

and, in no case, shall such exemptions apply if they create a clear and direct safety hazard. This exemption does not include access to high occupancy vehicle (HOV) lanes, except as provided in § 88.313-93.

(b) States shall also grant temporal TCM exemptions to qualifying CFFVs being operated after SIP approval, but prior to the effective date for commencement of a state's CFFV credit program.

(c) Temporal TCM exemptions provided for in paragraph (a) of this section are not effective outside of the areas for which states can be required to establish CFFV credit programs.

(1) Such exemptions shall remain effective only while the subject vehicle remains in compliance with applicable CFFV emissions standards and other CFFV credit program requirements.

(2) CFFV TCM exemptions shall not be transferred between vehicles within the same fleet nor shall they be sold or traded.

**§ 88.308-94 Programmatic requirements for clean-fuel fleet vehicles.**

(a) *Multi-State nonattainment areas.* The states comprising a multi-State nonattainment area shall, to the greatest extent possible, promulgate consistent clean-fuel fleet vehicle programs.

(b) *Program start date.* The SIP revision shall provide that the clean fuel vehicle purchase requirements begin to apply no later than model year 1999.

[59 FR 50082, Sept. 30, 1994, as amended at 63 FR 20107, Apr. 23, 1998]

**§ 88.309 [Reserved]**

**§ 88.310-94 Applicability to covered Federal fleets.**

(a) *Compliance by Federal vehicles.* As per section 258(a) of the Act, fleets owned or operated by any agency, department, or instrumentality of the United States shall comply with the applicable state regulations concerning CFFVs established in the SIP revision. Such fleets shall be treated in the same manner as private or other government fleets under the applicable state regulations.

(1) Federal agencies shall obtain CFFVs from original equipment manu-

facturers, to the extent possible, as required under section 248 of the CAA.

(2) The Secretary of Defense may exempt any vehicle(s) from the provisions of any CFFV credit program established in the SIP revision by certifying to the Administrator in writing that inclusion of the specified vehicle(s) in such a program could have an adverse impact on the national security. The Secretary of Defense shall also provide a copy of this statement of exemption to the state agency administering the CFFV credit program in the covered area in which the specified vehicle(s) is registered/operated.

(b) [Reserved]

**§ 88.311-93 Emissions standards for Inherently Low-Emission Vehicles.**

(a) *Certification.* (1) Emissions Testing Procedures. A vehicle shall be certified as an ILEV if that vehicle satisfies the following conditions:

(i) The vehicle shall be certified under the appropriate exhaust emissions standards from paragraph (c) or (d) of this section depending on the vehicle's weight classification.

(ii) The vehicle shall be certified as having fuel vapor emissions which are five or less total grams per test as measured by the current Federal Test Procedure (FTP), modified for ILEV certification, from 40 CFR part 86, subpart B for LDVs and LDTs and from 40 CFR part 86, subpart M for HDVs.

(A) After disabling any and all auxiliary emission control devices (canister, purge system, etc.) related to control of evaporative emissions, the fuel vapor emissions shall be measured using the FTP regulations in effect at the time the vehicle is to be certified as an ILEV. For purposes of this section, the vehicle's fuel vapor emissions shall consist of the total grams of diurnal, hot soak, running loss, and resting loss emissions, as appropriate, for the particular fuel/vehicle/engine combination to be tested. In determining ILEV evaporative emissions, the diurnal emissions measurement procedure shall consist of a single diurnal heat build using an ambient or fuel temperature range of 72°-96 °F (22°-36 °C), as appropriate for the applicable FTP regulations (40 CFR part 86).