

October 29, 2021

Mr. Tony Brasil, Branch Chief, Transportation and Clean Technology
Mr. Craig Duehring, Manager, In-Use Measures Control Section
Mobile Source Control Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: PMSA Comments on the Proposed Advanced Clean Fleets Regulation

Submitted electronically to the [acf-comments-ws](#) log.

Dear Mr. Brasil and Mr. Duehring,

PMSA appreciates the opportunity to comment on the Advanced Clean Fleets (ACF) proposed regulatory concepts by California Air Resources Board (CARB), and that the draft regulatory language and cost assumptions were provided well ahead of the anticipated Public Hearing date so that regulated entities and interested stakeholders have ample time to review and respond to the content.

The Concepts Must be Feasible, Implementable and Align with State Mandates

PMSA strongly urges delaying the proposed ACF implementation date until zero-emission (ZE) trucks are commercially available and proven to meet the duty cycle required. The intent of ACF is touted as to align with the recently adopted Advanced Clean Trucks Regulation and the Governor's Executive Order N-79-20, the latter of which calls for zero-emissions by 2045 for heavy duty vehicles and 2035 for drayage where *feasible*; however, this key word is absent from the draft regulatory language itself. If the ACF language is not comparable, then the proposed Regulation would not advance the Governor's specific mandates.

Feasibility Must Determine Implementation Schedules

Of the 19,994 trucks registered in the Port Drayage Truck Registry (PDTR), only 28 ZE trucks and 193 Low NO_x trucks call at the Ports of Long Beach and Los Angeles. Even fewer at the Port of Oakland. Technology viability and commercialized vehicle availability is the only way the ACF could possibly be successful; a regulation that requires a technology that does not even exist nor yet proven feasible, regardless of timeline, will be a failure. There are no commercially available fully tested class 8 ZE trucks. The few models that are available are still undergoing demonstration testing, many of which are grant funded by CARB and other regulatory agencies. While some of these demonstrations may very well prove successful, until that time regulations should not be based on deploying unproven and unavailable technologies. The ACF staff presentations have acknowledged that manufacturers are only just "entering the market" and "introducing" components and that future "improvements" are expected, reinforcing the fact that the technology is unproven, not commercially available, and is not yet ready for large-scale revenue service in the short term.

For § 95691 regarding drayage fleets, particular consideration should be made to the San Pedro Bay Ports 2018 Drayage Truck Feasibility Assessment¹, which is expected to be updated and finalized in Q1 2022. This document should serve as the industry model for evaluating feasibility in the unique and operationally difficult drayage sector that serves California ports. Complementary, a third-party advisory board consisting of industry experts could be established to assess the state of commercialization and feasibility among specific vehicle and duty cycle types and publish regular reports of its determinations. These findings could then be applied to reasonable ZE implementation schedules.

Supply Chain Congestion Must be Acknowledged

The replacement of the drayage fleet will naturally occur under regular truck-replacement schedules, and it is realistic to expect the addition of new trucks entering service to accommodate recent cargo surges, however, CARB has not reasonably demonstrated with confidence that the ZE market will be able to fulfill the needs of the entire industry, beginning in 2023, just two years from now. With the regulation's promulgation expected in approximately one year, how could the market and industry possibly respond in sufficient time in a manner that would not result in truck shortages, even before accounting for the current stresses related to surges in cargo volumes?

Cargo surges do occur. California ports are experiencing one now, induced by the COVID-19 pandemic and have experienced them previously as a result of other supply chain disruptions, such as the imposition of tariffs during the Trump Administration. The proposed regulation will exacerbate the immense supply chain issues seen today, partly due to insufficient truck sector capacity. CARB should revise the proposed concepts such that it does not exacerbate or drive port truck shortages by requiring ZE trucks that are extremely limited in capability and much too expensive to make ZE trucks a viable option at this time. In addition, any further truck shortages will lead to inefficiency and congestion which would lead to secondary increases in emissions, for example, from increased anchorage emissions.

Useful Life Definition Must be Included

For drayage trucking, CARB staff and workshop presentations acknowledge that legacy drayage trucks may operate until minimum useful life expires; however, this term, based on SB-1, is not included in the proposed ACF language. It is imperative that Useful Life be defined in § 95691, same as Legacy Drayage Truck.

Infrastructure Deployment Considerations Must be Included for the Rule to be Implemented

Infrastructure is a critical component in ensuring ZE drayage trucks, and other vehicles, can be successfully deployed and operated. Adequate charging and fueling stations must be deployed in both public and private locations to serve the entire regulated fleet. The infrastructure must be reliable and safely provide cost-effective electricity or hydrogen.

ACF will not be successful without this supporting infrastructure. Delays and other issues are a reality in infrastructure and construction projects; the regulation must include allowances for such issues in deploying infrastructure to support drayage trucks, even if the ZE vehicle is ready for delivery. Currently,

¹ <https://cleanairactionplan.org/download/222/other-documents/5029/final-drayage-truck-feasibility-assessment.pdf>

exemptions are only allowed for priority and public fleets, but drayage trucks outside of these specific fleet types can be expected to utilize both private and public fueling or charging stations. The exemption consideration that was given for these fleets should also be given to the drayage component of ACF.

PMSA echoes the many calls for joint CARB, California Energy Commission and California Public Utilities Commission workshops. California has ambitious ZE goals, and all relevant state agencies must be involved. The success of ACF and advanced ZE vehicle technology is dependent on the supporting infrastructure, and all partners must be involved in these imperative conversations, not only in 'behind the scenes' agency collaboration, but with all stakeholders. This would provide assurance to the regulated end-users that all parties are 'at the table' and expensive investments into vehicle technology will be capable of being operated.

Alternatively, the ACF must include requirements that utility providers shall be required to provide necessary infrastructure for ZE vehicles within a defined timeframe. Operators cannot be expected to deploy ZE trucks and vehicles without the means of fueling or charging upon delivery. Without an obligation on the part of utilities to provide electrical infrastructure in a timely manner, the goals of the proposed ACF regulation cannot be met on the accelerated timelines proposed.

Data Collection and Reporting Requirements must be Practical

Under § 95691(d)(6)(B), Marine Terminal Operators (MTO) are proposed to collect expansive data. The annual reporting process, as proposed under §95691(d)(6)(C) and (D), for MTO's to then report data to their respective Ports is impossible. The PDTR was initially deployed to ease the burden of verifying trucks entering Port property, by setting up an automated system at the in and out-gates. As this system already exists and largely collects these data that CARB seeks, ACF reporting should be considered sufficient through the existing connection between the PDTR and CARB DTR, rather than the proposed manual process. PMSA highly urges CARB to undertake any portal upgrades and enhancements necessary to make ACF reporting possible. This is similar to the many current calls to utilize the two portals to connect the systems to support the proposed HD I/M regulation. The implementation of the data reporting requirements should not begin until this capability is confirmed and the proposed ACF regulation should not needlessly duplicate already existing data collection activities. The shared requests for the same capabilities prove the financial and resource efforts would be well worth it, alleviating the burden on both CARB and industry staff. It would ensure more efficient and timely compliance, appreciated by all stakeholders.

It is also noted that many of the data points currently proposed to be collected and reported to CARB are not imperative to the ACF Regulation and are not necessary; thus, the data points should be analyzed for true benefits and the ability for CARB staff to process such large quantity of data. California's ports see millions of truck calls every year, with seven million calls made at the Ports of Los Angeles and Long Beach alone; is CARB prepared to process these individual data points? It is also realistic that of the expansive data proposed to be collected and reported, ports and/or marine terminal operators do not have access to all data points.

Cargo Handling Equipment Requirements Should be Clarified

PMSA appreciates and agrees with CARB staff that for High-Priority Fleets, §95692(c), exemptions explicitly include vehicles subject to the Mobile Cargo Handling Equipment (CHE) Regulation. While some yard tractors are wrapped into ACF, we would suggest that this division between the two regulatory applications should be further clarified and restated in the definitions of motor vehicle and yard tractor that CARB intends that the ACF should only apply to those specific yard tractors not already covered under the CHE rule, or future amendments.

Further, CARB staff workshop presentation discusses yard trucks, while the regulation includes yard tractors. It is important that terms are used consistently through the rulemaking process to provide clarity for stakeholders; thus, if this is the preferred term, then we would request a consistent application of the term “yard truck” and that the term be defined in the language as well.

Conclusion

To finish, PMSA appreciates the opportunity to work with CARB staff throughout the rulemaking process, striving to ensure a feasible, cost-effective and realistic regulation. Should CARB have any questions, PMSA staff are always available to discuss these, or other concerns.

Respectfully,

A handwritten signature in cursive script that reads "Jacqueline M. Moore".

Jacqueline M. Moore
Vice President