable Fuel and Vehicle Technology Fund.

(2) "California Native American tribe" means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.

(3) "Commission" means the State Energy Resources Conservation and Development Commission.

(4) "Full fuel-cycle assessment" or "life-cycle assessment" means evaluating and comparing the full environmental and health impacts of each step in the life cycle of a fuel, including, but not limited to, all of the following:

(A) Feedstock production, extraction, cultivation, transport, and storage, and the transportation and use of water and changes in land use and land cover therein.

(B) Fuel production, manufacture, distribution, marketing, transport, and storage, and the transportation and use of water therein.

(C) Vehicle operation, including refueling, combustion, conversion, permeation, and evaporation.

(5) "Tribal organization" means a corporation, association, or group controlled, sanctioned, or chartered by a California Native American tribe that is subject to its laws, the laws of the State of California, or the laws of the United States.

(6) "Vehicle technology" means any vehicle, boat, off-road equipment, or locomotive, or component thereof, including its engine, propulsion system, transmission, or construction materials.

(b) For purposes of the Air Quality Improvement Program created pursuant to Section 44274, the following terms have the following meanings:

(1) "Benefit-cost score" means the reasonably expected or potential criteria pollutant emission reductions achieved per dollar awarded by the board for the project.

(2) "Project" means a category of investments identified for potential funding by the board, including, but not limited to, competitive grants, revolving loans, loan guarantees, loans, vouchers, rebates, and other appropriate funding measures for specific vehicles, equipment, technologies, or initiatives authorized by Section 44274.

44271. (a) This chapter creates the Clean Transportation Program, pursuant to Section 44272, to be administered by the commission, and the Air Quality Improvement Program, pursuant to Section 44274, to be administered by the state board. The commission and the state board shall do all of the following in fulfilling their responsibilities pursuant to their respective programs:

- (1) Establish sustainability goals to ensure that alternative and renewable fuel and vehicle deployment projects, on a full fuel-cycle assessment basis, will not adversely impact natural resources, especially state and federal lands.
- (2) Establish a competitive process for the allocation of funds for projects funded pursuant to this chapter, which considers, among other factors, the benefit-cost score, as defined in subdivision (a) of Section 44270.3, associated with a project for the Clean Transportation Program or, as defined in paragraph (1) of subdivision (b) of Section 44270.3, associated with a project, as defined in paragraph (2) of subdivision (b) of Section 44270.3, for the Air Quality Improvement Program.
- (3) Identify additional federal and private funding opportunities to augment or complement the programs created pursuant to this chapter.
- (4) Ensure that the results of the reductions in emissions or benefits can be measured and quantified.
- (5) Ensure that those revenues derived from fees imposed on motor vehicles that are expended pursuant to this chapter are expended in compliance with Section 3 of Article XIX of the California Constitution, as were the revenues derived from fees imposed on motor vehicles pursuant to Assembly Bill 118 (Chapter 750 of the Statutes of 2007).

(b) The state board, in consultation with the commission, shall develop and adopt guidelines for both the Clean Transportation Program and the Air Quality Improvement Program to ensure that programs meet both of the following requirements:

- (1) Activities undertaken pursuant to the programs complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant and greenhouse gas emissions.
- (2) Activities undertaken pursuant to the programs maintain or improve upon emission reductions and air quality benefits in the State Implementation Plan for Ozone, California Phase 2 Reformulated Gasoline standards, and diesel fuel regulations.

(c) For the purposes of both of the programs created by this chapter, eligible projects do not include those required to be undertaken pursuant to state or federal law, district rules or regulations, memoranda of understanding with a governmental entity, or legally binding agreements or documents. For the purposes of the Clean Transportation Program, the state board shall advise the commission to ensure the requirements of this subdivision are met.

(Amended by Stats. 2023, Ch. 319, Sec. 5. (AB 126) Effective October 7, 2023.)

44271.5. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(Added by Stats. 2021, Ch. 258, Sec. 12. (SB 155) Effective September 23, 2021.)