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RE: Comments on April 2022 Draft of the Public Fleets Advanced Clean Fleets Rule

The Southern California Public Power Authority,¹ Northern California Power Agency,² and California Municipal Utilities Association³ (collectively, the “Joint POU’s”) appreciate the opportunity to provide comments on the April 2022 pre-rulemaking draft of the California Air Resource Board’s (CARB) Advanced Clean Fleets (ACF) rule for public fleets (“draft rule”) and the May 4, 2022 public workshop to present the draft rule. Our organizations collectively represent the majority of the state’s publicly owned electric utilities (POUs), each of which is governed by a board of local officials and is accountable to the community in which it serves, as well as many of the state’s public water agencies.⁴ The Joint POU’s are committed to supporting transportation electrification and to helping CARB craft a durable, implementable ACF rule that can both achieve success in California and serve as a model for other states.

The Joint POU’s thank CARB staff for releasing a second pre-rulemaking draft and recognize the agency’s efforts to respond to stakeholder feedback, particularly on the need to address zero-emission vehicle (ZEV) availability and utility emergency response needs. These issues are paramount and foundational to ensuring that the adopted ACF rule does not jeopardize POU’s ability to maintain and operate the safe, reliable electric grid needed to support the state’s clean energy goals and transportation electrification infrastructure, or water agencies’ ability to provide safe, dependable access to clean water. The Joint

¹ The Southern California Public Power Authority (SCPPA) is a not-for-profit joint powers agency formed in 1980 to facilitate joint power and transmission projects for its local publicly owned electric utility members. SCPPA consists of eleven municipal utilities and one irrigation district – the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District – who collectively serve nearly five million people throughout Southern California.

² The Northern California Power Agency (NCPA) is a nonprofit California joint powers agency established in 1968 to construct and operate renewable and low-emitting generating facilities and assist in meeting the wholesale energy needs of its 16 members: the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid Transit (BART), and Truckee Donner Public Utility District—collectively serving nearly 700,000 electric consumers in Central and Northern California.

³ The California Municipal Utilities Association is a statewide organization of local public agencies in California that provide electricity and water service to California consumers. CMUA membership includes publicly owned electric utilities that operate electric distribution and transmission systems. In total, CMUA members provide approximately 25 percent of the electric load in California.

⁴ While this letter focuses on impacts to POU’s as electric utilities, the same concerns regarding feasibility and emergency response capability apply to our members in their capacity as water and wastewater agencies, as further detailed in the comments of the Association of California Water Agencies on the April 2022 draft rule.

POUs believe the draft rule represents a key step forward but emphasize that additional work is needed to deploy the ACF successfully and mitigate adverse impacts to essential public services. While we appreciate the inclusion of the new “ZEV unavailability” and “mutual aid assistance” exemptions, we caution that such exemptions can only be effective at protecting against unintended consequences if they are well defined, transparent, and reflect operational realities.

Because the “ZEV unavailability” and “mutual aid assistance” provisions are so critical to the successful implementation of the ACF rule, the Joint POU's have focused on these provisions in our comments. Our core recommendations are for CARB to:

- Include a robust, transparent framework to assess ZEV commercial availability *as well as* a separate exemption process when ZEVs are not accessible to public agencies in practice or are unsuitable for the fleet's operational needs.
- Reclassify the “mutual aid assistance” exemption as an “emergency response” provision and revise the criteria to reflect the operational realities under which POU's, water agencies, and other essential public service providers operate.

We also offer specific recommendations on other aspects of the draft rule. In the spirit of developing an improved next iteration, we have spent considerable time developing suggested redline edits to clearly articulate needed changes. The proposed redlines are incorporated within these comments for ease of reference and also attached as appendices.

COMMENTS

I. The final rule must include a robust, transparent framework for assessing ZEV availability, including:

- **Objective criteria for “commercially available” ZEVs;**
- **A separate exemption process to address circumstances in which “commercially available” ZEVs cannot meet the needed duty cycle or are not accessible in practice;**
- **A list of *available*, rather than *unavailable*, ZEVs.**

The Joint POU's' member utilities are committed to electrifying their fleets where feasible to further the ACF goals. The current medium- and heavy-duty (MHD) ZEV market, however, is still nascent, and while it will continue to advance in both production capacity and technology innovations many utility applications are not yet available and may not be for years. Moreover, as public agencies, many POU's have less purchasing power and are subject to highly scrutinized budgeting and procurement processes that can make ZEV purchases at significantly higher costs especially challenging.

The Joint POU's appreciate that staff heard the concerns raised about the need to ensure that ZEVs are actually available and have incorporated ZEV unavailability exemption provisions in the draft rule. However, as proposed, the draft language does not allay the concerns raised by the utilities. Therefore, revisions are necessary to ensure the provisions address the actual conditions affecting ZEV availability for public fleets, are applied transparently and consistently, and acknowledge that “commercial availability” cannot fully capture the suitability of a particular ZEV for an individual fleet's needs.

The Joint POU's offer the recommendations for the ZEV unavailability exemption set forth below. It is important to note that each of these elements are necessary for the exemption to successfully work, and not offered in any hierarchical order:

- Define “vehicle configuration”. Vehicle configuration should be defined as “*the configuration necessary to support the primary intended function of the vehicle.*” This is necessary for clarity, as the term is used throughout the draft rule to describe vehicles based on general or specific functions, such as water trucks, vacuum trucks, or aerial boom trucks. This recommendation is reflected in the proposed new section 2013 (b)(68):

Section 2013 (b)(68)

“Vehicle configuration” means the configuration necessary to support the primary intended function of the vehicle. Examples of vehicle configurations include water trucks, aerial bucket trucks, line trucks, vacuum trucks, and digger derricks.

- Establish robust, objective criteria for the definition “commercially available”. The meaning of “commercially available” is central to the application of the ZEV purchase requirements. However, the term is currently undefined, which could lead to unclear, inconsistent, or arbitrary interpretations by CARB. The Joint POU's urge CARB to adopt clear, objective, and transparent criteria that will be used to subsequently assess the commercial availability of ZEVs and near-zero emission vehicles (NZEVs) for each vehicle configuration in the various weight classes.

The assessment of “commercially available” ZEVs should include all the following criteria:

- The vehicle configuration for a given weight class is available as a model from at least three manufacturers and/or upfitters.
 - RATIONALE: This criterion will help ensure competitive bidding, which is a necessary element of public procurement processes to safeguard public funds.
- The manufacturers and/or upfitters of each of the three models have at least two years' experience selling vehicles in California.
 - RATIONALE: This criterion is necessary to help ensure manufacturers and upfitters are established, reliable companies – which is important both for safety purposes and to minimize the risk that public agencies make long-term vehicle purchases from companies that may not have the longevity to service the vehicle or honor the warranty.
- The manufacturers and/or upfitters of each of the three models have placed into service at least 25 copies of the model.
 - RATIONALE: This criterion is necessary to demonstrate that vehicles are, in fact, in production and capable of being delivered to fleet purchasers – a proxy for availability in the marketplace.

- The MSRP of the ZEVs does not exceed 133% of the price of average internal combustion engine vehicles (ICEVs) for the specific weight class.

RATIONALE: This criterion is necessary to protect public agencies and their communities from excessive upfront and total ownership costs, which may divert limited local budgets from other important state and local goals, and to provide a predictable standard of measure for cost comparison.

The Joint POU's understand that CARB estimates MHD ZEVs should result in a net savings with respect to Total Cost of Ownership (TCO) over the life of the vehicles. This may be true in certain cases, particularly as the market matures, but the fact remains that the current costs of ZEVs may start at 20% above their ICEV counterparts but can routinely reach 2-3 times the cost of their ICEV counterparts, as noted in the Standardized Regulatory Impact Assessment⁵ (SRIA) for the draft rule. (SRIA, p. 100) Furthermore, the point at which the cost of ZEV ownership turns to savings is more than 15 years out, placing a significant burden on utilities in the near future. (SRIA, p. 97)

Higher upfront capital costs are challenging for many POU's, whose budgets are subject to city council or board approval and who must pass through costs to local ratepayers. While the SRIA suggests that "a combination of declining costs, incentives, and innovative financing models can help defray these upfront investments," the Joint POU's observe there are uncertainties in all these assumptions – whether ZEV costs, particularly for specialized vehicles, will meaningfully decline in the timeframe in which public fleets must purchase these vehicles; whether there *will* be any available incentives to "fund compliance"; and whether any "innovative financing models" will be available to public agencies. (SRIA, p. 100) Moreover, the fact remains that even a 20% increase to a public agency's capital budget to purchase ZEVs is a significant sum.

Moreover, apart from the upfront capital costs, the Joint POU's are concerned the ZEV TCO savings estimated in the SRIA may not be borne out in some cases. The actual maintenance and/or unexpected repair costs are unknown for MHD specialized ZEVs that do not yet exist. Realizing the benefits of SRIA projected fuel savings is contingent on the new technology remaining operational without service issues, which may be a greater concern for more complex, highly specialized vehicles. In addition, many specialized vehicles do not travel extended distances on a regular basis, thus diminishing the cost savings of fuel switching. Further challenging the ability to ensure that the vehicles remain operational is the uncertainty around an available workforce specially trained in maintaining and repairing these specialty vehicles. The SRIA also assumes a Low Carbon Fuel Standard (LCFS) credit price of \$200 through 2030, which is about twice as high as the credit values today and forecasts for the foreseeable future. (SRIA, p. 85) The SRIA also assumes that fleet owners that own infrastructure will participate in the LCFS program. This is not an accurate assumption, however – LCFS participation

⁵ https://dof.ca.gov/wp-content/uploads/Forecasting/Economics/Documents/ARB-ACF-SRIA_2022-05-18.pdf

comes with its own costs, and it is not always cost effective for small entities to participate.

Given these uncertainties, the Joint POU's urge CARB to build cost protection for public agencies and their communities into the commercial availability criteria. The Joint POU's strongly urge CARB to incorporate a relative price cap addressing capital costs for the reasons noted above; however, should CARB reject this recommendation, the ACF should at minimum incorporate a cap on the TCO payback period for ZEVs based on the individual fleet's specific use case.

The Joint POU recommend these criteria be incorporated in a new section 2013.1 (c)(1) of the draft redlines:

Section 2013.1 (c)(1)

For purposes of this section 2013.1, a "commercially available" vehicle configuration means the following:

(A) The vehicle configuration is available from at least three vehicle manufacturers as a zero-emission powertrain certified model in accordance with 13 CCR 1956.8, at least 25 units of each model has been placed into service, and each manufacturer has at least two years' experience selling vehicles in California. If the vehicle configuration requires upfitting, these requirements shall apply to both the manufacturer of the incomplete chassis and the upfitter.

(B) The manufacturer suggested retail price is no more than 33 percent greater than the average manufacturer suggested retail price for ICEVs of the same vehicle configuration.

The Joint POU's recognize that addressing the relative price premium between ZEVs and ICEVs would require CARB staff to collect information about ICEVs. This is reflected in the proposed addition of section 2013.1 (c)(5). However, the Joint POU's believe the work associated with collecting this information would be significantly mitigated because the premium would be calculated based only on information that is submitted to CARB manufacturers or other entities, who have an incentive to provide the information. CARB may also have access to much of this information already to support the SRIA analysis. In addition, the Joint POU's believe that addressing price premiums within the "commercially available" criteria, rather than solely in a separate exemption process, has the benefit of reducing the number of exemption applications that would need to be processed.

Section 2013.1 (c)(5)

For purposes of determining commercial availability in accordance with section 2013.1 (c)(1)(B), CARB shall maintain a list of ICEVs for each vehicle configuration, primary intended function, and weight class. ICEVs will be added to or removed from the list based on information submitted to the Executive Officer specifying the vehicle's primary intended function, dimensions, weight, and manufacturer suggested retail price. Information may be submitted by manufacturers, fleets, or other entities consistent with the process for ZEVs and NZEVs.

The Joint POU's recommend against (i) grouping vehicles into two weight class categories (Class 4-6 and Class 7-8), (ii) excluding certain vehicle body types, and (iii) factoring in ZEV powertrain conversions for new ICEVs for purposes of assessing commercial availability. The gross vehicle weight rating (GVWR) range within the proposed groupings is so broad that vehicles may not be comparable. The excluded body types are also broad and may contain vehicles that are not yet, in fact, commercially available. Finally, the Joint POU's are concerned that a powertrain conversion of a new ICEV may impact warranties as well as further extend vehicle build times and result in significant additional costs. To address this, the ACF rule should include the following:

- Provide individual exemption process for scenarios in which "commercially available" ZEVs are not suitable for a fleet's needs or accessible to a public agency in practice. The Joint POU's appreciate that a set of well-designed, standardized, objective criteria for determining commercial availability can help streamline vehicle purchases for fleets and minimize the exemption workload for both CARB staff and fleets. However, these criteria still cannot address every scenario when ZEVs may not be accessible to the public agency or suitable for the fleet's needs. For example, a particular ZEV's range may be suitable for some applications, such as when a vehicle makes short trips and regularly returns to home base, but not for vehicles that must travel extended distances and/or remain in the field for extended periods, or for vehicles that must work under extreme weather scenarios. As such, the Joint POU's believe it is essential for the ZEV unavailability exemption to include a separate exemption process, subject to CARB oversight, to address edge cases and unique scenarios for purposes of mitigating potentially severe operational impacts when public fleets would otherwise purchase a "commercially available" ZEV.

The Joint POU's recommend the following circumstances be addressed in the separate, case-by-case exemption process:

- A "commercially available" ZEV does not meet the specific weight or dimension constraints under which the vehicle must operate. This is necessary for some public fleet vehicles that must navigate roads, alleys, and bridges that have strict weight limits, steep grades, and/or limited space for vehicles to enter and turn.
- A ZEV cannot reliably meet the required duty cycle. To maintain and operate the grid, POU's and water agencies rely on diverse vehicles with specific duty cycles and operational requirements. Many utility vehicles perform specialized functions, such as powering auxiliary equipment like aerial lifts, cranes, augers, or vacuum pumps. These vehicles have specific power takeoff and payload needs. Some vehicles also must travel extended distances in

remote, rugged terrain to access grid infrastructure or generation assets. Others must operate on extended shifts – for example, digger derricks, aerial trucks, and line foreman trucks may be operated as multi-crew vehicles during 24-hour periods. For such vehicles, the range, power capability, and added battery weight of even a “commercially available” ZEV could make it unsuitable for a utility’s specific operational needs.

A common feature of specialized utility vehicles is that they must be able to reliably perform their specialized function. However, many of these vehicles, particularly large line vehicles with auxiliary equipment requiring power takeoff are not yet in production or are not mass produced for Class 3 and heavier vehicle weight classes.

As such, a criterion that addresses duty cycle on a case-by-case basis is essential for accurately assessing ZEV availability.

- The public agency does not receive responsive bids for ZEVs from at least three manufacturers. This is necessary to ensure competition for public purchases, as noted above, and to provide a purchase option for public fleets if they do not receive responsive bids for ZEVs. Some of the Joint POU’s member POU’s have experienced no-bid public solicitations due to their small transaction size.
- The public agency receives responsive bids for ZEVs, but the delivery time for the ZEV exceeds that of responsive ICEV bids by six months or greater. This condition is necessary to ensure that “available” ZEVs are, in practice, accessible to the public agency and to minimize the impact to fleet operations. It is reasonable for fleets to wait for vehicles to be built and delivered, but unreasonable to have to wait for vehicles to become actually available on the market. For example, some public fleets’ standard specifications already allow 300 days, on average, for a vehicle to be delivered. A 6-month or longer delay in excess of that would not only significantly affect a fleet’s budget and fiscal year planning, but also exceed the life cycle of the older equipment that needs to be replaced.
- The public agency receives responsive bids for ZEVs, but the cost of the ZEV bids exceeds 133% of the ICEV bids. This condition is necessary to protect public agencies and their communities from excessive costs, as noted above.

The Joint POU’s recommend incorporating the case-by-case exemption process in a new section 2013.1 (c)(6)(A)-(D):

Section 2013 (c)(6)

Notwithstanding section 2013.1 (c)(1)-(4), a fleet owner may apply to the Executive Officer for an exemption to purchase an ICEV instead of a commercially available ZEV or NZEV under any of the following circumstances:

(A) Commercially available ZEVs or NZEVs cannot reliably meet the required duty cycle(s) for which the fleet owner intends to use the vehicle and an ICEV can.

(B) Commercially available ZEVs or NZEVs do not have the required towing capacity of the vehicle and an ICEV does.

(C) Commercially available ZEVs or NZEVs exceed the weight or dimension constraints for roads and bridges on which the vehicle must operate.

(D) The fleet owner issues a public solicitation and receives responsive bids for ZEVs or NZEVs from fewer than three competitive, financially secure, and reliable sources. A bid with total purchase cost exceeding 133% of the purchase cost of the equivalent ICEV, or exceeding the lead time for responsive ICEVs by more than six months, shall not be considered competitive for this purpose.

- Application process for case-by-case exemption to purchase ICEV. The Joint POU's recommend allowing fleet owners to receive an exemption to purchase an ICEV by submitting an application to CARB's Executive Officer. The application would explain (i) why a ZEV is not suitable for the fleet's needs or accessible to the fleet owner, (ii) show that an ICEV is available and can meet the fleet's needs, and (iii) provide supporting documentation. The Joint POU's note that this concept is similar to the technical infeasibility exemption process employed in the South Coast AQMD's Rule 1196.⁶

The Joint POU's have proposed the outlines of an exemption process in a new section 2013.1 (c)(6)(E) and look forward to working with CARB and other stakeholders to flesh out the details. One critical component, however, is the timeframe for CARB's response, given the limited amount of time for public agencies to act on bids.

⁶ Though not applicable to all in-state POU's, SCAQMD Rule 1196 adds to the complexity for many public fleets in California and should be addressed through close coordination of CARB and the SCAQMD.

Section 2013 (c)(6)(E)

A fleet owner that experiences the circumstances described in section 2013.1 (c)(6)(A)-(E) may request an exemption to purchase an ICEV instead of a commercially available ZEV or NZEV by submitting a letter signed by the responsible official that explains how one or more of the criteria has been met and includes supporting documentation to substantiate the request.

1. Examples of supporting documentation include, but are not limited to, current and prior bid specifications, bids received, the ICEV configuration or bid that the fleet owner would purchase instead, and photographs.

2. Within 30 days of receipt of the letter, the Executive Officer will grant the exemption if the fleet owner has satisfied the requirements for the exemption or notify the fleet owner that additional information is needed to support the application. In the event that the Executive Officer has not responded to the fleet owner within 30 days of receipt, the exemption is approved.

- Post a ZEV *availability list*, not *unavailability list*, on CARB's website. As currently proposed, the draft rule would require CARB to maintain a list of *unavailable* ZEV configurations on CARB's website; as configurations are designated as "commercially available," they would be removed from the unavailability list. The Joint POU's are concerned that an unavailability list, in which configurations are mysteriously removed without clear process or documentation, lacks transparency and will be very confusing to regulated entities.

To address this concern, the Joint POU's recommend that CARB instead provide a list of *available* ZEVs, based on supporting documentation provided by manufacturers or other entities, for each configuration and weight class on its website. CARB would designate each configuration as "commercially available" once the conditions specified above are satisfied.

The purpose of the availability list is to clearly demonstrate when the commercial availability criteria are satisfied, but not to restrict the ZEVs that fleets could purchase. This is clarified in the new section 2013.1 (c)(2). A secondary benefit of an availability list is providing fleets more information on *available* ZEV and NZEV configurations. The Joint POU's do not believe this process would significantly increase the workload of CARB staff, as this information would already be collected to assess commercial availability, and it would provide transparency for fleets and the public alike. The Joint POU's also believe that manufacturers would have an incentive to submit documentation to CARB to help publicize their offerings and demonstrate availability.

Section 2013.1 (c) should be revised to specify the ZEV availability list requirements.

Section 2013.1 (c)

~~(2)~~~~(4)~~ A list of available ~~unavailable~~ ZEVs and NZEVs for each vehicle configuration, weight class, and primary intended function of the vehicle will be kept on the CARB website as specified in this section. The Executive Officer will add ~~and remove~~ vehicles to ~~from~~ the list and designate vehicle configurations as “commercially available” in accordance with ~~if~~ the conditions of this section ~~have been met~~. Fleet owners will be able to purchase an ICEV if the corresponding ZEV or NZEV configuration has not yet been designated as commercially available of the listed configuration instead of a ZEV or NZEV without submitting a separate exemption request provided the supporting documentation reporting requirements of section 2013.2(f) are met. Nothing in this paragraph shall prevent a fleet owner from purchasing a ZEV or NZEV that is not listed the CARB website. ~~The following are the criteria for listing vehicles:~~

~~(3)~~~~(2)~~ Documentation must be submitted to CARB for consideration by the Executive Officer to have a vehicle added to ~~or removed from~~ the list based on the primary configuration of the vehicle. Documentation may be submitted by manufacturers, fleets, or other entities.

The Joint POU's offer the example table below to help illustrate the concept of a ZEV availability list. The table represents information that would be posted on CARB's website. Based on the information in this example table, public fleet owners would be required to purchase ZEV pickups (unless they qualify for a separate exemption) because the ZEV pickups are available from at least three manufacturers in models that are priced within 133% of the average ICEV counterpart. However, public fleet owners would *not* be required to purchase ZEV water trucks or ZEV digger trucks because they have not yet achieved commercial availability, due to, respectively, prices exceeding the cap or lack of availability from at least three manufacturers.

Table 1: ZEV Availability List Illustration

<u>Class 2b-3 Pickups</u> <u>*Commercially available effective</u> <u>X/X/XX*</u>	<u>Class 6 Water Truck</u>	<u>Class 7 Digger Derricks</u>
Model 1, Manufacturer A, Year/Make Model	Model I, Manufacturer X, Year/Make Model	Model J, Manufacturer X, Year/Make Model
Model 2, Manufacturer B, Year/Make Model	Model II, Manufacturer Y, Year/Make Model (price > cap)	
Model 3, Manufacturer C, Year/Make Model	Model III, Manufacturer Z, Year/Make Model (price > cap)	
Model 4, Manufacturer D, Year/Make Model		

The Joint POU's strongly recommend that CARB commit to publishing a ZEV availability list for the reasons cited above. However, should CARB choose to retain the ZEV *unavailability* concept from

the current draft rule, the Joint POUs urge CARB to incorporate the above criteria for determining availability *and* a public review and appeals process to provide greater transparency and allow fleets to provide information to inform a “commercially available” designation.

- Clarify that public fleet owners may purchase ICEVs if ZEVs or NZEVs are not available at the time that vehicle bids are received. As currently proposed, the draft rule would allow public fleets to purchase ICEVs if ZEVs and NZEVs are not available at the time of vehicle *purchase*. However, this does not necessarily align with the public procurement process, in which bids are received and evaluated before providing the purchase order to the vendor. The Joint POUs recommend clarifying this to be the time that vehicle bids are received.

Section 2013.1 (c)

ZEV Unavailability Exemption. Fleet owners may be exempt from the ZEV purchase requirements if a vehicle configuration is not commercially available with a ZEV or NZEV powertrain ~~at the time the ICEV is purchased~~ as specified in this section [...]

- Remove erroneous requirement to demonstrate that no other fleet vehicle could be converted to a ZEV. At the May 4 workshop, CARB staff confirmed this was a drafting error.

Section 2013 (k)(+)

(3) ZEV Unavailability. Fleet owners may purchase an ICEV and exclude it from the ZEV addition requirements of section 2013(d) if the ~~fleet owner can demonstrate that all the remaining ICEVs in the fleet that are not already using an exemption or extension cannot be replaced with a ZEV or NZEV of the needed configuration because they are not available to purchase and~~ the conditions of section 2013.1(c) are met.

II. The “mutual aid assistance” exemption should be reclassified as “emergency response” and must reflect operational needs.

As was noted in many stakeholder comments on the first draft of the rule, the ability of electric utility fleets to respond during an outage or other event that adversely impacts electric service is paramount. As essential public service providers, water agencies have similar operational needs. The Joint POUs appreciate the inclusion of a mutual aid exemption in the draft rule; however, certain key revisions are needed to make the exemption workable and to accurately capture and reflect actual emergency response needs.

Utilities rely on specialized fleet vehicles to repair or replace critical electricity or water infrastructure after natural disasters, extreme weather, and other emergency events. As outlined in prior comments, the nature of this work requires vehicles to travel to the jobsite (often in remote and/or challenging terrain), run equipment like aerial booms or digger derricks to repair or replace infrastructure, and then remain onsite and continue performing this work until the job is completed. In the event of widespread damage, vehicles may need to operate for multiple days, weeks, or longer under constant use. Vehicles’ ability to

operate in challenging conditions and refuel in the field are key to supporting mutual aid and other emergency response efforts. Transporting vehicles offsite for refueling would extend repair times.

The Joint POU's understand the purpose of the "mutual aid assistance" exemption is to ensure that the ZEV purchase requirements do not inadvertently hamper a coordinated response to emergencies. However, the current draft language takes a myopic view of emergencies to which POU's may be expected to respond. It also imposes arbitrary restrictions. The Joint POU's offer the following specific recommendations to revise and clarify the exemption:

- Rename "mutual aid assistance" exemption to "emergency response" exemption and extend eligibility to electric, gas, water, and wastewater utilities even without a mutual aid agreement. Mutual aid is a critical component of emergency response, but utilities must also respond to emergencies within their own service areas. This exemption should take a more holistic view of emergency response. We recommend renaming the exemption to "emergency response" in section 2013 (k)(4) and allowing electric, water, wastewater, or gas utilities to qualify in section 2013.1 (d)(1) even if they do not have a signed mutual aid agreement. We also recommend conforming changes throughout the draft rule to reflect the updated terminology.

Section 2013 (k)(4)

Emergency Response ~~Mutual Aid Assistance~~. Fleet owners may purchase an ICEV and exclude it ~~be exempt~~ from the ZEV addition requirement of section 2013(d) for a portion of the fleet if the vehicles are needed to provide emergency response services and the conditions described in Emergency Response ~~Mutual Aid Assistance~~ section 2013.1(d) are met.

Section 2013.1 (d)

(d) Emergency Response ~~Mutual Aid Assistance~~. Any regulated entity with a mutual aid agreement to send vehicles to assist other entities during emergencies ~~a declared emergency event~~ or public agency that provides electricity, water, wastewater, or gas service may request an exemption to purchase an ICEV ...

(1) The entity must have a mutual aid agreement with other entities to assist with affected vehicles during ~~declared~~ emergency events or be a public agency that provides electricity, water, wastewater, or gas service

- Remove arbitrary exclusions for vehicles with a GVWR of less than 14,000 lbs. and pickups, box trucks, vans, and tractors. Emergency response, and the vehicles needed to support it, depends on the specific circumstances and the individual fleet. While many emergency response vehicles are heavier duty and/or highly specialized, common utility vehicles like pickups, patrol trucks, gate trucks, tractors (including 3-axle tractors, used to transport equipment over long distances), may also be dispatched for mutual aid.

In 2019, for example, a member POU sent two pickup trucks and a 4x4 crew truck (all ranging between 9,950-10,200 GVWR) to provide mutual aid during the Carr Fire, along with heavier duty vehicles. These vehicles were deployed roughly 250 miles from their home base for two weeks.

Another utility reported dispatching trucks with Ford F-250 service bodies for mutual aid efforts, along with heavier-duty vehicles.

The Joint POU are unaware of any justification for excluding vehicles based on weight or specific body type from a mutual aid exemption and recommend that fleets be allowed to determine which vehicles are necessary for mutual aid, subject to the exemption conditions.

Section 2013.1 (d)

Emergency Response Mutual Aid Assistance. Any regulated entity with a mutual aid agreement to send vehicles to assist other entities during emergencies ~~a declared emergency event~~ or public agency that provides electricity, water, wastewater, or gas service may request an exemption to purchase an ICEV ~~with a GVWR greater than 14,000 lbs.~~ instead of a ZEV for a portion of the fleet. The exemption ~~does not apply to pickups, buses, box trucks, vans, or any tractors and it~~ does not apply to any vehicle configurations that are available as NZEVs...

Section 2013.1 (d)(1)(A)

[The public agency must] Issue a public request for bids to purchase ZEVs ~~with a GVWR greater than 14,000 lbs.~~ ...

Section 2013.1 (4)

[The public agency must] Show no NZEVs ~~with a GVWR over 14,000 lbs.~~ of the needed configuration are available to purchase by

- Remove effective penalty for fleets that had to purchase ICEVs because ZEVs were not commercially available. In the draft rule, the mutual aid assistance exemption can only be used after at least 75% of the fleet has transitioned to ZEVs. The Joint POU remain concerned that requiring 75% of fleet vehicles to have already transitioned to ZEV creates an unreasonably high barrier for use of this exemption. Based on the size and composition, some public fleets may take many years to reach this threshold as they build up ZEVs, but that does not obviate the need to replace a specific ICEV that is needed to support emergency response and mutual aid.

Moreover, at the May 4 workshop, CARB staff clarified that ICEVs purchased using an exemption – such as the ZEV unavailability exemption – do *not* count toward this threshold. This has the effect of penalizing fleets that had to purchase ICEVs because ZEVs were not commercially available, because those purchased ICEVs may not have been intended for emergency response. This makes it harder to reach the 75% ZEV threshold and also effectively lowers the number of specialized fleet vehicles that a fleet owner may purchase as ICEVs for their capabilities to support mutual aid or emergency response. The Joint POU recommend revising section 2013.1 (d)(2) to count vehicles purchased with an exemption or extension toward the 75% ZEV threshold.

Section 2013.1 (d)(2)

At least 75 percent of the total number of vehicles already in the California fleet and on order must already be ZEVs [or have received an exemption or extension pursuant to this section.](#)

The Joint POU's also recommend CARB consider phasing in 75% ZEV threshold requirement over time to more realistically reflect the timeframes over which public agency fleets will transform to ZEVs.

- Clarify exemption process by specifying the timeline for CARB's review and removing references to "good engineering judgment." As noted in the discussion of the ZEV unavailability exemption, an established timeline for CARB to review and approve exemptions is necessary to avoid impacts to fleet procurement and operations. The Joint POU's also recommend removing the statement that the Executive Officer will approve applications based on the exercise of "good engineering judgment," as this statement is both ambiguous and unnecessary.

Section 2013.1 (d)(5)

The responsible official must submit a letter to CARB to request the exemption with an explanation of the reason for the exemption and documentation supporting the requirements in sections 2013.1(d)(1-3); [Within 30 days of receiving the exemption application,](#) the Executive Officer will grant an exemption if they determine ~~s~~ the fleet owner satisfies the criteria for the exemption [or notify the fleet owner if additional information is required to support the application. In the event that the Executive Officer has not responded to the fleet owner within 30 days of receipt, the exemption is approved.](#) ~~, based on the information submitted below and the exercise of good engineering judgment~~

- Specify the process by which individual fleets could receive a temporary waiver of the ZEV 75% threshold based on operational needs. The Joint POU's recognize that many fleets, particularly larger fleets or those that operate primarily in urban environments, may expect to typically dispatch 25% or less of their vehicles for mutual aid or emergency response. However, this can vary widely based on a utility's size, service territory characteristics, and specific operational needs. Smaller utilities may need to dispatch a higher percentage of their fleet simply due to the smaller number of vehicles they have. For example, one smaller POU that provided mutual assistance during the Carr Fire dispatched approximately 50% of their MHD fleet. Similarly, utilities that operate in remote, rural areas with extreme weather events, limited access to infrastructure, and/or high wildfire threat zones may reasonably expect to dispatch a higher percentage of their fleet to respond to emergencies. Moreover, mutual aid emergencies require utilities to dispatch crews to areas where charging capabilities are unknown or nonexistent. For example, another POU provided mutual aid to Puerto Rico and the Navajo Nation in the last three years.

To address circumstances in which public fleets have unique operational needs, the Joint POU's recommend that the draft rule include an exemption process by which public fleets could apply for a temporary waiver of the 75% ZEV threshold. Such an application would be subject to CARB's oversight and would require the fleet owner to explain what percentage of the fleet it would reasonably

expect to dispatch for mutual aid and the reasons why a lower ZEV threshold is needed – for example, operations in high wildfire threat areas or remote areas with limited to no infrastructure. The Joint POUs also recommend that the waiver, if granted, apply for a period of five years, after which point the fleet owner would assess the conditions and reapply for the exemption if needed.

The Joint POUs recommend this waiver process be incorporated into a new section 2013.1 (d)(6).

Section 2013.1 (d)(6)

A fleet owner that provides electric, water, wastewater, or gas service, and that reasonably expects to deploy more than 25 percent of the fleet for mutual aid and/or emergency operations where ZEVs are not suitable, may submit a petition to the Executive Officer for a waiver of section 2013.1 (d)(2) for a period of five years. The petition must identify an alternative ZEV transition threshold, an explanation of the percent of the fleet the fleet owner reasonably expects to deploy for mutual aid and/or emergency operations where ZEVs are not suitable, and supporting documentation for the request. Examples of circumstances in which a waiver may be needed include, but are not limited to, significant operations in high wildfire threat zones, remote areas that experience extreme weather events, remote areas with insufficient charging or fueling infrastructure, or small numbers of fleet vehicles. If granted, the waiver shall last for a period of five years from the date of approval. A fleet that receives a waiver for section 2013.1 (d)(2) shall still be required to satisfy the conditions of section 2013.1 (d)(3)-(5). A fleet may reapply for a waiver after the five-year period expires.

- Clarify and specify parameters for mobile fueling requirement. To qualify for the mutual aid assistance exemption, the draft rule requires fleet owners to issue a public solicitation for ZEVs with mobile fueling options and to demonstrate that there are no commercially available mobile fueling options that could reach 80% of the ZEV's fueling capacity within one hour of fueling time. The Joint POUs recommend several clarifications:
 - First, clarify that the public solicitation is for ZEVs of the needed configuration and duty cycle. A ZEV (with or without mobile fueling options) that cannot meet that duty cycle will not be able to help with emergency response needs.
 - Next, clarify that the “mobile fueling options” refer to “zero-emission” options, assuming that is CARB staff's intent.
 - Finally, clarify that the zero-emission mobile fueling option must have the capacity to reach 80% of the ZEV's fueling capacity within 1 hour of time *for at least fourteen days without access to grid power*. When disasters occur, utility fleet vehicles are dispatched immediately to the jobsite, where they may remain onsite and powering the auxiliary equipment to repair infrastructure for days or weeks. While 80% fueling capacity within one hour may be helpful for routine maintenance in remote areas, it will have limited to no utility for emergency response needs if it cannot sustain fueling in the field for extended periods of time, or for multiple vehicles.

Section 2013.1 (d)(3)

The fleet owner must demonstrate that [zero-emission](#) mobile fueling for ZEVs is not ~~commercially~~ available for the needed configurations as specified below. Fleet owners must:

(A) Issue a public request for bids to purchase ZEVs ... that meet the primary intended function and [needed operating specifications](#) and a request for information about [zero-emission](#) mobile fueling options for the ZEVs.

1. For responsive bids for ZEVs, demonstrate that [zero-emission](#) mobile fueling options are not ~~commercially~~ available that would reach 80 percent of the ZEV's fueling capacity within 1 hour of fueling time, [without access to grid power for at least fourteen days](#).

- Rename “declared emergency event” to “emergency event” and remove arbitrary limits on what circumstances engender an emergency. In the draft rule, “declared emergency events” require a formal declaration from a federal, state, or local authority, and the duration of the event is subject to the discretion of CARB’s Executive Officer. The Joint POU’s have several serious concerns with this proposed definition:
 - First, not all emergencies result in formal declarations, but that does not mean such events do not pose significant hazards to life, the environment, or property.
 - Second, the nature of emergencies requires POU’s to respond quickly to mitigate damage and restore infrastructure – waiting until a government body can convene to make a declaration may cost precious time.
 - Third, CARB’s Executive Officer is unlikely to have the on-the-ground expertise to determine when an emergency is “over.” Moreover, regulatory uncertainty around the Executive Officer’s discretionary determination may dampen the willingness of out-of-state utilities to provide mutual aid to California due to the potential for noncompliance and penalties.
 - Finally, earthquakes, fires, flood, and terrorism are not the only circumstances that lead to emergencies, and the definition should not be overly constrained. Electricity, water, wastewater, and gas are essential public services, and events that detrimentally effect the reliability of these services can have profound consequences for a community’s wellbeing.

In order to address these unduly restrictive limitations, the definition in section 2013 (b)(21) should be revised to remove the declaration requirement and the Executive Officer’s discretionary assessment of when an emergency is over. The Joint POU’s also recommend revisions to better reflect the type of emergencies to which utilities may need to respond. This definition is based on the language of actual mutual aid agreements to which our members are parties, and which include even broader conditions through which mutual aid may be requested. The Joint POU’s also recommend conforming changes throughout the draft rule to reflect the updated terminology.

Section 2013 (b)(21)

~~“Declared emergency~~ Emergency event” means the time period of an emergency event that has resulted in a hazard to the public or environment, material loss to property, or detrimental effect on the reliability of electricity, gas, water, or wastewater service. Examples of emergency events include, but are not limited to, declared by a local governing body, state Governor, or the President of the United States due to earthquake, flood, storm, extreme weather, fire, terrorism, pandemic, or other ~~infrequent~~ acts of nature. The emergency event period shall remain in effect until the immediate threat to public safety or property has ended. The emergency event period ~~shall be determined by the Executive Officer and~~ shall remain in effect until the immediate threat to public safety or property has ended ~~and the Executive Officer declares the emergency event is over.~~

- Revise definition of “California fleet” to clarify it excludes vehicles operated solely in response to emergency events or mutual aid requests. As currently drafted, “California fleet” includes any vehicle operated in-state, even if it is registered (and primarily operates) in another state. The Joint POU’s recommend that that the definition of “California fleet” be modified to clarify that this excludes out-of-state vehicles responding to emergency events. This clarification is necessary to ensure there is no adverse consequence for out-of-state entities, including public agencies, that provide mutual assistance in response to a California emergency. Absent this revision, the ACF runs the risk of constraining California’s access to mutual aid in times of need.

Section 2013 (b)(8)

“California fleet” means vehicles operated in California during a calendar year, excluding emergency events and mutual aid requests. If a vehicle is operated in California at any time during a calendar year, it will be considered part of the California fleet for the entire calendar year.

- Clarify definition of “emergency operations.” The definition of “emergency operations” should be modified to include operations of an emergency support vehicle at the request of first responders. In addition, “routine operations” should be clarified to mean “routine maintenance or construction” to avoid ambiguity.

Section 2013 (b)(28)

“Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to ~~a declared~~ an emergency event or request of first responders. Examples of emergency operations s include vehicle use ~~used~~ at an emergency event to repair or prevent damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature. Emergency operations s includes emergency support vehicle travel to and from ~~a declared~~ an emergency event when dispatched by a local, state, or federal agency. Routine maintenance or construction ~~operation~~ to prevent public health risks does not constitute emergency operations s.

III. The purchase requirement start dates must accommodate public agency budgeting cycles, recognize the severe impact of supply chain issues, and acknowledge the uncertain nature of potential upfront cost mitigation.

The Joint POUs appreciate the importance of transitioning MHD fleets across the state to ZEVs. However, since the inception of this rule, there have been key constraints that the Joint POUs believe warrant revisiting the purchase requirement starting dates.

First, there were, and continue to be, severe and unforeseen impacts to supply chains associated with the COVID-19 pandemic that are not expected to resolve for at least several years. While a well-designed ZEV unavailability exemption would be an important step in addressing circumstances where ZEVs are not commercially available, it cannot be a perfect proxy for adequate supply or practical availability for fleets across the state, particularly as public and high priority fleets compete for the same limited resources. Despite the development of significant challenges throughout the supply chain, neither the SRIA nor the draft rule acknowledge the real-world impacts these challenges could have on the initially proposed implementation timeline.

Second, the original timeline for rule adoption has been appropriately delayed. The Joint POUs appreciate the additional time, as it was necessary to accommodate public workshops and a second pre-rulemaking draft. However, the practical implication is that the final rule may not be adopted, approved by the Office of Administrative Law (OAL), and effective until a few months before the ZEV purchase requirements for public agencies begin. This poses unique challenges for public agencies, which budget at least a year in advance for vehicle purchases. It also creates challenges for obtaining the necessary budget approvals in the absence of a statutory or regulatory justification.

Additionally, there is no evidence in the record to support any potential mitigation of the recognized high vehicle purchasing costs. As noted above and in the SRIA, the ZEVs can cost up to 2 to 3 times more than their ICEV counterparts. The SRIA specifically recognizes that “While these costs are anticipated to decline, the higher upfront cost of ZEVs places a significant barrier in vehicle purchasing patterns. These costs are often a more significant barrier to smaller fleets with limited access to capital and higher borrowing costs.” (SRIA, p. 100) However, after acknowledging these restrictions, the SRIA provides a list of potential mitigations, but without any supporting evidence to substantiate the claims. The Joint POUs offer the following specific recommendations for the ZEV purchase requirement start dates:

- Set the 50% purchase requirement start date to 18 months after the effective date of these regulations. The Joint POUs recommend linking the start date for the 50% purchase requirement to the effective date of the regulations. This is necessary to ensure public fleets have one full budgeting cycle to incorporate higher-cost ZEVs into their budget, even if the CARB Board hearings and/or OAL approval occur later than planned. The Joint POUs specifically recommend an 18-month window to address the fact that public agencies have different fiscal year budgeting cycles (e.g., calendar year vs. July 1-June 30).

Section 2013 (d)(1)(A)

Starting eighteen months after the regulation effective date, ~~January 1, 2024~~, 50 percent of the total number of vehicles added to the California fleet in each ~~fiscal~~ calendar year must be ZEVs; and ...

- Set the 100% purchase requirement start date to 2030. The Joint POU's believe that deferring the 100% purchase requirement start date until 2030 for public fleets, including those in designated low-population counties, would provide a reasonable amount of time to resolve supply chain issues and mature heavier-duty ZEV truck technology. This would reduce the need for exemptions when ZEVs are not available technically or in practice to public fleets. The Joint POU's believe that the early/excess ZEV credit would encourage public fleets to integrate ZEVs into their fleets where feasible. The deferred 100% purchase requirement start date would also provide time for fleet operators to become familiar with ZEVs and allow for additional workforce training to ensure that there are sufficient maintenance crews to service and repair an entire fleet of specialized ZEVs, which in turn will promote the long-term success of the rule.

Section 2013 (d)(1)(B)

Starting January 1, 2030, ~~January 1, 2027~~, 100 percent of the total number of vehicles added to the California fleet in each calendar year must be ZEVs.

Section 2013 (d)(2)

Starting January 1, 2030, ~~January 1, 2027~~, 100 percent of the vehicles added to the California fleet in each calendar year must be ZEVs.

IV. The draft rule should collect the information necessary to verify compliance while minimizing the reporting burden on public fleets, including requiring only one report submission per year.

The Joint POU's recognize the need for CARB staff to collect information about a public agency's MHD vehicle purchases and overall fleet composition to verify compliance with the ACF and eligibility for certain exemptions. As currently drafted, however, the reporting requirements would be extremely burdensome and may also fail to provide CARB the necessary information for verifying compliance.

The Joint POU's urge CARB to prioritize efficient, streamlined reporting requirements to mitigate unnecessary burdens on public agency resources. The costs of compiling and providing data to agencies are borne by public agencies and their communities. As local governments, many POU's have limited budgets and staffing, and unnecessary or duplicative reporting requirements divert finite resources away from action and toward administration.

The Joint POU's offer the following specific recommendations on the draft reporting requirements:

- Require a single, comprehensive annual report in lieu of individual reports on fleet changes. As currently drafted, public fleets must submit an annual report each April 1 *and* report certain fleet additions or changes within 30 days of occurrence. This repeated, staggered, and duplicative reporting may be very resource intensive for public fleets, especially if vehicles are purchased or

arrive at separate times throughout the year. Moreover, public fleets' compliance with the draft rule is based on the total purchases made during the prior calendar year, so immediate reporting after purchases, vehicle delivery, fleet changes, or odometer reads are immaterial to compliance. The Joint POU's urge CARB to remove the 30-day reporting requirements and specify that all reporting be submitted in the single, comprehensive annual report.

Section 2013.2 (d)

Changes to an Existing Fleet. Fleet owners must comply with the following reporting requirements when adding or removing vehicles:

- (1) Vehicles placed in service in ~~added to~~ the California fleet must be reported in the annual report due April 1 in accordance with section 2013.2 (c)(2)(I) ~~within 30 calendar days of being added to the fleet.~~
- (2) Vehicles that are permanently removed from the California fleet must have the removal and date be reported in the annual report due April 1 ~~within 30 calendar days of removal.~~ The report must include the date of removal
- (3) If a backup vehicle exceeds the allowable mileage limit the change must be reported in the annual report due April 1 ~~within 30 calendar days of the date the mileage limit was exceeded.~~
- (4) ZEV Repowers or Conversions. Vehicles repowered with zero-emissions powertrains must report the vehicle's new fuel type in the annual report due April 1 ~~within 30 calendar days of being repowered or converted.~~

Section 2013.2 (e)

Odometer Reading Reporting. Fleet owners that have backup vehicles must comply with the following reporting requirements in the annual report submitted each April 1:

[...]

- (2) Odometer Replacement. In the event that the odometer is replaced, report the following ~~within 30 calendar days of the original odometer failure~~: the original odometer's final reading, the new odometer's initial reading, and the date of replacement; and

Section 2013.2 (f)

ZEV Unavailability Supporting Documentation Reporting. Fleet owners that purchase an ICEV pursuant to the ZEV Unavailability exemption of section 2013.1(c) must submit in the annual report submitted each April 1 ~~to the Executive Officer...~~

- Clarify that public fleets must report vehicle additions for the prior calendar year. To verify public fleets' compliance with the ZEV purchase requirement, CARB staff must collect information on purchases made during the prior calendar year. The Joint POU's believe the current draft is unclear on the information that CARB staff will use to verify compliance. The Joint POU's recommend specifying a reporting section on "Additions to the California Fleet" that identifies the information

public fleets must submit for purposes of verifying compliance with the ZEV purchase requirement for the prior year.

Section 2013.2 (c)(2)

Additions to California Fleet. Fleet owners must report the following information to CARB for each vehicle purchase made for the California fleet during the prior calendar year:

(A) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.)

(B) Vehicle body type

(C) Fuel and powertrain type

(D) Date vehicle purchase was made

(E) Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension provision of section 2013.1, the exemption type, and the date the exemption was granted, if applicable

- Clarify that, after the first annual report, fleet owners must only report changes to their existing fleets that occurred during the prior calendar year. The Joint POUs urge CARB to make this change to minimize duplicative reporting requirements.

Section 2013.2 (c)(3)

Vehicle Information. The fleet owner must report the following information for each vehicle in the California fleet. After the initial report, fleet owners must only report changes to the below information that occurred during the prior calendar year:

- Clarify that fleet owners may fulfill the ACF reporting requirements by providing existing reports that are submitted to CARB for other programs, if those reports contain the requisite information. As noted at the May 4 workshop, public fleets will already be reporting information to CARB for many of their heavy-duty vehicles as part of the Heavy-Duty Vehicle Inspection and Maintenance (HD I/M) Program. The Joint POUs recommend that CARB clarify that reports submitted for the HD I/M Program may be used to fulfill reporting requirements under the ACF. In the alternative, CARB should look to develop a single, uniform reporting template addressing all the various program reporting needs.

Section 2013.2 (a)

Method of Reporting. Reports submitted to comply with sections 2013 through 2013.4 must be submitted online through CARB's Advanced Clean Fleets webpage. [The information contained in the annual report may be combined with other existing reports that contain the same information and are supplied to CARB for other programs, such as the Heavy-Duty Vehicle Inspection and Maintenance Program. If the annual report refers to information provided to CARB through existing reports, the annual report shall reference the information by identifying the name and submittal date of the existing report.](#)

- Clarify vehicle addition vs. in-service dates and specify that both dates must be reported only for vehicles purchased after the 50% ZEV purchase requirement start date or as part of the early action incentives. As currently drafted, public agencies are required to report both the vehicle purchase date (section 2013.2 (c)(2)(H)) and vehicle "added or removed" date (section 2013.2 (c)(2)(I)). The Joint POUs recommend changing "added" to "in-service" for clarity, because vehicle additions are defined synonymously with purchases in the draft rule. The Joint POUs also recommend clarifying that reporting on the purchase date and in-service date is required only for vehicles purchased after the ZEV purchase requirement start date or to substantiate an early action claim, as fleet owners may not have this information available for older vehicles in the fleet.

Section 2013.2 (c)(3)

(H) Date vehicle purchase was made [for vehicles added to the fleet pursuant to section 2013 \(d\) or section 2013 \(h\)](#)

(I) Date vehicle was ~~added to~~ [placed in service](#) or removed from the California fleet [for vehicles added to the fleet pursuant to section 2013 \(d\) or section 2013 \(h\)](#)

- Revise start dates for annual reporting and recordkeeping requirements. As currently proposed, the purchase requirement would start for most public agencies in 2024 and for public agencies in low-population counties in 2027, meaning the first compliance determinations would be based on reports submitted in 2025 and 2028, respectively. The Joint POUs are unaware of the justification to begin annual reporting this early, as the information would not be materially relevant to a public agency's compliance. The Joint POUs recommend that CARB defer the annual reporting start date to be one year after the purchase requirement begins.

Section 2013 (l)

~~(l)(m)~~ Reporting and Recordkeeping Requirement. Beginning January 1, ~~2025, or January 1, 2030 for public agencies whose jurisdiction is at least 90% in a designated low-population county~~ ~~2024~~, fleet owners must meet reporting requirements as specified in section 2013.2 and keep and provide records as specified in section 2013.3.

Section 2013. 2 (b)

...The initial report must be submitted by April 1, ~~2025~~~~2024~~, ~~for public agencies whose jurisdiction is less than 90 percent in a designated low population county or April 1, 2030, for public agencies whose jurisdiction is at least 90 percent in a designated low population county~~

- Clarify format for records and photos. The Joint POUs recommend the draft rule clarify that either electronic or print photographs and records may be submitted to CARB as compliance documentation.

Section 2013.2 (f)

ZEV Unavailability Supporting Documentation Reporting. Fleets owners that purchase an ICEV pursuant to the ZEV Unavailability exemption of section 2013.1(c) must submit ... clear and legible digital or print photographs ...

Section 2013.2 (3)(h)

Retention of Records. Electronic or paper records ~~Records~~ of reported information required in reporting section 2013.2 and documentation required in record keeping section 2013.3 must be kept by the fleet owner and made available to CARB staff for audit for a period of eight years from the date the information is used to demonstrate compliance.

V. Additional Recommendations for Draft Rule

The Joint POUs offer the following additional recommendations in the spirit of clarifying or otherwise improving the draft ACF rule.

Applicability

- Clarify that public fleets are not subject to the High Priority Fleets. The Joint POUs understand that CARB's intent is for public fleets to *only* be subject to the draft rule for public fleets. As the High Priority Fleets rule is currently drafted, however, it is not clear that the rule does not apply to public agencies. Section 2015 (c)(11) states only that the *vehicles* owned by public fleets are exempt, which suggests that public fleet owners *are* subject to this rule. The Joint POUs recommend the following change for clarity.

Section 2015 (a)(1)

Fleet Applicability. Except [for public agencies that are subject to the Public Fleets Requirements in section 2013 et seq., or](#) as provided in section 2015(c), this regulation applies to any entity that owns, operates, or directs one or more vehicles in California as described in the vehicle scope of section 2015(a)(2) on or after January 1, 2024, and that meets any of the following criteria:

Purchase Requirements

- Clarify that public agencies with multiple fleet divisions may choose to comply with the ACF individually or as a single municipal fleet. As currently proposed, the draft rule determines fleet ownership based on vehicle registration. The Joint POU's recommend modifying the definition of "fleet owner" to allow public agencies with multiple divisions to choose to comply as a single fleet or as different fleets based on the divisions to which the vehicles are assigned.

Section 2013 (b)(34)(A)

[Fleet owners that are public agencies with multiple divisions may elect to comply either as a single fleet or individual fleets based on the division\(s\) to which vehicles are assigned in the public agency. A public agency making this election shall notify CARB in writing within 180 days of the effective date of these regulations and upon such election each division shall be fleet owner for vehicles assigned it.](#)

- Delete unnecessary provisions related to hiring compliant fleets. The draft rule includes provisions requiring any hiring entity to verify that hired fleets are in compliance with the ACF. The Joint POU's recommend deleting this provision, as it would be unduly burdensome to comply with, and is not the responsibility of a hiring entity to enforce compliance with the ACF.

Section 2013 (i)

~~(i) Requirement to Hire Compliant Fleets. Any motor carrier, broker, or any California person or entity who hires or dispatches any fleet subject to this regulation must verify that each hired or dispatched fleet is listed on the CARB website as a compliant fleet. The hiring entity must comply with the record keeping requirements of section 2013.3(g).~~

- Delete unnecessary and confusing provisions related to vehicles purchased with public funds. As currently proposed, the draft rule specifies eligibility and reporting requirements for vehicles purchased with "public funds." This provision is unnecessary, as nothing in the draft rule would preclude individual incentive programs from specifying restrictions. It is also confusing for public fleets, as all expenditures are "public funds." The Joint POU's recommend this provision be deleted.

Section 2013 (n)

~~(n) Vehicles Acquired with Public Funds. If a fleet owner receives public funding for ZEVs or NZEVs, and the California State-provided incentive funding program guidelines specify the vehicle cannot be used to count toward determining compliance with the general requirements section of 2013(d), the vehicle will not be counted as a compliant vehicle during the funding contract period. The fleet owner must meet the reporting requirements specified in section 2013.2(c)(2)(L).~~

- Clarify early action and excess ZEV purchases. The Joint POUs deeply appreciate the inclusion of early action credits in the draft rule, which provide a valuable incentive for fleets that are able to pilot ZEV trucks even before the purchase requirements take effect. The Joint POUs recommend several minor revisions to clarify the early action language in the draft rule, which are intended to be consistent with CARB staff's explanation at the May 4 workshop.

Section 2013 (h)

Early or Excess ZEV additions. Any ZEV that a fleet owner adds to their California fleet prior to the effective date of this Regulation or in excess of the purchase quantities in section 2013 (d)(1)(A) ~~Early or excess ZEV additions to the California fleet~~ may be used to count as a ZEV addition in a future compliance year ~~towards future purchase requirements as long as the ZEV is still active in the fleet. Each ZEV addition~~ An excess or early addition may count only if the ZEV is still active in the fleet during the future compliance year and may be claimed only once per the accounting requirements in section 2013(g).

- Clarify that compliance is determined as of January 1 for the *prior calendar year*. The Joint POUs recommend a revision to section 2013 (i) to remove ambiguity about annual compliance periods.

Section 2013 (i)

~~(i)~~ (i) Compliance Date. Annual compliance with the ZEV addition requirements is determined on January 1 of each calendar year for the prior calendar year.

- Allow public fleets to opt into a ZEV milestone compliance pathway that is parallel to the pathway and associated exemptions in the High Priority Fleets rule. POUs vary widely in terms of their size, resources, service territory, and operational needs. While the Joint POUs support a ZEV purchase requirement as the most appropriate compliance mechanism for public fleets, we recognize that some individual agencies, based on their specific needs and circumstances, may have fleet acquisition and turnover schedules that align more closely with the ZEV milestone requirements for high priority fleets. The Joint POUs recommend that CARB provide a mechanism in new section 2013 (n) of the draft rule that allows individual public agencies to make a binding election to comply with a ZEV milestone schedule as an alternative to the ZEV purchase requirements. This election would also allow those public agencies to access the same exemptions available to fleets using the ZEV milestone compliance pathway in the High Priority Fleets rule, including the daily mileage

exemption and the vehicle delivery delay exemption. Additional proposed redlines showing the conforming changes associated with this pathway are addressed in Appendix B.

Section 2013 (n)

(n) A fleet owner that is a public agency must comply with the requirements of this section 2013 unless it voluntarily elects to comply with the alternative compliance requirements of section 2013.X. A public agency fleet owner may make such election by written notice signed by the responsible official and delivered to the Executive Officer within 180 days of the effective date of this regulation.

- Revise requirements for designated low-population counties. The Joint POUs appreciate the inclusion of a modified purchase schedule for public agencies operating in certain low-population counties. However, as drafted, the proposed requirement that a public fleet be located “solely” within a low-population county does not account for the fact that a utility’s service territory may not perfectly overlap with county lines.

Truckee Donner PUD is a small POU providing electricity for the City of Truckee. Truckee PUD’s service territory is 98% within Nevada County, a designated “low population county.” However, the remaining 2% of its territory covers a remote and rural area of neighboring Placer County, which is not considered “low population” on a county level. Even though the totality of Truckee Donner PUD’s *service territory* is in “low population” areas, the 2% of its service territory that is located within a county that is not a designated low-population county would exclude Truckee PUD from qualifying for the exemption. The Joint POUs recommend a modest revision to section 2013 (d)(2) to allow public agencies with jurisdiction that is at least 90% located within a designated low-population county by area to qualify for the modified purchase schedule.

Section 2013 (d)(2)

For a public agency whose jurisdiction is at least 90 percent located solely in a designated low population county ...

Exemptions

- Remove arbitrary provisions requiring public fleets to already be in compliance to qualify for an exemption. A public fleet’s individual compliance has no bearing on whether a ZEV is commercially available or whether the fleet needs to replace a vehicle that supports mutual aid or emergency response. While all the Joint POUs’ members plan to comply with the draft rule, we are concerned that the current draft would establish existing compliance as an unrelated and potentially harmful precondition for exemptions. The Joint POUs urge CARB to strike the provisions in section 2013 (k) and section 2013.1.

Section 2013 (k)

~~(k)(i)~~ Vehicle Exemptions. ~~Exemptions or extensions will only be granted by CARB if the fleet would remain in compliance by using it.~~ The following is a list of exemptions that may be utilized by fleet owners to remain in compliance:

Section 2013.1

Fleet owners may take advantage of the following exemptions or extensions for any future compliance requirements if the conditions of this section are satisfied. ~~California fleet is already in compliance.~~ ...

- Address interaction with local air quality management districts' (AQMD) fleet rules, such as South Coast AQMD's Rule 1196. The Joint POUs remain deeply concerned about the lack of alignment between the draft rule and local AQMD fleet rules and the significant challenges this could pose for vehicle procurement. For example, public agencies under the South Coast AQMD's jurisdiction are subject to Rule 1196, which precludes public agencies from purchasing diesel vehicles without a technical infeasibility exemption. The Joint POUs believe that, absent alignment of compliance and exemptions between local and state rules, public fleets could be subject to more complex and unwieldy procurement process, resulting in needless complications and requiring additional resource expenditures. For example, adding the Rule 1196 technical infeasibility exemption on top of the ACF purchase and exemption processes could significantly extend budgeting and procurement timelines, which could result in public fleets missing manufacturer cutoff dates. The Joint POUs urge CARB to prioritize working with local AQMDs to support rules that are aligned and do not create additional barriers for public agencies.
- Revise requirement to remove backup vehicles from a public fleet. As currently proposed, section 2013.1 (a)(3) of the draft rule would require backup vehicles that exceed their annual mileage limit to be removed "immediately" from the California fleet. While the Joint POUs understand the intent of this provision is to require fleets to immediately cease operating those vehicles, physically *removing* them from the fleet, such as through a public auction or sale, is a multi-step process that cannot be completed "immediately." Section 2013.1 (a)(3) of the draft rule should instead require backup vehicles to be immediately removed from *service*.

Section 2013.1 (a)(3)

When a backup vehicle exceeds its annual mileage limit the vehicle must be immediately removed from service in the California fleet. The vehicle may not be used to claim another exemption or extensions.

- Clarify requirements for the infrastructure construction delay exemption. The draft rule appears to contemplate that any infrastructure delay would be the result of a single, discrete event, which is largely not likely to be the case. The Joint POUs recommend several revisions to the infrastructure construction delay exemption for public fleets, as well as minor clarifications:
 - Revise the delivery extension period to match the length of the expected delay, which could be either shorter or longer than one year.

Section 2013.1 (b)

The Executive Officer will grant ~~a single~~ an extension to delay the vehicle delivery to coincide with the estimated infrastructure completion date ~~for one year~~ if they determine the fleet owner satisfies the criteria for the delay, based on the information submitted below ~~and the exercise of good engineering judgment~~.

- Revise the requirement for a construction start date at least one year before the next applicable compliance period date. Public fleets are not subject to the High Priority Fleet's rules compliance dates for fleet milestone requirements, so this requirement does not appear to be relevant. The Joint POU's recommend instead that the contract must have an effective date at least three months prior to the requested vehicle delivery date.

Section 2013.1 (b)(1)

~~Submit documentation showing the~~ The executed contract for the infrastructure installation with an effective date at least three months prior to the requested vehicle delivery date. ~~with a construction project start date at least one year prior to the next immediately applicable compliance date for the purchased vehicle~~

- Expand the list of "circumstances beyond the fleet owner's control" to include additional circumstances that may materially affect construction projects. Supply chain and labor shortage issues are currently resulting in delays to many construction projects.

Section 2013.1 (b)(2)

~~Submit documentation~~ Documentation showing the delay is a result of any of the following circumstances beyond the fleet owner's reasonable control: Change of a general contractor; delays obtaining power from a utility; delays obtaining construction permits; delays due to material supply chain shortages; delays in qualified workers at standard rates; delays due to unexpected safety issues; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act; or natural disasters.

- Remove the unnecessary requirement for public fleets to submit a letter signed by the contractor, utility, building department, or other organizations involved in the project. The Joint POU's recommend removing this requirement because it may be challenging for fleets to obtain a signed letter, and because the fleet's supporting materials documenting the delays should be sufficient.

Section 2013.1 (b)(3)

Submit a letter signed by the responsible official ~~and a letter from the licensed contractor performing the work or the related utility, building department, or other organizations involved in the project~~ to CARB which includes an explanation of the reasons for the delay, why retail infrastructure cannot adequately serve the vehicle's charging needs ~~be used~~, and the estimated completion date of the project

Definitions

- Clarify that NZEVs include ICEVs that are capable of zero-emission power takeoff or any vehicle eligible as part of HVIP. The Joint POUs recommend that the definition of NZEV in section 2013 (b)(44) be expanded to include ICEVs with electrified functions. This would help ensure that fleets can still purchase a commercially available vehicle that achieves significant emissions reductions if a ZEV is not available.

Section 2013 (b)(44)

“Near-zero-emissions vehicle” or “NZEV” means a vehicle as defined in title 13, CCR section 1963(c)(16) that is capable of operating like a ZEV using electricity stored on-board the vehicle for a minimum number of miles as specified and tested per the “all-electric range” requirements of title 17, CCR section 95663(d), a vehicle that is capable of zero-emission power takeoff operations needed to support the primary intended function of the vehicle, or a vehicle that is eligible under the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP).

- Clarify that “dedicated snow removal vehicles” also include multifunctional utility vehicles that are needed to remove snow to inspect, maintain, or repair critical infrastructure. The Joint POUs appreciate the draft rule’s recognition that snow removal vehicles have unique operational challenges and thus may not be suitable as ZEVs. However, the proposed definition of “dedicated snow removal vehicles” fails to recognize that for some smaller fleets, every vehicle must be multifunctional due to the fleet size or operational needs. The same vehicles needed to remove snow for purposes of accessing, maintaining, or repairing utility infrastructure must also serve other functions and therefore do not have permanently affixed snow removal equipment. This does not, however, obviate their critical snow removal role. The Joint POUs recommend CARB revise the definition of “dedicated snow removal vehicle” in section 2013 (b)(22) to recognize the role of multifunctional vehicles in smaller utility fleets.

Section 2013 (b)(22)

“Dedicated snow removal vehicle” means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger, and is operated exclusively to remove snow from public roads, private roads, or other paths to allow on-road vehicle access, or a vehicle used by the public agency to remove snow for purposes of accessing, inspecting, maintaining, or repairing or otherwise making safe, critical infrastructure.

- Clarify definition of fleet owner. The Joint POUs recommend a minor clarification to the definition in section 2013 (b)(34) to specify that it is the fleet *owner*, rather than the fleet itself, that is responsible for compliance with the ACF.

Section 2013 (b)(34)

“Fleet owner” means the person or entity that owns the vehicles comprising the fleet. The fleet owner shall be presumed to be either the person registered ...

Recordkeeping and Enforcement

- Provide 10 business days for right of entry and audit requests. As currently proposed, a public fleet owner would have 72 hours to respond to audit requests by CARB and would need to provide immediate right of entry to CARB staff seeking to inspect vehicles or records. These timeframes are unrealistic, particularly if a request is made on a Friday, and may create an undue burden on smaller public agencies with limited resources and staffing hours. Some smaller public agencies staff their offices only certain days of the week, for example. The Joint POU's recommend modifying sections 2013.3, 2013.4 (a), and 2013.4 (d) of the draft rule to provide public fleets 10 business days to respond to audit and right of entry requests.

Section 2013.3

Fleet owners must keep and provide the following forms of documentation upon request or make them available to CARB staff within 10 business days ~~72 hours~~ of a written request:

Section 2013.4 (a)

Audit of Records. Within ~~72 hours~~ ten business days of a written request by CARB, a fleet owner must make all records ...

Section 2013.4 (d)

Right of Entry. An agent or employee of CARB, upon presentation of proper credentials, has the right to enter, after providing ten business days' notice to the fleet owner, any motor carrier, broker, or hiring entity facility (with any necessary safety clearances) ...

- Remove unrelated and unnecessary “operator documentation” recordkeeping requirement. Section 2013.3 (b) of the draft rule specifies that public agency fleet owners must retain documentation regarding responsibilities for paying drivers and cargo origin and destination information. This information is unrelated to public fleets' compliance obligations under the draft rule and the Joint POU's recommend striking this requirement.

Section 2013.3 (b)

~~Operator Documentation. Fleet owners must keep and provide documentation that identifies the entity that is responsible to pay the driver who is not a public agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo.~~

- Clarify enforcement provisions. The Joint POUs understand that CARB staff's intent is to address noncompliance consistent with existing enforcement practices. As such, the Joint POUs recommend modifying section 2013.4 (c) to specify that noncompliance may be subject to enforcement rather than "civil or criminal penalties."

Section 2013.4 (c)

Penalties. Any person who fails to comply with the performance requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to ~~civil or criminal~~ penalties enforcement.

Conclusion

The Joint POUs reiterate our appreciation of CARB staff's work to develop this second draft, but critical issues remain. Ensuring POUs and water agencies have access to the vehicles they need to reliably maintain and repair infrastructure for essential public services, without burdening their communities with excessive costs, must be a key focus as CARB prepares the next iteration of the draft rule.

We thank you for your consideration of these comments, and we hope they are received in the constructive manner in which they were drafted. The Joint POUs look forward to working closely with CARB staff and board members to ensure the ACF is developed into a successful, practical regulation that can support the state's fleet electrification goals without adverse impacts to essential public services.

Appendix A: Proposed Revisions to Public Fleets Rule

Proposed additions in underline

Proposed deletions in ~~striketrough~~

DRAFT PROPOSED REGULATION ORDER

Advanced Clean Fleets Regulation

Adopt new sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4, title 13, California Code of Regulations (CCR) to read as follows:

[The text set forth below is new language in “normal type” proposed to be added to the California Code of Regulations.]

Section 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.

(a) Scope and Applicability. Section 2013 applies to any public agency that owns, leases, or operates a vehicle with manufacturer's gross vehicle weight rating (GVWR) greater than 8,500 pounds as defined in section 2013(b)(65). This section does not apply to either federal fleets or vehicles described in section 2013(c).

(b) Definitions. For the purposes of this regulation, the following definitions apply:

(1) “Authorized dealer” means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is authorized and capable of performing repairs to factory specifications, including warranty repair work.

(2) “Backup vehicle” means a vehicle, excluding yard tractors, that is operated less than 1000 total miles per year ~~except~~ excluding emergency mileage as specified in section 2013.1(a)(2).

(3) “Beverage truck” means a vehicle configuration with multiple storage bays designed to transport beverages in bottles or cans with individual doors to provide access to beverages from the vehicle.

(4) “Boom truck” means a vehicle configuration with a mounted crane or aerial limit system to hold and lift poles or equipment into position.

(5) “Box truck” means a single-unit vehicle with a fully enclosed cargo space or a partially enclosed cargo space with a roof and at least three sides. Examples of included vehicles are those commonly referred to as step vans, refrigerated vans, dry vans, and box reefer trucks.

(6) “Bucket truck” means a vehicle configuration with an affixed personnel lift system with a control platform at the end of the lift that with a space for the operator to stand and work above the ground.

(7) “Bus” means any vehicle designed, used, or maintained for carrying more than ten persons, including the driver, and is configured with seats for the primary purpose of transporting persons including the driver.

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- (8) "California fleet" means vehicles operated in California during a calendar year, excluding emergency events and mutual aid events. If a vehicle is operated in California at any time during a calendar year, it will be considered part of the California fleet for the entire calendar year.
- (9) "Car carrier" means a tractor trailer combination with a permanently affixed structure designed for carrying on-road vehicles attached to the chassis of the power unit.
- (10) "CARB" means the California Air Resources Board.
- (11) "Class 2b-3" means a vehicle with a GVWR greater than 8,500 pounds and less than or equal to 14,000 pounds.
- (12) "Class 4" means a vehicle with a GVWR greater than 14,000 and less than or equal to 16,000 lbs.
- (13) "Class 5" means a vehicle with a GVWR greater than 16,000 and less than or equal to 19,500 lbs.
- (14) "Class 6" means a vehicle with a GVWR greater than 19,500 and less than or equal to 26,000 lbs.
- (15) "Class 7" means a vehicle with a GVWR greater than 26,000 and less than or equal to 33,000 lbs.
- (16) "Class 8" means a vehicle with a GVWR greater than 33,000 lbs.
- (17) "Concrete mixer" means a vehicle configured with a rotating drum that is used to transport, mix and discharge concrete at a work site.
- (18) "Concrete pump truck" means a vehicle equipped with a system of pipes and hoses mounted on a boom affixed to the truck that is designed to pump wet concrete to a location at the work site that is elevated or otherwise difficult to dispense directly from the concrete mixer.
- (19) "Criteria pollutants" mean air pollutants for which air quality criteria have been issued by the Administrator of the United States Environmental Protection Agency under title 42, United States Code (USC) section 7408.
- (20) "Day cab tractor" means an on-road tractor without a berth designed for resting or sleeping at the back of the cab and is not a yard tractor.
- (21) "~~Declared-emergency~~ Emergency event" means the time period of an emergency event that has resulted in a hazard to the public or environment, material loss to property, or detrimental effect on the reliability of electricity, gas, water, or wastewater service. Examples of emergency events include, but are not limited to, declared by a local governing body, state Governor, or the President of the United States due to earthquake, flood, storm, extreme weather, fire, terrorism, pandemic, or other ~~infrequent~~ acts of nature. The emergency event period ~~shall be determined by the Executive Officer and~~ shall remain in effect ~~until the immediate threat to public safety or property has ended and the Executive Officer declares the emergency event is over.~~
- (22) "Dedicated snow removal vehicle" means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger, and is operated exclusively to remove

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snow from public roads, private roads, or other paths to allow on-road vehicle access, or a vehicle used by the public agency to remove snow for purposes of accessing, inspecting, maintaining, or repairing or otherwise making safe, critical infrastructure.

(23) “Designated low population counties” means the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba.

(24) “Digger derrick” means a truck configuration equipped with a powered auger mounted on a boom for the purpose of digging shallow holes and setting poles.

(25) “Dispatch” means to provide direction or instruction for routing a vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering cargo, passengers, property or goods, or providing a service.

(26) “Drill rig” means a vehicle with an affixed drilling system with pipes and cutting bits designed for the purpose of drilling into the ground for developing oil wells, water wells or extracting other fluids.

(27) “Dump truck” means a vehicle with an open bed that is designed to transport sand, gravel, dirt, and similar loose materials to or from a work site and dump the load with an affixed powered hoist system.

(28) “Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to ~~a-declared~~ an emergency event or request of first responders. Examples of emergency operations include vehicle use ~~used~~ at an emergency event to repair or prevent damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature. Emergency operations s includes ~~s~~ emergency support vehicle travel to and from ~~a-declared~~ an emergency event when dispatched by a local, state, or federal agency. Routine maintenance or construction ~~operation~~ to prevent public health risks does not constitute emergency operations s.

(29) “Emergency support vehicle” means a vehicle other than an authorized emergency vehicle that has been dispatched by a local, state, or federal agency that is used to provide transport services or supplies in connection with an emergency operation.

(30) “Executive officer” means the Executive Officer of the California Air Resources Board or their delegated representative.

(31) “Federal fleet” means vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies including the United States Postal Service that operate in California. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a branch of military service or an installation.

(32) “Flatbed truck” means a vehicle equipped with an entirely flat cargo space without permanently affixed walls on the sides or back of the vehicle. This definition also includes vehicles typically referred to as stake bed trucks with a flat bed and easily removable walls.

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(33) “Fleet” means one or more vehicles owned by a fleet owner. It also includes rental or leased vehicles that are considered owned by the fleet owner per section 2013(b)(34).

(34) “Fleet owner” means the person or entity that owns the vehicles comprising the fleet. The fleet owner shall be presumed to be either the person registered with the California Department of Motor Vehicles (DMV) as the owner or lessee of a vehicle, or its equivalent in another state, province, or country; vehicle ownership is based on the vehicle registration document or the vehicle title, except as specified below:

(A) Fleet owners that are public agencies with multiple divisions may elect to comply either as a single fleet or individual fleets based on the division(s) to which vehicles are assigned in the public agency. A public agency making this election shall notify CARB in writing within 180 days of the effective date of these regulations and upon such election each division shall be fleet owner for vehicles assigned it.

~~(B)~~ ~~(A)~~ For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer and the terms of the rental or lease agreement or other equally reliable evidence identifies the renting operator or lessee of the vehicle as the party responsible for compliance with state laws.

~~(C)~~ ~~(B)~~ For purposes of enforcement, if the vehicle is inspected and cited for noncompliance with this regulation and neither the operator of the vehicle nor the rental or leasing entity can produce evidence of the party responsible for compliance with state laws, the owner shall be presumed to be both the rental or leasing entity and the renting operator or lessee of the vehicle.

~~(D)~~ ~~(C)~~ A financing company or a person that only provides financing to a third party in the form of “finance leases,” as defined in California Uniform Commercial Code Section 10103(a)(7), is not considered to own the vehicles that are financed. Similarly, a financing company or a person that only provides financing to a third party for powertrain retrofits is not considered to be the owner of the vehicle.

(35) “Greenhouse gas” means a gas that absorbs and emits radiant energy within the thermal infrared range.

(36) “Gross vehicle weight rating” or “GVWR” means the same as California Vehicle Code (CVC) section 350, as indicated by the characters in the 4-8 positions in a standard 17-character Vehicle Identification Number (VIN).

(37) “Historical vehicle” means a vehicle that meets the qualifications for a historical vehicle and has been issued a historical vehicle license plate pursuant to the CVC section 5004, and is operated or moved over the highway primarily for the purpose of historical exhibition or other historic vehicle club activities.

(38) “Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

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(39) “Internal combustion engine vehicle” or “ICEV” means a vehicle with a powertrain powered by gasoline, diesel, natural gas, propane, or other fuel where the sole source of power is from the combustion of the onboard fuel to provide motive power.

(40) “Lessee” has the same meaning as defined in CVC section 371.

(41) “Manufacturer” means any entity or person who manufactures or assembles new on-road motor vehicles or yard tractors, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, the term manufacturer includes any person who manufactures or assembles an on-road vehicle, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a new on-road motor vehicle into commerce in California. This includes importers who import on-road vehicles for resale. This does not include persons who supply parts to the importer or vehicle manufacturer of record.

(42) “Model year” means a designation meeting the definition of “model year” under 17 CCR section 95662(a)(16).

(43) “Motor carrier” means the same as defined in CVC section 408.

(44) “Near-zero-emissions vehicle” or “NZEV” means a vehicle as defined in title 13, CCR section 1963(c)(16) that is capable of operating like a ZEV using electricity stored on-board the vehicle for a minimum number of miles as specified and tested per the “all-electric range” requirements of title 17, CCR section 95663(d), [a vehicle that is capable of zero-emission power takeoff operations needed to support the primary intended function of the vehicle, or a vehicle that is eligible under the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project \(HVIP\).](#)

(45) “New vehicle” means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

(46) “Notice to proceed” means a written direction to a vehicle manufacturer or drivetrain conversion installer to commence production or conversion of a vehicle as provided in a contract.

(47) “Pickup truck” means a vehicle that is configured with an open box-type bed and meets the definition set forth in CVC section 471.

(48) “Primary intended function” means the main function for which a complete vehicle configuration is designed and integrated into the body or vehicle design. It does not include auxiliary equipment or secondary uses of equipment that is added to or carried on the vehicle body.

(49) “Public agency” means a city, county, public utility, special district, or a public agency of the State of California, and any department, division, public corporation, or public agency of the State of California.

(50) “Refuse compactor truck” means a vehicle specially designed to collect and compact residential or commercial solid waste on the vehicle for purposes of transportation and disposal.

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These include but are not limited to vehicles commonly referred to as front loader, rear loader, and automated and semi-automated side loaders.

(51) “Refuse roll-off truck” means any ~~heavy-duty~~ heavy-duty vehicle that is designed to drop off and pick up open boxes or other containers that are commonly used to collect residential and commercial solid waste at a site.

(52) “Removed from the California fleet” means a vehicle that is no longer operated in California by the fleet owner on or after the date the vehicle meets one of the following conditions:

(A) Destroyed or scrapped

(B) Registered as Planned Non-Operation with the California DMV within 60 days before and 90 days after the expiration of the vehicle registration date

(C) Filed an ~~Affadavit~~ Affidavit of Non-Use with the California DMV up to 75 days before the expiration of the vehicle registration date; or

(D) Sold out-of-state or transferred out-of-state.

(53) “Responsible official” means either a principal executive officer, ranking elected official, or delegated representative of the public agency.

(54) “Service or utility truck” means a vehicle equipped with an attached body that is configured with both open and enclosed storage compartments for the purpose of transporting, tools, and equipment to a work site.

(55) “Sleeper cab tractor” means a tractor with a berth designed for resting or sleeping at the back of the cab.

(56) “Standard rounding convention” means if the calculated value is not equal to a whole number, the value shall round up to the nearest whole number when the fractional part is equal to or greater than 0.5, and round down to the nearest whole number if less than 0.5.

(57) “Step van” means a vehicle with an enclosed cargo space accessible from the vehicle’s cab where the driver can stand or sit at the steering wheel.

(58) “Sweeper truck” means a vehicle designed to pick up dirt, dust and small debris from paved roadways and similar driving surfaces by using a spray water system and a combination of broom bristles and vacuum suction.

(59) “Tank truck” means a vehicle that is configured with a tank integrated into the body and is designed to transport bulk cargo in the form of liquids, semi-liquids, and gasses. It does not include vehicles with tanks that are separately mounted on a flatbed truck or body, and does not include water trucks.

(60) “Tow rollback truck” means a vehicle with a moveable flatbed body that is able to tilt to the ground and is equipped with a lift or pulley mechanism used to load other vehicles or equipment that are disabled, abandoned, damaged or wrecked onto the bed for transport.

(61) “Tractor” means an on-road vehicle meeting one of the following:

(A) The definition of “tractor” in title 17, CCR section 95662(a)(23), or

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(B) The definition of “vocational tractor” in title 17, CCR section 95662(a)(27).

(62) “Two-engine vehicle” means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with 2 engines: 1 engine provides the primary source of motive power of the vehicle while the second engine is an auxiliary engine with 50 brake horsepower or greater that is permanently attached and integrated into the original design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power. If a vehicle was originally designed with the capability to have an auxiliary engine installed, but the auxiliary engine was installed by someone else other than the original equipment manufacturer, the vehicle still qualifies as a two-engine vehicle. Two engine street sweepers are not included in this definition.

(63) “Vacuum truck” means a vehicle that is configured with a tank and system to vacuum liquid from a site and transport the load to a location for disposal or reuse.

(64) “Van” means a single unit vehicle ~~with~~ configured with seats to transport passengers or with an enclosed space for the primary purpose of transporting cargo and equipment.

(65) “Vehicle” or “motor vehicle” means self-propelled equipment that meets one of the following criteria:

(A) Equipment that has a GVWR that is greater than 8,500 lbs. that is intended for use on highways, and meets the definition set forth in title 17, CCR section 95662(a)(26); or

(B) Is an off-road yard tractor

(66) “Vehicle awaiting sale” means a vehicle in the possession of a dealer, financing company, a private party, or other entity that does not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and it is operated only to demonstrate functionality to potential buyers, to move short distances to make repairs, or for maintenance or storage. It also includes new vehicles that driven for the first time to be delivered to the ultimate purchaser to be placed in service outside of California.

(67) “Vehicle addition” or “vehicle purchase” means the fleet owner has placed an order for a new vehicle or powertrain conversion for immediate delivery or installation and has already paid for or has entered into a binding agreement with the authorized dealer, powertrain conversion installer, or manufacturer to pay for the vehicle or conversion. Vehicle addition also means the fleet owner has paid for or has entered into a binding agreement for the purchase of a used vehicle from another party for immediate delivery. A vehicle purchase includes where the agency has identified, committed and encumbered funds and executed any one of the following:

(A) A written notice to proceed executed by a fleet owner to a manufacturer or powertrain conversion installer to begin production of the vehicle either:

1. Under a previously-entered purchase contract.
2. To execute a contract option.

(B) A written purchase agreement between a fleet owner and the manufacturer or powertrain conversion installer that specifies the date when the work to manufacture or convert the vehicle is to proceed

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(C) A written purchase agreement between a fleet owner and another party for the purchase and immediate delivery of a used vehicle; or

(D) A signed written lease agreement between a fleet owner and the manufacturer or authorized dealer for a new vehicle to be placed in service for a contract term of one year or more.

(68) "Vehicle configuration" means the configuration necessary to support the primary intended function of the vehicle. Examples of vehicle configurations include water trucks, aerial bucket trucks, line trucks, vacuum trucks, and digger derricks.

(69)~~(68)~~ "Water truck" means a vehicle configured with a bulk water tank as the primary body configuration used to transport and dispense water for dust control, irrigation, or other uses. It does not include vehicle configurations where a tank is attached to a flatbed or other multi-use body type.

(70)~~(69)~~ "Yard tractor" means an on-road or off-road vehicle that has a movable fifth wheel that can be elevated and is used in moving and spotting trailers and containers at a location or facility. Yard tractors are also commonly known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.

(71)~~(70)~~ "Zero-emissions powertrain" means an all-electric or hydrogen fuel-cell powertrain assembly, which includes (if applicable) the electric traction motor, system controller, generator, on-board charger, battery management system, thermal management systems, energy storage system (batteries, capacitors, and flywheels), inverter, fuel-cell stack, and the interface at which electrical power is converted to tractive mechanical power or vice-versa (in the case of a regenerative braking system), certified pursuant to the requirements incorporated by reference in title 13, CCR section 1956.8.

(72)~~(71)~~ "Zero-emissions vehicle" or "ZEV" means a vehicle with a zero-emissions powertrain that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

(c) Exemptions. The following entities and vehicles are exempt from the requirements of sections 2013 through 2013.4:

- (1) School buses as defined in CVC section 545(a)
- (2) Military tactical vehicles as described in title 13, CCR section 1905
- (3) Vehicles awaiting sale
- (4) Emergency vehicles as defined in CVC section 165
- (5) Historical vehicles
- (6) Dedicated snow removal vehicles
- (7) Two-engine vehicles
- (8) Heavy cranes as defined in title 13, CCR section 2021(b)(16)

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(9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023

(d) General requirements. ~~Starting January 1, 2024, fleet owners~~ Fleet owners must ~~only~~ add ZEVs to their California fleet as specified by the following schedules:

(1) For a public agency whose jurisdiction is less than 90 percent ~~not solely~~ in a designated low population county:

(A) Starting eighteen months after the regulation effective date, January 1, 2024, 50 percent of the total number of vehicles added to the California fleet in each ~~fiscal~~ calendar year must be ZEVs; and

(B) Starting January 1, 2030, ~~January 1, 2027~~, 100 percent of the total number of vehicles added to the California fleet in each calendar year must be ZEVs.

(2) For a public agency whose jurisdiction is at least 90 percent located ~~solely~~ in a designated low population county:

(A) Starting January 1, 2030, ~~January 1, 2027~~, 100 percent of the vehicles added to the California fleet in each calendar year must be ZEVs.

(e) NZEV Flexibility. Until January 1, 2035, purchases of new or used NZEVs may be made in lieu of ZEV purchases if no new ZEVs are commercially available per section 2013.1(c).

(f) Rounding. If the calculated required minimum number of ZEV additions as set forth in section 2013(d) does not result in a whole number, then use the standard rounding convention as defined in section 2013(b)(56).

(g) ZEV accounting. Each ZEV or NZEV may be counted only once as long as the vehicle remains in the fleet to count towards compliance with the purchase requirement for a given calendar year.

(h) Early or Excess ZEV additions. Any ZEV that a fleet owner adds to their California fleet prior to the effective date of this Regulation or in excess of the purchase quantities in section 2013 (d)(1)(A) ~~Early or excess ZEV additions to the California fleet~~ may be used to count as a ZEV addition in a future compliance year ~~towards future purchase requirements as long as the ZEV is still active in the fleet.~~ ~~Each ZEV addition~~ An excess or early addition may count only if the ZEV is still active in the fleet during the future compliance year and may be claimed only once per the accounting requirements in section 2013(g).

~~(i) Requirement to Hire Compliant Fleets. Any motor carrier, broker, or any California person or entity who hires or dispatches any fleet subject to this regulation must verify that each hired or dispatched fleet is listed on the CARB website as a compliant fleet. The hiring entity must comply with the record keeping requirements of section 2013.3(g).~~

~~(i)(i)~~ Order Cancellations. If a fleet owner cancels a notice to proceed, a purchase agreement, or a leasing contract at any time before the vehicle is delivered, the purchase will be considered invalid and will not count towards required ZEV additions to the California fleet. ~~a.~~

~~(i)(k)~~ Compliance Date. Annual compliance with the ZEV addition requirements is determined on January 1 of each calendar year for the prior calendar year.

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~~(k)(1)~~ Vehicle Exemptions. ~~Exemptions or extensions will only be granted by CARB if the fleet would remain in compliance by using it.~~ The following is a list of exemptions that may be utilized by fleet owners to remain in compliance:

- (1) Backup Vehicle Exemption. Fleet owners may purchase an ICEV and ~~exclude it~~ be exempt from the ZEV addition requirement of section 2013(d) if it is designated as a backup vehicle as specified in section 2013.1(a) and may exclude mileage accrued when the vehicle is operated in support ~~a declared~~ an emergency event as specified in section 2013.1(a)(2).
- (2) Infrastructure Construction Delay Extension. Fleet owners are excused from taking immediate delivery or ordered ZEVs by up to one year when determining compliance with section 2013(d) if the criteria described in section 2013.1(b) are met.
- (3) ZEV Unavailability. Fleet owners may purchase an ICEV and exclude it from the ZEV addition requirements of section 2013(d) if the ~~fleet owner can demonstrate that all the remaining ICEVs in the fleet that are not already using an exemption or extension cannot be replaced with a ZEV or NZEV of the needed configuration because they are not available to purchase and~~ the conditions of section 2013.1(c) are met.
- (4) Emergency Response ~~Mutual Aid Assistance~~. Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2013(d) for a portion of the fleet if the vehicles are needed to provide emergency response services and the conditions described in Emergency Response ~~Mutual Aid Assistance~~ section 2013.1(d) are met.

~~(l)(m)~~ Reporting and Recordkeeping Requirement. Beginning January 1, 2025, or January 1, 2030 for public agencies whose jurisdiction is at least 90% in a designated low-population county, ~~2024~~, fleet owners must meet reporting requirements as specified in section 2013.2 and keep and provide records as specified in section 2013.3.

~~(n) Vehicles Acquired with Public Funds. If a fleet owner receives public funding for ZEVs or NZEVs, and the California State-provided incentive funding program guidelines specify the vehicle cannot be used to count toward determining compliance with the general requirements section of 2013(d), the vehicle will not be counted as a compliant vehicle during the funding contract period. The fleet owner must meet the reporting requirements specified in section 2013.2(c)(2)(L).~~

~~(m)(e)~~ Certificate of Reported Compliance and Compliant Fleet List. If the requirements of sections 2013 through 2013.4 have been met and the required reporting has been received to demonstrate compliance, CARB will provide the fleet owner with a Certificate of Reported Compliance. CARB will list on the CARB website information for compliant fleets that have received a Certificate of Reported Compliance, with the CARB-issued ID number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a "ZEV Fleet" per title 13, section 2015(o). Fleets that do not comply will not be listed on the CARB website.

(n) A fleet owner that is a public agency must comply with the requirements of this section 2013 unless it voluntarily elects to comply with the alternative compliance requirements of section 2013.X. A public agency fleet owner may make such election by written notice signed by the responsible official and delivered to the Executive Officer within 180 days of the effective date of this regulation.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 14 39000, 39003, 39650, 39655, 43000, 43000.5,

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43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.1 State and Local Government Fleet Exemptions

Fleet owners may take advantage of the following exemptions or extensions for any future compliance requirements if the conditions of this section are satisfied. ~~California fleet is already in compliance.~~ Fleet owners ~~requesting or~~ utilizing any exemptions or extensions must meet reporting and recordkeeping requirements for each exemption or extension as specified in sections 2013.2 and 2013.3. Any exemptions or extensions approved for a fleet owner are not transferrable to another fleet owner.

(a) Backup Vehicle Exemption. Backup vehicles as defined in section 2013(b)(2) may be excluded when determining compliance with the ZEV addition requirements of sections 2013(d). Fleet owners may purchase an ICEV instead of a ZEV to designate as a backup vehicle if the conditions of this section have been met. The fleet owner must meet each of the following requirements:

- (1) The fleet owner must report the vehicle as a backup vehicle and must submit odometer readings per section 2013.2(e)
- (2) The fleet owner may exclude any mileage accrued while performing emergency operations in support of ~~a declared~~ an emergency event when determining whether the vehicle meets the definition of a backup vehicle
- (3) When a backup vehicle exceeds its annual mileage limit the vehicle must be immediately removed from service in the California fleet by the end of the calendar year or within 90 calendar days, whichever is greater. The vehicle may not be used to claim another exemption or extensions.

(b) Infrastructure Construction Delay Extension. A fleet owner that experiences a construction delay for a project to install ~~their own~~ hydrogen vehicle fueling station(s) or battery-electric vehicle charging station(s), and associated supporting infrastructure, that is beyond its reasonable control, may request an extension to delay delivery of a ZEV that needs the infrastructure to operate in the fleet if publicly available infrastructure cannot be used. The Executive Officer will grant ~~a single~~ an extension to delay the vehicle delivery to coincide with the estimated infrastructure completion date for one year if they determine the fleet owner satisfies the criteria for the delay, based on the information submitted below ~~and the exercise of good engineering judgment~~. When requesting this exemption, the ~~The~~ fleet owner ~~may request an extension by submitting~~ shall submit the following documentation ~~showing each of the following requirements are met:~~

- (1) ~~Submit documentation showing the~~ The executed contract for the infrastructure installation with an effective date at least three months prior to the requested vehicle delivery date. ~~with a construction project start date at least one year prior to the next immediately applicable compliance date for the purchased vehicle~~
- (2) ~~Submit documentation~~ Documentation showing the delay is a result of any of the following circumstances beyond the fleet owner's reasonable control: Change of a general contractor; delays obtaining power from a utility; delays obtaining construction permits; delays due to material supply chain shortages; delays in qualified workers at standard rates; delays due to unexpected safety issues; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act; or natural disasters.

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(3) Submit a letter signed by the responsible official ~~and a letter from the licensed contractor performing the work or the related utility, building department, or other organizations involved in the project~~ to CARB which includes an explanation of the reasons for the delay, why retail infrastructure cannot adequately serve the vehicle's charging needs ~~be used~~, and the estimated completion date of the project

(4) Documentation identifying the ZEVs impacted by the infrastructure delay ~~showing the executed purchase agreement for the ZEVs~~

(c) ZEV Unavailability Exemption. Fleet owners may be exempt from the ZEV purchase requirements if a vehicle configuration is not commercially available with a ZEV or NZEV powertrain at the time the ICEV is purchased vehicle bid is awarded. ~~The exemption does not apply to pickups, buses, box trucks, vans, or any tractors.~~

(1) For purposes of this section 2013.1, a "commercially available" vehicle configuration means the following:

(A) The vehicle configuration is available from at least three vehicle manufacturers as a zero-emission powertrain certified model in accordance with 13 CCR 1956.8, at least 25 units of each model has been placed into service, and each manufacturer has at least two years' experience selling vehicles in California. If the vehicle configuration requires upfitting, these requirements shall apply to both the manufacturer of the incomplete chassis and the upfitter.

(B) The manufacturer suggested retail price is no more than 33 percent greater than the average manufacturer suggested retail price for ICEVs of the same vehicle configuration.

~~(2)(4)~~ A list of available ~~unavailable~~ ZEVs and NZEVs for each vehicle configuration, weight class, and primary intended function of the vehicle will be kept on the CARB website as specified in this section. The Executive Officer will add ~~and remove~~ vehicles to from the list and designate vehicle configurations as "commercially available" in accordance with ~~if~~ the conditions of this section ~~have been met~~. Fleet owners will be able to purchase an ICEV if the corresponding ZEV or NZEV configuration has not yet been designated as commercially available ~~of the listed configuration instead of a ZEV or NZEV~~ without submitting a separate exemption request provided the supporting documentation reporting requirements of section 2013.2(f) are met. Nothing in this paragraph shall prevent a fleet owner from purchasing a ZEV or NZEV that is not listed the CARB website. ~~The following are the criteria for listing vehicles:~~

~~(1) The list will include vehicle configurations for the primary intended function of the vehicle for Class 4 through 6 vehicles as a group and for Class 7 through 8 vehicles as a group~~

~~(3)(2)~~ Documentation must be submitted to CARB for consideration by the Executive Officer to have a vehicle added to ~~or removed from~~ the list based on the primary configuration of the vehicle. Documentation may be submitted by manufacturers, fleets, or other entities.

~~(3) Vehicles will be added to the list if all of the following apply:~~

~~(A) The vehicle configuration is commercially available as an ICEV~~

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- ~~(B) There is no new ZEV or NZEV powertrain conversion for any commercially available new ICEV or incomplete chassis that can be equipped in the needed configuration~~
- ~~(C) There is no commercially available new ZEV or NZEV sold as a complete vehicle with an equivalent configuration; and~~
- ~~(D) There is no new ZEV or NZEV chassis that is commercially available that can be equipped in the needed configuration.~~
- (4) ~~Vehicles will be removed from the list~~ ZEVs and NZEVs will be designated as “commercially available” for a particular vehicle configuration, weight class, and primary intended function when the conditions specified in section 2013.1(c)(3) are ~~no longer~~ met effective January 1 at least 6 months after the determination is made that the configuration is commercially available as a ZEV or NZEV needed to comply.
- (5) For purposes of determining commercial availability in accordance with section 2013.1 (c)(1)(B), CARB shall maintain a list of ICEVs for each vehicle configuration, primary intended function, and weight class. ICEVs will be added to or removed from the list based on information submitted to the Executive Officer specifying the vehicle’s primary intended function, dimensions, weight, and manufacturer suggested retail price. Information may be submitted by manufacturers, fleets, or other entities consistent with the process for ZEVs and NZEVs.
- (6) Notwithstanding section 2013.1 (c)(1)-(4), a fleet owner may apply to the Executive Officer for an exemption to purchase an ICEV instead of a commercially available ZEV or NZEV under any of the following circumstances:
- (A) Commercially available ZEVs or NZEVs cannot reliably meet the required duty cycle (s) for which the fleet owner intends to use the vehicle and an ICEV can.
 - (B) Commercially available ZEVs or NZEVs do not have the required towing capacity of the vehicle and an ICEV does.
 - (C) Commercially available ZEVs or NZEVs exceed the weight or dimension constraints for roads and bridges on which the vehicle must operate.
 - (D) The fleet owner issues a public solicitation and receives responsive bids for ZEVs or NZEVs from fewer than three competitive, financially secure, and reliable sources. A bid with total purchase cost exceeding 133% of the purchase cost of the equivalent ICEV, or exceeding the lead time for responsive ICEVs by more than six months, shall not be considered competitive for this purpose.
 - (E) A fleet owner that experiences the circumstances described in section 2013.1 (c)(6)(A)-(E) may request an exemption to purchase an ICEV instead of a commercially available ZEV or NZEV by submitting a letter signed by the responsible official that explains how one or more of the criteria has been met and includes supporting documentation to substantiate the request.
 - 1. Examples of supporting documentation include, but are not limited to, current and prior bid specifications, bids received, the ICEV configuration or bid that the fleet owner would purchase instead, and photographs.

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2. Within 30 days of receipt of the letter, the Executive Officer will grant the exemption if the fleet owner has satisfied the requirements for the exemption or notify the fleet owner that additional information is needed to support the application. In the event that the Executive Officer has not responded to the fleet owner within 30 days of receipt, the exemption is approved.

(d) Emergency Response ~~Mutual Aid Assistance~~. Any regulated entity with a mutual aid agreement to send vehicles to assist other entities during emergencies ~~a declared emergency event~~ or public agency that provides electricity, water, wastewater, or gas service may request an exemption to purchase an ICEV ~~with a GVWR greater than 14,000 lbs.~~ instead of a ZEV for a portion of the fleet. The exemption ~~does not apply to pickups, buses, box trucks, vans, or any tractors and it~~ does not apply to any vehicle configurations that are available as NZEVs. The Executive Officer will grant the exemption if the conditions of this section have been met. The following conditions must be met:

(1) The entity must have a mutual aid agreement with other entities to assist with affected vehicles during ~~declared~~ emergency events or be a public agency that provides electricity, water, wastewater, or gas service

(2) At least 75 percent of the total number of vehicles already in the California fleet and on order must already be ZEVs or have received an exemption or extension pursuant to this section.

(3) The fleet owner must demonstrate that zero-emission mobile fueling for ZEVs is not ~~commercially~~ available for the needed configurations as specified below.

Fleet owners must:

(A) Issue a public request for bids to purchase ZEVs ~~with a GVWR greater than 14,000 lbs.~~ that meet the primary intended function and needed operating specifications and a request for information about zero-emission mobile fueling options for the ZEVs.

1. For responsive bids for ZEVs, demonstrate that zero-emission mobile fueling options are not ~~commercially~~ available that would reach 80 percent of the ZEV's fueling capacity within 1 hour of fueling time without access to grid power for at least 14 days.

(4) Show no NZEVs ~~with a GVWR over 14,000 lbs.~~ of the needed configuration are available to purchase by completing the steps for NZEV unavailability as specified in section 2013.1(c); and

(5) The responsible official must submit a letter to CARB to request the exemption with an explanation of the reason for the exemption and documentation supporting the requirements in sections 2013.1(d)(1-3); Within 30 days of receiving the exemption application, the Executive Officer will grant an exemption if they determines the fleet owner satisfies the criteria for the exemption or notify the fleet owner if additional information is required to support the application. In the event that the Executive Officer has not responded to the fleet owner within 30 days of receipt, the exemption is approved. ~~based on the information submitted below and the exercise of good engineering judgment~~

(6) A fleet owner that provides electric, water, wastewater, or gas service, and that reasonably expects to deploy more than 25 percent of the fleet for mutual aid and/or emergency operations where ZEVs are not suitable, may submit a petition to the Executive Officer for a waiver of section 2013.1 (d)(2) for a period of five years. The petition must identify an alternative ZEV

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transition threshold, an explanation of the percent of the fleet the fleet owner reasonably expects to deploy for mutual aid and/or emergency operations where ZEVs are not suitable, and supporting documentation for the request. Examples of circumstances in which a waiver may be needed include, but are not limited to, significant operations in high wildfire threat zones, remote areas that experience extreme weather events, remote areas with insufficient charging or fueling infrastructure, or small numbers of fleet vehicles. If granted, the waiver shall last for a period of five years from the date of approval. A fleet that receives a waiver for section 2013.1 (d)(2) shall still be required to satisfy the conditions of section 2013.1 (d)(3)-(5). A fleet may reapply for a waiver after the five-year period expires.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.2 State and Local Government Fleet Reporting

(a) Method of Reporting. Reports submitted to comply with sections 2013 through 2013.4 must be submitted online through CARB's Advanced Clean Fleets webpage. The information contained in the annual report may be combined with other existing reports that contain the same information and are supplied to CARB for other programs, such as the Heavy-Duty Vehicle Inspection and Maintenance Program. If the annual report refers to information provided to CARB through existing reports, the annual report shall reference the information by identifying the name and submittal date of the existing report.

(b) Reporting Deadline and End Date. No later than April 1 of each year until April 1, 2045, each fleet must annually submit a compliance report to the Executive Officer showing the fleet composition as of January 1 of each year. The initial report must be submitted by April 1, ~~2025~~2024, for public agencies whose jurisdiction is less than 90 percent in a designated low population county or April 1, 2030, for public agencies whose jurisdiction is at least 90 percent located in a designated low population county.

(c) Fleet Reporting. Fleet owners must report the following:

(1) Public Agency Information. Fleet owners must report the following:

- (A) Public agency name
- (B) Physical address where records will be kept
- (C) Designated contact mailing address
- (D) Designated contact person name
- (E) Designated contact person phone number
- (F) Designated contact person email
- (G) Identify the jurisdiction (state, county name, city name or other local governments)

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(H) If the fleet being reported is managed by someone other than the primary agency report the CARB issued ID of the primary agency; and

(I) Name of the responsible official.

(2) Additions to California Fleet. Fleet owners must report the following information to CARB for each vehicle purchase made for the California fleet during the prior calendar year:

(A) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.)

(B) Vehicle body type

(C) Fuel and powertrain type

(D) Date vehicle purchase was made

(E) Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension provision of section 2013.1, the exemption type, and the date the exemption was granted, if applicable

(3)(2) Vehicle Information. The fleet owner must report the following information for each vehicle in the California fleet. After the initial report, fleet owners must only report changes to the below information that occurred during the prior calendar year:

(A) Vehicle Identification Number (VIN)

(B) Vehicle make and model

(C) Vehicle model year

(D) Vehicle license plate number

(E) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.)

(F) Vehicle body type

(G) Fuel and powertrain type

(H) Date vehicle purchase was made for vehicles added to the fleet pursuant to section 2013 (d) or section 2013 (h)

(I) Date vehicle was ~~added to~~ placed in service or removed from the California fleet for vehicles added to the fleet pursuant to section 2013 (d) or section 2013 (h)

(J) Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension provision of section 2013.1

(K) Odometer readings for backup vehicles; and

~~(L) Funding contract start and end date for vehicles purchased with California State funding if the vehicle is to be excluded during the funding contract period as specified by the funding program.~~

Appendix A: Proposed Revisions to Public Fleets Rule

(d) Changes to an Existing Fleet. Fleet owners must comply with the following reporting requirements when adding or removing vehicles:

- (1) Vehicles placed in service in ~~added to~~ the California fleet must be reported in the annual report due April 1 in accordance with section 2013.2 (c)(2)(I) ~~within 30 calendar days of being added to the fleet.~~
- (2) Vehicles that are permanently removed from the California fleet must have the removal and date be reported in the annual report due April 1 ~~within 30 calendar days of removal.~~ The report must include the date of removal
- (3) If a backup vehicle exceeds the allowable mileage limit the change must be reported in the annual report due April 1 ~~within 30 calendar days of the date the mileage limit was exceeded.~~
- (4) ZEV Repowers or Conversions. Vehicles repowered with zero-emissions powertrains must report the vehicle's new fuel type in the annual report due April 1 ~~within 30 calendar days of being repowered or converted.~~

(e) Odometer Reading Reporting. Fleet owners that have backup vehicles must comply with the following reporting requirements in the annual report submitted each April 1:

- (1) Odometer Readings. Report annually the mileage reading and the date the reading was recorded from a properly functioning odometer.
- (2) Odometer Replacement. In the event that the odometer is replaced, report the following ~~within 30 calendar days of the original odometer failure~~: the original odometer's final reading, the new odometer's initial reading, and the date of replacement; and
- (3) Backup Vehicles. Fleet owners with designated backup vehicles must additionally report the following if applicable:
 - (A) Hubodometers. If the vehicle's odometer is not functional, report the serial number from a hubodometer with a non-resettable odometer; and
 - (B) Emergency Mileage. For backup vehicles used in emergency operations due to ~~a declared~~ an emergency event, the fleet owner must report the number of miles travelled in support of the emergency if the vehicle would exceed the backup vehicle mileage limit.

(f) ZEV Unavailability Supporting Documentation Reporting. Fleet owners that purchase an ICEV pursuant to the ZEV Unavailability exemption of section 2013.1(c) must submit in the annual report submitted each April 1 ~~to the Executive Officer~~ the purchase agreement and clear and legible digital or print photographs of:

- (1) DMV Vehicle Registration Card or Registration Renewal notice
- (2) VIN/GVWR label (typically located on the driver side door or door jamb)
- (3) License plate with side of the vehicle visible
- (4) Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
- (5) Entire right side of the vehicle with doors closed showing the vehicle's body configuration.

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(g) Requirement For Signature. All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.3 State and Local Government Fleet Recordkeeping

Fleet owners must keep and provide the following forms of documentation upon request or make them available to CARB staff within 10 business days ~~72 hours~~ of a written request:

(a) Entity and Vehicle Documentation. The following records are required to be kept and provided upon request for vehicles in the California fleet:

(1) Records of all vehicle information reported per section 2013.2

(2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles

(3) For all vehicles that have been removed from the California fleet, keep and provide the following:

(A) If the vehicle is sold out-of-state, a transfer of liability form filed with DMV, including the date of sale and mileage reading at the time of sale

(B) If the vehicle is transferred out-of-state, but not sold, a copy of the out-of-state registration

(C) If the vehicle is registered with DMV as non-revivable junked or dismantled, a copy of the registration demonstrating it was filed as such with DMV; and

(D) If the vehicle is sold or consigned to an auction house, a copy of the contract and the transfer of liability form filed with DMV, if applicable.

(4) Emergency Operation Dispatch Documentation. Fleet owners with backup vehicles that that exceed the annual mileage limit because they were used to perform emergency operations must keep and provide records to document dispatch by a local, state, or federal emergency management entity. Additionally, fleet owners must keep and provide records of any contracts with a company or agency that was dispatched by a government agency to support emergency operations.

~~(b) Operator Documentation. Fleet owners must keep and provide documentation that identifies the entity that is responsible to pay the driver who is not a public agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo.~~ (b)(c) Backup Vehicle Documentation. For any fleet owner utilizing the backup vehicle exemption in section 2013.1(a), the fleet owner must keep and provide their own maintenance records and third party records of the vehicle miles traveled, such as those provided in smoke opacity test results, Biennial Inspection of Terminals inspection records, fuel tax records, or third party maintenance records. Additionally, fleet owners utilizing the backup vehicle exemption must keep and provide the following if applicable:

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(1) Emergency Mileage Documentation. Fleet owners of backup vehicles used in emergency operations in support of ~~a-declared~~ an emergency event must keep and provide records to document vehicle mileage accrued in support of an emergency event.

(2) Non-Operation Certificate Documentation. Fleet owners of backup vehicles that are not drive for the entire compliance year must keep and provide copies of either a planned non-operation certificate or a certificate of non-operation has been filed with the DMV.

~~(c)~~(d) Infrastructure Delay Documentation. Fleet owners that utilize the Infrastructure Delay Exemption must keep and provide copies of all documents, letters, contracts, and purchase agreements used to support their request for the exemption.

~~(d)~~(e) ZEV Unavailability Documentation. Fleet owners utilizing the ZEV Unavailability exemption must keep and provide documentation, purchase records, and other records used to qualify for the extension, records and photographs of the ICEVs purchased pursuant to the exemption, and any documentation to support adding or removing vehicles from the CARB list.

~~(e)~~(f) Documentation for ~~Mutual Aid Assistance~~ Emergency Response. Fleet owners that utilize the ~~Mutual Aid Assistance~~ Emergency Response provision must keep and provide copies of all documents, mutual aid agreements, publicly issued bids and requests for information, and letters used to support their request for the exemption.

~~(f)~~(g) Hiring Entity Documentation. Hiring entities that are subject to the regulation per section 2013(i) must keep and provide documentation, records, dispatch records, contracts, certificates of compliance, and other records used to verify that hired fleets are compliant with CARB regulations.

~~(g)~~(h) Retention of Records. Electronic or paper records ~~Records~~ of reported information required in reporting section 2013.2 and documentation required in record keeping section 2013.3 must be kept by the fleet owner and made available to CARB staff for audit for a period of eight years from the date the information is used to demonstrate compliance.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.4 State and Local Government Fleet Enforcement

(a) Audit of Records. Within ~~72 hours~~ ten business days of a written request by CARB, a fleet owner must make all records required to be kept per sections 2013 through 2013.4 available to the Executive Officer for audit to verify compliance and the accuracy of the reported information.

(b) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.

(c) Penalties. Any person who fails to comply with the performance requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document

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filed, maintained, or used for the purposes of compliance with this regulation may be subject to ~~civil or criminal penalties~~ enforcement.

(d) Right of Entry. An agent or employee of CARB, upon presentation of proper credentials, has the right to enter, after providing ten business days' notice to the fleet owner, any motor carrier, broker, or hiring entity facility (with any necessary safety clearances) where vehicles are located or vehicle records, including hiring and brokering records, are kept to verify compliance.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5, 43212 Health and Safety Code.

Appendix B: Opt-In Milestone Path and Conforming Requirements for Public Fleets

[Opt-In Provision]

Section 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.

[...]

(n) A fleet owner that is a public agency must comply with the requirements of this section 2013 unless it voluntarily elects to comply with the alternative compliance requirements of section 2013.X. A public agency fleet owner may make such election by written notice signed by the responsible official and delivered to the Executive Officer within 180 days of the effective date of this regulation.

[Compliance Requirements]

Section 2013.X Opt-In Milestone Path Requirements.

Fleet owners that opt-in to this path have the flexibility to manage their fleet while meeting the milestone requirements. By using this option, fleet owners must acknowledge that they are knowingly and voluntarily waiving the advantages of the provisions of Health and Safety Code 43021(a) that would otherwise apply to any commercial motor vehicles as defined in CVC section 34601 in their California fleet prior to the first compliance date or added to the fleets on or after the first compliance date. Fleet owners choosing to use this path must comply with the following:

(a) ZEV Fleet Milestones. Beginning January 1, 2025 and each year afterwards by January 1, fleet owners must continuously meet or exceed the ZEV milestone for the California fleet as calculated in 2013.XX based on the milestone percentage requirements set forth below in Table A. At minimum, ZEV milestone percentages must be maintained each year until the next compliance milestone; for example, Milestone Group 1 vehicles should be calculated as at least 10% of the California fleet each year for 2025, 2026, and 2027.

Table A: ZEV Fleet Milestones by Milestone Group and Year

<u>Percentage of vehicles that must be ZEVs</u>	<u>10%</u>	<u>25%</u>	<u>50%</u>	<u>75%</u>	<u>100%</u>
<u>Milestone Group 1: Box trucks, vans, buses with two axles, yard tractors, light-duty package delivery vehicles</u>	<u>2025</u>	<u>2028</u>	<u>2031</u>	<u>2033</u>	<u>2035 and beyond</u>
<u>Milestone Group 2: Work trucks, day cab tractors, buses with three axles</u>	<u>2027</u>	<u>2030</u>	<u>2033</u>	<u>2036</u>	<u>2039 and beyond</u>

Appendix B: Opt-In Milestone Path and Conforming Requirements for Public Fleets

<u>Milestone Group 3: Sleeper cab tractors and specialty vehicles</u>	<u>2030</u>	<u>2033</u>	<u>2036</u>	<u>2039</u>	<u>2042 and beyond</u>
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(b) ZEV Milestone Calculation. The annual ZEV milestone is calculated by counting the vehicles in the California fleet for each of the three Milestone Groups listed in Table A, then multiplying the number of vehicles in each Milestone Group by the ZEV percentage requirement for that year as shown in the calculation below. If the sum of the ZEV milestones is not a whole number, the value must be rounded using standard rounding convention. Designated backup vehicles may be excluded from the vehicle count for each milestone group.

([Milestone Group 1 Vehicle Count] x [Milestone Group 1 Percentage Requirement] + ([Milestone Group 2 Vehicle Count] x [Milestone Group 2 Percentage Requirement])+ ([Milestone Group 3 Vehicle Count] x [Milestone Group 3 Percentage Requirement]) = ZEV Milestone

The following example shows how the ZEV milestone is calculated for the 2031 compliance year for a fleet owner that has 100 Milestone Group 1 vehicles and 50 Milestone Group 2 vehicles and 2 backup vehicles that are excluded from the calculation:

Milestone Group 1: 100 vehicles x 50% = 50 ZEVs

Milestone Group 2: 50 vehicles x 25% = 12.5 ZEVs

Total ZEV Milestone= 62.5 (rounds up to 63 ZEVs)

(c) Any ZEVs Count for Compliance. Any ZEV from any Milestone Group may be used to count toward the fleet's ZEV Milestone requirement. For example, a fleet with box trucks and day cab tractors can meet the initial ZEV fleet milestone with ZEV tractors instead of ZEV box trucks to meet the ZEV Milestone requirements for the fleet.

[Other Conforming Changes]

Section 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.

[...]

(1) Backup Vehicle Exemption. Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2013 (d) or the ZEV milestone requirements of section 2013.X if it is designated as a backup vehicle as specified in section 2013.1(a) and may exclude mileage accrued when the vehicle is operated in support a declared emergency event as specified in section 2013 (a)(2).

(2) Daily Mileage Exemption. Fleet owners may purchase an ICEV and exclude it from the ZEV milestone requirements of section 2013.X if the fleet owner can demonstrate that all the remaining ICEVs in the fleet that are not already using an exemption or extension cannot be replaced by a new ZEV while meeting the daily mileage needs of any existing vehicle in the fleet if the criteria specified in section 2013.xx are met.

Appendix B: Opt-In Milestone Path and Conforming Requirements for Public Fleets

~~(3)(2)~~ Infrastructure Construction Delay Extension. Fleet owners are excused from taking immediate delivery or ordered ZEVs by up to one year and may exclude such ZEVs from the fleet owner's count of added vehicles during the extension period, if applicable when determining compliance with section 2013(d) or section 2013.X if the criteria described in section 2013.1(b) are met.

(4) Vehicle Delivery Delay Extension. Fleet owners may count a vehicle to be replaced as a ZEV when determining compliance with the ZEV milestone requirements of section 2013.X if a ZEV is ordered one year in advance of the upcoming compliance date for the fleet and the newly purchased ZEV is not received timely for reasons beyond the fleet owner's control and the criteria of section 2013.xx are met.

~~(5)(3)~~ ZEV Unavailability. Fleet owners may purchase an ICEV and exclude it from the ZEV addition requirements of section 2013(d) or the ZEV milestone requirements of section 2013.X if [...].

~~(6)(4) Mutual Aid Assistance~~ Emergency Response. Fleet owners may purchase an ICEV and be exempt exclude it from the ZEV addition requirement of section 2013(d) or the ZEV milestone requirements of section 2013.X for a portion of the fleet if the vehicles are needed to provide emergency response services and [...].

[...]

Section 2013.1 State and Local Government Fleet Exemptions

(a) Backup Vehicle Exemption. Backup vehicles as defined in section 2013(b)(2) may be excluded when determining compliance with the ZEV addition requirements of sections 2013(d) or ZEV milestone requirements of section 2013.X. [...]

(b) Daily Mileage Exemption. A fleet owner complying with the ZEV milestone requirements of section 2013.X may apply for an exemption to replace an existing vehicle with another ICEV if all the ZEVs that are commercially available to meet the primary intended function cannot meet the daily mileage or daily hours of service needs of any existing ICEV in the California fleet. The Executive Officer will grant the exemption to replace the existing vehicle with an ICEV if they determine that the conditions of this section have been met. In making the determination, the Executive Officer will rely on the information submitted below.

(1) No new NZEVs of the same configuration are available to purchase, shown by completing the steps for NZEV unavailability as specified in section 2013.xx

(2) The fleet owner submits documentation demonstrating how all commercially available ZEVs that meet the needed chassis and technical specifications are not able to meet the operational daily mileage needs of any remaining ICEV in the California fleet. The daily mileage report must include data for each truck operated in the fleet for at least 30 consecutive work days and show that for at least 3 days all commercially available ZEVs with the same primary intended function cannot meet the needs of any of the ICEVs in the fleet. Fleet owners may also submit documentation from the ZEV manufacturer or data collected from ZEVs in actual service in the fleet to substantiate the claim

Appendix B: Opt-In Milestone Path and Conforming Requirements for Public Fleets

(3) The fleet owner submits the daily mileage report used to make the demonstration for each vehicle of the same configuration as the vehicle to be replaced in the existing California fleet. The mileage report must include daily vehicle mileage traveled for a period of at least 30 consecutive days from within the last 12 months using telemetry data or other daily tracking method

(4) Fleet owners can optionally submit measured vehicle energy use data to substantiate their exemption request from similar ZEVs already operated on daily assignments in the fleet's service. Optional information must include vehicle loading and weight data, route grades, and ambient temperatures to show typical energy usage over one month or more of regular service; and

(5) Submit a description of the daily assignments or routes used by existing vehicle types with an explanation of why available ZEVs cannot be charged or fueled along the route, or during the work day where ZEV fueling is available, or ZEV fueling would be installed by the fleet owner. The explanation must include a description of why charging or fueling could not be managed during driver rest periods or breaks during the work day.

[...]

(d) Vehicle Delivery Delay Extension. Fleet owners complying with the ZEV milestone requirements of section 2013.X may claim an extension if the California fleet is in compliance and ZEVs or NZEVs ordered at least one year prior to the next compliance date are not delivered to the ultimate purchaser in California in time to remain in compliance due to delays in vehicle delivery. The fleet owner will be granted an extension if the following conditions are met:

(1) Purchase Agreement Requirements. Fleet owners must submit a purchase agreement showing that a ZEVs or NZEV was ordered one year ahead of the relevant compliance deadline. The purchase agreement must meet the following criteria:

(A) It is a written and legally binding contract signed at least one year before the upcoming fleet milestone or vehicle compliance date for the vehicle being replaced. The extension cannot be claimed if the purchase agreement is modified by the fleet owner within one year of the compliance deadline. Letters of intent or other agreements that are not binding or are contingent upon other decisions that remain unresolved within one year of the upcoming deadline are not sufficient to qualify for the extension; and

(B) The purchase agreement must identify that a specific ZEV or NZEV or powertrain was purchased, the date of the purchase, and that the purchase is for immediate delivery to the ultimate purchaser in California

(2) Manufacturer Cancellation. If a manufacturer cancels a purchase agreement used to qualify for the extension for reasons beyond the control of the fleet owner, the fleet owner must immediately seek to secure another purchase agreement to maintain the provision.

(3) Fleet Owner Cancellation. If a fleet owner cancels a purchase agreement used to qualify for the extension, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.

[...]

Appendix B: Opt-In Milestone Path and Conforming Requirements for Public Fleets

(c) ZEV Unavailability Exemption. Fleet owners may be exempt from the ZEV purchase requirements [or ZEV milestone requirements of section 2013.X](#) if a vehicle configuration is not commercially available with a ZEV or NZEV powertrain at the time the ~~ICEV is purchased~~ [vehicle bid is awarded](#). [...]

[...]

Section 2013.3 State and Local Government Fleet Recordkeeping

[...]

[\(c\) Daily Mileage Exemption Documentation. Fleet owners that utilize the Daily Mileage Exemption must keep and provide copies of all documents, data, letters, and analysis used to support their request for the exemption.](#)

[...]

[\(f\) Vehicle Delivery Delay Documentation. Fleet owners that utilize the Vehicle Delivery Delay extension must keep and provide copies of the purchase agreement used to qualify for the extension, and any records or documentation of order cancellations by the manufacturer outside the control of the fleet owner.](#)