



April 6, 2023

The Honorable Steven S. Cliff, Ph.D.  
Deputy Executive Officer  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**RE: Comments on the Draft Advanced Clean Fleets (ACF) Public Fleets Regulatory Language**

The League of California Cities, California State Association of Counties and the California Special Districts Association write to provide comments on the draft regulatory language (March 23 iteration) for public fleets as proposed by the California Air Resources Board's (CARB) staff. Collectively we represent thousands of local public agencies which will be deeply impacted by this proposed regulation.

While the latest iteration on the ACF regulation reflects some of the exemptions and extensions that we requested, we remain seriously concerned with the following items and must request further amendments accordingly:

**Timelines and Public Funding.** The proposed regulations continue to impose aggressive timelines for public fleets to comply and do not consider existing local agency budget constraints and funding methods for capital projects.

Many local governments budget every two years, and many have a five-year capital budget cycle that cannot be easily repurposed at the scale this proposed regulation would require. Mandating compliance to start January 1, 2024, is simply unattainable for a proposed regulation that would require significant and immediate investment and allocation from local agency budgets for the preconstruction, site preparation, and coordination with energy providers.

Electrifying service yards to support an electrified fleet is a much greater undertaking than a simple electricity panel upgrade or some quick trenching in the parking lot. Upgrading infrastructure, purchasing vehicles, training workforce, and complying with mandated reports is not something local agencies can easily comply with. Inflation and other cost increases have already stretched budgets to their limits.

The proposed regulation also ignores existing market realities and the time needed to develop and ramp up an infrastructural system that can support an electrified fleet of essential vehicles. If required to comply with the proposed regulation as drafted, the projected infrastructure and fleet costs will add substantial rate increases across multiple public works and utility service departments. There is no current funding for

these increased costs. It will take at least a year to put together a funding plan and then could take another year or more to place new taxes on the ballot or hold Proposition 218 protest proceedings. If voters reject such tax and fee increases, local agencies will be left with no resources to afford the immediate up-front costs necessary to comply with the regulation.

While savings may eventually manifest from retiring or repurposing assets oriented to internal combustion engines, they will have no effect on the upfront capital expenses. For these reasons, we believe that local governments need an extension of at least four years from regulation adoption and we strongly urge the State of California to develop a substantial grant program to support local governments in complying without imposing an undue burden upon their ratepayers and taxpayers already struggling to make ends meet at this time of high inflation.

**REQUESTED CHANGE: Delay this implementation by 4 years or until the State of California develops a substantial grant program for local governments.**

**Price Caps.** We request that CARB impose price caps to ensure that the market positively responds with vehicles at competitive rates. Local governments strive to be good stewards of the taxpayer's dollars, but without price caps, complying with the proposed regulations may force a purchase of a zero-emission vehicles (ZEV) that is put to market at an artificially inflated rate. With the inclusion of a percentage price cap, manufacturers will be unable to potentially manipulate the market with unwarranted unit costs and local governments can better protect taxpayer resources that are allocated to the compliance of this proposed regulation.

**REQUESTED CHANGE: Implement protection price caps.**

**Exemptions.** Local agency vehicles essential to the health and safety of residents should be fully exempt from the regulation. While some of these vehicles are captured under the current emergency vehicle exemption, it should be expanded.

In addition to emergency vehicles currently defined in the California Vehicle Code, the following local agency vehicles must be operable 24 hours per day, 365 days per week. Any interruption in their regular use could jeopardize the health and safety of the communities they serve. Given the most likely current or future ZEV options will depend upon a consistently accessible source of electricity, the risk of disruption whether due to an earthquake, public safety power shutoff, rolling brownout, wildfire, flood, or other natural disaster is too great to risk the operability of these vehicles and health and safety of Californians:

- Valve trucks, welding trucks, and other vehicles essential to the repair and maintenance of water, wastewater, and other utilities. These are particularly critical during and following the very events that could interrupt the ability of ZEVs to operate.
- Vehicles used by open space, regional park, and other agencies to spot wildfires, mitigate wildfires, rescue lost or injured hikers, and prevent poaching of animals.
- Vehicles used by mosquito abatement and vector control agencies to prevent and disrupt the proliferation and uncontrolled spread of dangerous known and unknown vectors.

In addition, we request a Small Agency/Department automatic exemption based on fiscal hardship. We also request you expand the existing delayed implementation for small vehicle fleets in non-designated (non-low population) counties to include agencies that purchase less than two vehicles in a calendar year. Otherwise, the current "rounding-up" rule would apply the regulation to 100% of vehicles purchased by agencies purchasing just one vehicle in the initial three-year implementation period even though that period is intended to only require 50% of vehicles comply. Agencies purchasing just one vehicle in a calendar year are the smallest agencies in the state that are least capable to comply with the reporting mandates and costs associated with the regulation. Moreover, in purchasing just one vehicle an agency has no means to mitigate the added cost of ZEV additions as an agency purchasing multiple vehicles can by strategically purchasing 50% ICE vehicles for the vehicle models that may be least affordable as ZEVs.

**REQUESTED CHANGE:**

- Expand full exemptions to the vehicles described above, including all public agency vehicles essential to public health and safety.
- Establish a fiscal hardship exemption for small agencies with limited revenues.
- Exclude agencies that purchase just one affected vehicle in a calendar year from the "rounding-up" rule.

**Inventories.** We request CARB provide a list of available manufacturers that have market-ready vehicles in the medium- to heavy- duty class sizes, 2B- 8. Availability of model/body types of multiple weight classes (and functions) are not confirmed by fleets, but rather by manufacturers informing CARB that models will be available.

**REQUESTED CHANGE: CARB shall provide an inventory availability list.**

Our organization's members provide vital government services which span across the state in urban, suburban, and rural areas. We are proud to highlight that our members are already pursuing environmentally sound and robust strategies to decarbonize their communities. However, this proposed regulatory language does not account for rising utility costs, and substantial mandates from multiple regulatory bodies, so we urge CARB to consider these impacts to ensure success for communities without further exacerbating the affordability issues facing our local agencies and the communities they serve.

Again, thank you for allowing us the opportunity to provide written responses to the proposed ACF Regulations.

Sincerely,



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Heidi Hannaman  
Legislative Representative



Mark Neuburger  
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