

October 17, 2022

Mr. Craig Segall
Deputy Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Dear Mr. Segall:

Subject: Los Angeles Department of Water and Power Comments on the
Advanced Clean Fleets Regulation Public Fleet Requirements

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the Advanced Clean Fleets (ACF) State and Local Government Agency Fleet Requirements.

LADWP is the nation's largest municipal utility serving more than 4 million residents of Los Angeles, its businesses, and visitors. As a Provider of Essential Public Service, LADWP's priority is to provide safe and reliable water and power services. LADWP's responsibilities include operating and maintaining multiple water distribution facilities at various locations, within the City of Los Angeles and Owens Valley, as well as, a power generation, transmission, and distribution system that spans five Western states. LADWP appreciates the flexibility and exemptions that CARB has incorporated thus far in the ACF regulation. To strengthen and ensure effective implementation of the rule, LADWP strongly recommends that CARB include a formal definition and well-defined criteria for commercial availability that extends beyond market availability and accounts for vehicle reliability.

LADWP, along with many others, has proposed criteria for commercial availability in previous comments, and LADWP urges CARB to further develop and incorporate these ideas. Without clear standards and specifications, there is no guarantee that zero-emissions vehicles (ZEVs) being sold will be reliable or capable of meeting the needs of public fleets. LADWP recommends the following criteria for commercial availability:

- A particular vehicle type is available for purchase from at least three manufacturers that have at least two years of experience selling vehicles in California;

- A minimum of 25 vehicles of each model have been placed in service;
- The vendor or manufacturer is able to fulfill purchase orders in a timely manner;
- The vendor is able to provide vehicle maintenance support within 75 miles of the delivery point and guarantee continuous availability of parts.

These criteria are based on existing language in LADWP's vehicle contracts. An excerpt from LADWP's Invitation to Bid states:

The LADWP will only consider equipment from those bidders who provide verifiable documentation that for the previous 2 years the bid chassis and service body manufacturers have:

- a. Sold the bid chassis and service body in California, and*
- b. Have an established retail OEM parts outlet and warranty repair facility, supporting the bid chassis and service body, located within 100 miles of Los Angeles City Hall.*

This language was implemented many years ago to reduce the risk of receiving an unproven product. Additionally, these criteria help ensure a wider selection of reliable vehicles that can be purchased at competitive prices and maintained throughout the vehicle's useful life.

While CARB has not provided a formal definition of commercial availability, LADWP suggests revisiting the examples provided in the Initial Statement of Reasons (ISOR). Page 70 of the ISOR states "there are 148 models in North America where manufacturers are accepting orders or pre-orders," and illustrates these in Figure 43: "Number of Commercially Available ZEVs". It is concerning to consider vehicles available for pre-orders as commercially available ZEVs because delivery is not guaranteed. In addition, pre-orders could take several years to fulfill and the specifications or the price of the vehicle may change. Because of the unpredictable and impermanent nature of a pre-order, there is always a risk of failure to deliver, which could cause operational and compliance issues for LADWP and other fleet owners/operators.

Also, on page 70, the following paragraph states "there are currently 6 van models and 3 pickup trucks in Class 2b-3 that are commercially available, in which they are available to order or have had at least one model delivered to a customer." It appears that CARB intends to consider a manufacturer's ability to deliver a single model to a customer as a criterion for commercial availability. LADWP highly suggests that CARB reconsider this assumption. It is important to note that the manufacturer must be able to demonstrate the ability to fulfill multiple high-quantity ZEV orders to assure the customers they can reliably and adequately replace their existing vehicles with ZEVs. There should be a more robust definition or set of criteria to ensure that vehicles are available to be ordered in sufficient quantities when fleets need them.

As a public utility, LADWP deploys specialty vehicles with unique specifications and duty cycles. CARB needs to consider developing a case-by-case exemption process to provide fleets with an alternative in cases where a commercially available ZEV could not be used for a specific application. LADWP offers the following recommendations for criteria in granting a case-by-case exemption, but should not be limited to:

- The weight or dimensions of the ZEV is infeasible;
- The vehicle range, towing capacity, or auxiliary functions, is insufficient;
- The ZEV does not meet the required duty cycle;
- A public agency does not receive responsive bids from at least three manufacturers;
- The delivery time for the ZEV would exceed that of an ICEV by six months or more;
- Charging infrastructure is not commercially available within a reasonable number of miles from the locations where vehicles operate;
- Replacement of one specialty ICEV would require more than one ZEV (no direct drop-in replacement option).

These recommendations are intended to ensure that specialty vehicles needed to maintain, repair, and operate the power and water systems are available. These vehicles need to be available 24/7 to respond to emergencies such as wildfires, extreme weather events, and natural disasters both in the Los Angeles basin, as well as in remote areas, along the Los Angeles Aqueduct or transmission lines. ZEVs need to be capable of performing the same critical functions as the vehicles they are replacing.

LADWP is committed to electrifying its fleet and continues to evaluate ZEVs for effectiveness and reliability as they become available for order. Recently, LADWP received eight Ford Mach-Es and one out of an order of 99 Ford F-150 Lightnings. LADWP has also placed an order of at least 18 medium-duty ZEVs, which includes a variety of truck chassis. A majority of medium- and heavy-duty specialty ZEVs have yet to prove if they will be reliable or capable of meeting LADWP's operational needs. Although orders have been placed, it is still uncertain when the orders will be fulfilled and the vehicles delivered.

As a public entity, LADWP prioritizes compliance with all federal, state and local regulations. However, the current regulation language makes it challenging for LADWP to update its fleet and ensure the dependability and efficiency of ZEVs for LADWP's specialized functions. LADWP encourages CARB to continue working with stakeholders to further refine the language and to successfully implement the ACF regulation. Additional comments and details are provided in LADWP's previous comment letters that were submitted on October 29, 2021 and August 10, 2022. LADWP appreciates CARB's collaboration with the stakeholders and consideration of the feedback provided.

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If you have any questions regarding these comments, please contact Ms. Andrea Villarin of my staff at (213) 367-0409.

Sincerely,

Katherine Rubin
Director of Environmental Affairs

EC:
Submitted electronically to the "acf2022" docket
c: Mr. Tony Brasil, CARB
Ms. Andrea Villarin, LADWP