



November 20, 2018

Jack Kitowski, Division Chief, Mobile Source Control Division
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, CA 95812-2815

Via Electronic Submittal

Re: Support for Innovative Clean Transit Rule with Recommended Fix

Dear Mr. Kitowski:

While we are also submitting comments separately as part of our coalition, we would like to specifically comment here on the proposed language in the following section:

“§ 2023.4. Provisions for Exemption of a Zero-Emission Bus Purchase. (C) (2) When available zero-emission buses cannot meet a transit agency’s daily mileage needs.”

“A transit agency may submit a request for exemption from the zero-emission bus purchase requirements if no battery electric bus can meet the daily mileage needs of any similar bus type in the fleet.”

This language is too broad, does not sufficiently define the limits of its application and is not in keeping with the intent of this section of the rule. CARB’s survey of transit agencies two years ago showed that 56% of daily bus routes in the state had ranges of 150 miles or less. Today’s electric buses can easily meet the needs of these routes in addition to many longer routes on a single depot charge.

The intent of this potential exemption is to address the exceptional circumstance in which an agency may have some much longer daily route ranges not met by available electric bus ranges. Two key unstated assumptions are that (1) transit agencies will begin their transition to ZEBs on shorter routes first and hold off on longer routes until future years (timing counts) and (2) bus makers will continue their progress on making buses with longer ranges in the future.

There are several instances in which agencies could argue that they should be exempt from compliance that clearly would not be in keeping with the intent of this exemption. We are not saying that agencies would make such requests, but the rule language should clearly prevent such unwarranted requests. Examples of possible inappropriate requests would be if:

1. An agency chooses to begin its proposed implementation with its longest routes and requests an exemption when clearly it could begin its transition with many of its shorter routes with available buses.

2. An agency claims that all of its buses must meet the needs of its longest routes to allow maximum flexibility and therefore should be exempt.
3. If an agency has a combustion engine bus with e.g. a 400-mile range, that it should be exempt if an electric bus cannot match that range even if the route requirements are less than the maximum capacity of the combustion bus range.

We support the intent and spirit of this exemption which is that as agencies transition their fleets in a logical priority with shorter routes first and that if they get to their longest routes and electric buses cannot meet those needs, they may receive an exemption. But we want to make sure that this legitimate potential exemption is not inappropriately utilized.

We recommend that the language be modified to fix these issues to ensure that they are consistent with the intent of the proposal and that any exemptions granted would only apply to those buses needed to cover those specific excessively long routes.

Sincerely,

Kathryn Phillips, Director
Ray Pingle, Co-lead, CARB ZEB Rulemaking Project