

September 18, 2018

Mary D. Nichols, Chair

California Air Resource Board

1001 I Street

Sacramento, CA 95814

RE: Proposed Innovative Clean Transit Rule

Dear Chair Nichols:

On behalf of the California Association for Coordinated Transportation (CALACT), I want to express our appreciation for the extensive time and attention California Air Resources Board staff spent in working with CalACT members on the development of the proposed Innovative Clean Transit Rule. CALACT supports the goal of transitioning to zero emission fleets and the proposed rule recognizes the unique obstacles small transit operators face in achieving this goal. However, there remain areas where CALACT urges further refinement with respect to the small operator definition, funding for compliance and infrastructure.

The California Association for Coordinated Transportation (CALACT) is a statewide association with over 330 member agencies. CALACT is a non-profit organization that has represented the interests of small, rural, and specialized transportation providers since 1984. Our membership is comprised of individuals and agencies from diverse facets of transportation, including operators of small and large systems, planning and government agencies, social service agencies, suppliers and consultants.

The following outlines areas where CALACT believes are critical to developing a rule that will enable small operators to achieve the goal while maintaining safety net service.

* *CALACT urges the Board to reconsider the definition of a “small operator” and use a definition that transit operators are familiar with, and is currently used in federal and state programs.* The current federal and state definition specifies a small operator as having less than 100 buses during peak operations or deployment. The definition as proposed in this regulation inevitably includes vehicles with marginal to no usage. Many vehicles in a fleet reported in the National Transit Database (NTD) may not be regularly used: some may only be used during emergencies or during fleet maintenance, may be retired, or may be vehicles that have met their useful life. The definition in the current ICT regulation relies on NTD data that includes the aforementioned vehicles not normally used in operations. This inconsistency may force agencies, who are defined as small operators in terms of federal and state funding and regulatory compliance, to be subject to the same implementation deadlines as operators with much more solid and substantial funding and resources. As such, historically small operators would face a much more onerous and inequitable implementation deadline which may have unintended consequences on operators and services within an agency.
* *CALACT strongly supports the delayed compliance for small operators with adopting the rollout plans and purchase mandates.* CalACT’s members are predominantly small operators and additional time will be needed to secure funding for developing and adopting the rollout plans. In some cases operators will need to locate, purchase and build new storage facilities because of inadequate space, or the operators currently rents space from another public entity. The additional time needed to develop the rollout plans support the need for the later purchase mandate timeline. The later purchase mandate should also benefit small operators to take advantage of lower vehicle prices as demand increases and supply chains mature.
* *CALACT also supports the proposed definition of a cutaway bus.* These vehicles are the workhorse of small transit systems due to their lower capital and operating costs. These vehicles are produced in a wide variety of sizes, and the proposed definition specifying vehicles weight of 14,000 pounds to 26,000 pounds is appropriate. In addition, the rule recognizes that a commercially available zero emission cutaway bus is currently not available.
* *Given the significant fiscal constraints this rule will place on small and large operators, the Hybrid and Zero Emission Truck & Bus Voucher (HVIP) funds must be available for compliance with the rule, not just an incentive program.* In addition, the HVIP is an equitable and efficient process for offsetting the cost of a zero emission bus. However, CARB must express its support for creating an infrastructure funding program. This program should also be available to small operators to finance the rollout plans. Without a secure source for infrastructure investments in fueling/charging facilities, maintenance facilities, and storage capacity, the ability to meet the goals of this rule is doubtful.

The proposed rule also includes several off-ramps for when technology constraints, manufacturing delays, or fiscal hardship warrant additional time for compliance. Without these off-ramps, and your favorable consideration of the changes proposed above, the ICT Rule would interfere with CalACT member’s ability to maintain service levels and provide critical safety net transportation options. Therefore, on behalf of CalACT thank you for your favorable consideration of these comments.

Sincerely,   
  
Jacklyn Montgomery  
Executive Director