



April 7, 2023

SUBMITTED ELECTRONICALLY

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

Re: Comments on the Proposed Advanced Clean Fleets Regulation (15 Day Comment)

To the members of the California Air Resources Board:

The California Alliance for Jobs (Alliance) and Rebuild SoCal Partnership (Rebuild) appreciates the opportunity to comment on the proposed regulatory package for the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) rule.

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

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

After reviewing the proposed ACF, we are concerned that the proposal will not only have significant negative impacts to our members whose businesses utilize the medium- and heavy-duty trucking fleets the ACF directly regulates but will also have far reaching detrimental impacts on the state's critically important infrastructure and goods movement systems. For the reasons

outlined below, the Alliance and Partnership believe the proposed ACF must be subjected to further scrutiny, additional policy discussions with stakeholders should be carried out, and major modifications to the proposed regulation should be completed in order to have a final rule that takes into account real world challenges including the current global supply chain issue confronting manufacturers of electric vehicles, an electric grid and infrastructure that has yet to be built to meet the anticipated demands created by the proposed rule, and the funding challenges that will be imposed on both private and public sector entities in the process of achieving ACF mandates.

We find it hard to believe that moving forward in such a rigid way as proposed by CARB staff that is not based on real-world conditions and fails to take into full consideration the technological and resource challenges, will have devastating consequences to the California economy. We urge the Board to vote down the proposed ACF regulation at the Air Resources Board's April 27th hearing and continue to work with stakeholders in developing a regulation that will both meet California's climate goals and further provide achievable mandates to those entities subject to the regulation.

Specific concerns the Alliance and the Partnership have with the proposed ACF includes the following:

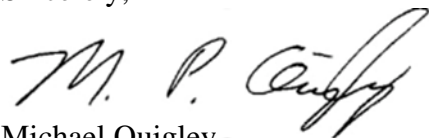
- **Unreasonable Assumptions:** The proposed regulation and recent modifications to the rule have continued to assume manufactures and suppliers will engage / work in a timely manner to provide reasonable documentation to fleet owners / operators and public entities when submitting requests for various extensions / exemptions. However, the proposed regulation or recent modifications fail to provide any mandates or incentives for manufacturers / suppliers to comply / work with entities subject to ACF. As a result, its unclear if manufacturers / suppliers will work with the abovementioned entities to provide the necessary documentation to allow for extensions / exemptions to be submitted to CARB within the mandated deadlines identified in ACF.
- **Unbalanced Rule Extensions:** Specifically, in regard to the ZEV Infrastructure Delay Extension. The proposed rule fails to account for the unique working environment of the construction industry. As proposed, the Infrastructure Delay Extension's "one-size-fits-all" approach will ultimately cause significant delays on infrastructure project sites, increase project costs, and / or place many companies in non-compliance as construction sites are temporary by default. For example, to build vehicle charging infrastructure that will only remain useful for the duration of a construction project is costly, inefficient, and will raise project costs which, in turn, will impose cost pressures on public entities. Additionally, the proposed ACF fails to account for the movement of fleets between / to existing and new construction sites as it remains unclear if technological advances will allow vehicle fleets to fully operate on sites for the extension of the workday. As a result, as mentioned, the propose ACF will lead many companies to delay projects as vehicle charging infrastructure will need to be built for temporary construction sites or companies may be forced to operate in non-compliance as the available ZEV construction vehicles may not be able to carry out similar functions for the duration of the workday.

- **Insufficient Vehicle Availability:** Our members are experiencing first-hand the lack of vehicles available for procurement that would even come close to the proposed ZEV development trajectory proposed by Board staff. The myriad amount of configurations, sizes, specialty vehicles for medium- and heavy-duty ZEVs will not be available to meet the necessary operations for their fleets' in the timelines required within this package. Based on our member's experiences alone, we strongly recommend that the Board reconsider the proposed definition of "commercially available" if the ACF rule has any chance of proper and effective implementation. Furthermore, in addition to the lack of ZEV availability, the proposed ACF fails to consider / provide direction relative to private and public entities having to operate dual fleets (ICE / ZEV) throughout the process of transitioning to 100 percent ZEVs. With the lack of available ZEV vehicles and unpredictability in ZEV technology coupled with the challenges of constructing / operating dual fueling systems, private and public entities will experience significant planning and funding challenges in their attempt to achieve ACF mandates.
- **Unavailable Alternative Fuel Capacity:** The proposed ACF ISOR does not adequately address the overwhelming challenges facing the State in making sure there is an electrical grid adequate to support the demands that will be created by the proposed ACF. Rather, the silent assumption is that alternative fuel resources will be sufficient and available for the ZEV transition. Never mind the fact that a significant number of the necessary ZEV construction vehicles have not been designed / manufactured (see above), thus unable to accurately gauge the impacts / demands on the State's electrical grid. We believe it is critical that the proposed rule be modified in a manner that links the real-world issue of electrical grid readiness to whatever regulatory requirements are approved as part of the ACF.

As stated previously, the Alliance and Partnership believe that additional time is needed to adequately discuss and address the issues we have raised as well as issues raised by other stakeholders that share similar concerns. **To that end, we urge the Board to vote down the proposed ACF regulation at the Air Resources Board's April 27th hearing** to ensure additional public discussion on the proposed ACF with the hope that the final product will be able to align the many competing demands across California's transportation, energy, and goods movement systems.

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

Sincerely,



Michael Quigley -
Executive Director
California Alliance for Jobs



Jon Switalski
Executive Director
Rebuild SoCal Partnership