



November 7, 2022

SUBMITTED ELECTRONICALLY

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the In-Use Off-Road Diesel-Fueled Fleets Regulation

To the members of the California Air Resources Board:

The California Alliance for Jobs (Alliance) and the Rebuild SoCal Partnership (Partnership) appreciate the opportunity to provide official public comments on the proposed In-Use Off-Road Diesel-Fueled Fleets regulations (Off-Road Diesel) proposed by the California Air Resources Board's (CARB).

The Alliance represents over 2,000 heavy construction companies and 80,000 union construction workers from Bakersfield to the Oregon border. The Alliance is a unique labor-management partnership that advocates for responsible investments in public infrastructure projects. Specifically, the Alliance keeps California's people and economy moving as the state's population grows by focusing on improving water systems, expanding transportation networks, and increasing the access and quality of our public infrastructure. Ultimately, smart infrastructure investments are the backbone of California's long-term success; ensuring future generations have sustainable economic prosperity and an enhanced quality of life. The Alliance is proud to support our members' mission to build and maintain California's most vital infrastructure.

The Partnership consists of 2,750 contractors throughout Southern California that represent more than 90,000 union workers in all 12 Southern California counties. Based in Anaheim, California – the Partnership is dedicated to working with elected officials and educating the public in Southern California on the continued need for infrastructure funding and to enhance the regions' workforce development while creating career construction jobs. The Partnership is dedicated to advocating for clean water, safe bridges and roads, which are vital to Southern California's economy. A well-designed and maintained infrastructure is essential to our quality of life. With a primary focus on Southern California projects, the Rebuild SoCal Partnership and our community advocates for responsible investment in public infrastructure projects to help fix our aging public systems, while building for our future needs and economic growth.

In recent years, our members have been faced with the challenge of complying with regulations centered around a vital piece of equipment – the vehicles they rely on to make a living. Unfortunately, the proposed regulation and other rulemaking proceedings currently underway continue to create uncertainty as to how our members are expected to comply with one mandate this year but then be asked to transition and comply with a totally different goal or objective which requires the need to purchase or try to purchase new vehicles regardless of costs and performance.

Our organizations remain concerned that the proposed amendments are not based on real-world conditions and will have a tremendous impact on California's economy in general, and our industry specifically. The onerous mandates being proposed will eventually impact the foundation of our industry – the men and women that work for the thousands of contractors on critically needed infrastructure projects aimed at keeping California's economy moving forward.

Below are just a few examples of how the proposed regulation will impact our members.

Impractical Vehicle Transition: The recently amended regulation seeks to now ban adding vehicles beginning on January 1, 2024, with a Tier 3 engine to large, medium, and small fleets. The amended draft regulation would enact a similar ban on adding Tier 4 interims for large and medium fleets beginning January 2024, and January 1, 2028, for small fleets. Real world issues such as supply chain issues, etc. must be taken into account. Therefore, we believe such a ban must be deleted.

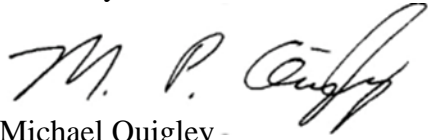
Lack of resources to self-police: For a project involving the use of vehicles subject to this regulation, the prime contractor or public works awarding body, as applicable, must obtain copies of the valid Certificates of Reported Compliance, as described in section 2449(n), for the fleet selected for the contract and their listed subcontractors, if applicable, prior to entering into a new or renewed contract with that fleet. We believe demonstration of a valid Certificate is preferable versus any type of self-policing requirement placed on the prime contractor.

Unpredictability of future off-road vehicles: Delete the mandate to buy and add only Tier V vehicles effective in 2028. We are concerned that ARB has yet to adopt the standards for what a Tier V engine is but is prepared to require purchase of such engines beginning in 2028. Based on the speculative nature of such a requirement, we are unable to determine the impact such a requirement would have on vehicle availability and costs. Including such a mandate within this rule is wholly inappropriate since ARB is deferring any analysis or discussion of costs to implementation of this requirement to a future process yet establishing the mandate in this rulemaking.

Significant negative financial impacts for construction industry: While the off-road diesel regulation does provide a phase in approach to transition into off-road vehicles with cleaner engines, the proposed regulation provides no financial support to assist companies with the cost associated with the proposed off-road diesel regulation. The vehicles in question are major capital investments for our members and are usually part of a multi-year capital investment plan. To think that companies can just purchase vehicles any time they want to is not based on the circumstances our members face on a daily, monthly, annual basis.

Thank you for considering our comments and we look forward to future conversations on this and other important policy issues.

Sincerely,

A handwritten signature in black ink, appearing to read "M. P. Quigley". The signature is fluid and cursive, with the first and last names being more prominent.

Michael Quigley -
Executive Director
California Alliance for Jobs

A handwritten signature in black ink, appearing to read "Jon Switalski". The signature is cursive and somewhat stylized, with the first and last names being more prominent.

Jon Switalski
Executive Director
Rebuild SoCal Partnership