



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

May 21, 2020

Mr. Richard Corey
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Proposed Amendments to the Proposed Advanced Clean Trucks Regulation

Dear Mr. Corey,

On behalf of the Rural County Representatives of California (RCRC), I write to offer our comments on the California Air Resources Board (CARB) Proposed Amendments to the Proposed Advanced Clean Trucks (ACT) Regulations, including the Proposed Regulation Order and related Attachments. RCRC is an association of thirty-seven rural California counties, and its Board of Directors is comprised of an elected county supervisor from each of our member counties.

RCRC understands that CARB has requested comments be limited to the modifications to the Proposed Regulation Order identified in the Notice of Public Availability. However, we believe there are a number of more global questions surrounding the timing and need for the rulemaking itself, particularly in rural communities and in the wake of the coronavirus (COVID-19) outbreak, that must be addressed before this regulation moves forward. With that, we offer the following comments:

The Proposed ACT Regulation forces technology where it is neither feasible nor necessary

RCRC member counties historically are considered among the more compliant areas in the state for meeting air quality standards. In fact, 29 of RCRC's 37 member counties do not have a single disadvantaged community according to CalEnviroScreen because of their attainment status, even though many of the communities within those areas are among the most socioeconomically disadvantaged in the state. Currently, truck operators in rural communities often purchase used, compliant diesel, or natural gas vehicles as a lower cost option to address their fleet needs while meeting CARB's emission requirements. The vehicle sales requirements in the Proposed Regulation

Order will eliminate the pool of used, compliant vehicles for rural fleet owners and potentially leave non-compliant vehicles in operation longer.

Furthermore, unlike urban communities, rural residents are often spread out from one another, and the rural landscape is not conducive to using zero emission vehicles (ZEVs) in many light-medium to heavy duty applications, such as residential and commercial solid waste pick up. Rural communities also lack charging infrastructure for ZEVs and local governments do not have the resources to install such infrastructure without a significant investment from the state. Without such an investment, the requirements in this regulation represent an unfunded mandate on local governments, something that is not considered in the Costs and Benefit Analysis.

We recommend that smaller municipal jurisdictions be exempted from the reporting requirement altogether. CARB would be better served by focusing on the most populous, urbanized counties and should exempt rural counties. The fifteen most populated counties (over 750,000 persons), for example, represent nearly 83 percent of the state's population and have the state's worst air quality from mobile sources. Those areas should remain the focus of this rulemaking until technologies under scrutiny become more widely implementable and the state can invest in the appropriate infrastructure.

The Costs and Benefits Analysis must be revised to consider COVID-19 recovery

Municipalities are struggling to evaluate what their budgets and staffing will look like in the coming year due to the worldwide COVID-19 pandemic. Rural counties have been hit particularly hard by shelter-in-place mandates due to their economic dependence on tourism and recreation. In many areas, small rural counties are facing budget deficits in the millions, are short-staffed, and are having to make hard decisions regarding not only current regulatory mandates, but other unfunded mandates under development by the state including Short-Lived Climate Pollutant Organics regulations being finalized by the California Department of Resources Recycling and Recovery.

While we understand CARB is under direction of the Administration to advance zero emission vehicle usage in the commercial vehicle sector, even the reporting requirements in the Proposed Regulation Order will place an undue burden on local agencies in this uncertain economic time, particularly on small, rural local governments that already run on small staffs and small margin budgets. Freeing up staff time to undertake such a time-intensive endeavor is simply not a feasible endeavor for most rural counties who are prioritizing public health, safety, and economic recovery from COVID-19 and may not be for many months or even years, particularly since most of these counties are in attainment for mobile source pollutants. We request that this rulemaking be delayed until the cost impacts of COVID-19 on regulated entities can be fully evaluated.

The Proposed Regulation Order must contain considerations for public safety power shut-offs

Many rural communities, particularly in RCRC member counties, are in the wildland urban interface (WUI) and are located in high fire hazard severity zones. In fact, RCRC member counties contain the majority of California's forested lands, including more than 70 percent of the state's national forest system lands. These areas are more prone to wildfires due to a combination of climate change and vegetation management practices on public lands that have not met the appropriate pace and scale needed to maintain the resiliency and health of California's forested and heavily vegetated lands.

In the wake of the devastating fires of 2017 and 2018, including the Thomas Fire, the Tubbs Fire, and the Camp Fire, investor-owned utilities (IOUs) have begun using public safety power shut-offs (PSPS) events as a means of preventing wildfire ignitions while largely delaying increased investments in hardening their infrastructure. In 2019, PSPS events lasted multiple days in various parts of the state, with IOUs unable to provide certainty as to when power would be shut off in advance or when it would be restored once shut off. One such multi-day event even occurred concurrently with the catastrophic Kincaid Fire in Sonoma County, which exponentially complicated fire and emergency response issues. While RCRC is working diligently with the California Public Utilities Commission and meeting with IOUs to try to ensure a greater level of communication between IOUs and local governments during PSPS events, de-energization to prevent wildfires is an activity that will certainly not be going away in the near future.

Any potential requirements for ZEV vehicle use in the WUI must consider the possibility of several multiple-day PSPS events each year throughout California, potentially during catastrophic wildfire events. The inability to charge municipal vehicles for several consecutive days would incapacitate local emergency response, water supply operations, waste and debris removal, and other vital services that local governments need to provide during these urgent situations. RCRC mentioned the need to consider PSPS events in our verbal comments at the February 20, 2020 public workshop, and we are disappointed that staff still has not provided analysis or consideration for these events in the Proposed Regulation Order or in any of the Attachments.

Outreach to rural governmental agencies has been inadequate

Despite RCRC requests, there still has been very little outreach to rural local governments regarding the potential impacts of the proposed regulation, especially considering the scale that urban local governments have engaged in the rulemaking. We are certain that the Proposed Regulation Order could be vastly improved with an open dialog between rural municipalities and CARB staff and would be happy to facilitate a discussion between heavily impacted jurisdictions such as solid waste operations.

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Please do not hesitate to contact me at sheaton@rcrcnet.org if you would like to discuss our comments further.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", with a large, sweeping flourish at the end.

STACI HEATON
Senior Regulatory Affairs Advocate

cc: Members of the RCRC Board of Directors