



April 7, 2023 | Submitted electronically

Liane Randolph, Chair,
And Board Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on 15-Day Proposed Advanced Clean Fleets Language

Dear Chair Randolph:

The Southern California Public Power Authority,¹ Northern California Power Agency,² and California Municipal Utilities Association³ (Collectively, the “Joint Public Agencies”) appreciate the opportunity to provide comments on the March 23, 2023, 15-day regulatory package (“15-day Changes”) of the California Air Resources Board’s (CARB) Advanced Clean Fleets (ACF) rule (“proposed rule”). Our organizations collectively represent the majority of the state’s publicly owned electric utilities (POUs), as well as many of the state’s public water and wastewater agencies, each of which is governed by a board of local officials and is accountable to the community in which it serves. As such, these comments focus primarily on the State and Local Government Agency Fleet Requirements. As we’ve noted in previous filings, the objective of the Joint Public Agencies in providing comments on the proposed rule is to ensure that the regulation can be successfully implemented. The Joint Public Agencies are committed to supporting a Zero Emission Vehicle (ZEV)-First policy, wherein California’s public electric, water and wastewater agencies prioritize purchasing ZEVs.

As the Joint Public Agencies have noted from the very beginning of this rulemaking, in written comments and orally during workshops and meetings with CARB staff, the proposed rule, as drafted,

¹ The Southern California Public Power Authority (SCPPA) is a not-for-profit joint powers agency formed in 1980 to facilitate joint power and transmission projects for its local publicly owned electric utility members. SCPPA consists of eleven municipal utilities and one irrigation district – the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside, and Vernon, and the Imperial Irrigation District – who collectively serve nearly five million people throughout Southern California.

² The Northern California Power Agency (NCPA) is a nonprofit California joint powers agency established in 1968 to construct and operate renewable and low-emitting generating facilities and assist in meeting the wholesale energy needs of its 16 members: the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid Transit (BART), and Truckee Donner Public Utility District—collectively serving nearly 700,000 electric consumers in Central and Northern California.

³ The California Municipal Utilities Association is a statewide organization of local public agencies in California that provide electricity, water, and wastewater service to California consumers. CMUA membership includes publicly owned electric utilities that operate electric distribution and transmission systems that provide approximately 25 percent of the electric load in California and water and wastewater agencies that serve approximately 75 percent of California water customers.

will restrict many publicly owned utilities from maintaining the reliability of the electric grid and would restrict water and wastewater agencies from maintaining safe and reliable service in all circumstances. These concerns have been raised repeatedly and appeared to have been acknowledged by the Board during the October 27, 2022, Board hearing. Unfortunately, however, while we appreciate that the proposed 15-day Changes includes some incremental modifications, it falls short of addressing the deficiencies in the proposed rule. If adopted as proposed, the ACF rule for state and local government agency fleets may have the unintended consequence of jeopardizing the safe and reliable provision of essential utility services.

I. Introduction

The Joint Public Agencies recognize the groundbreaking nature of the proposed rule and appreciate that it is not possible to address every practical scenario or administrative detail within a single rulemaking. However, given the complexities and wide-reaching impacts of the ACF rule for Local Government Agency Fleets, as well as the emerging development of the electric vehicle (EV) market for specialty medium- and heavy-duty vehicles like those employed by public utilities, it is essential that CARB ensure that actions intended to advance the state's clean transportation goals do not have the unintended consequence of increasing risk to the state's electric grid, the provision of safe and reliable utility services, and even the state's overarching electrification goals.

In order to ensure that does not occur, the Joint Public Agencies ask that:

- The Board direct staff to make the following immediate changes to address outstanding critical issues in the regulation:
 - Remove the recently added restriction on vehicle retirement age arbitrarily set at 13th model year; and
 - Address the shortcomings, noted below, in the daily use exemption provisions;
- The Board open a subsequent ACF implementation rulemaking following adoption of the proposed rule.

II. Outstanding critical issues:

The Joint Public Agencies request that the Board direct staff to draft additional 15-day Changes to address these critical issues and additional edits to ensure the proposed rule is workable.

A. The 13th model year restriction must be removed.

1. The Provision is Unduly Restrictive and May Compromise Public Safety. Removing the overly restrictive 13th model year criterion newly added in Section 2013(n)(2)-(4), is necessary to preserve POU's and public water agencies' ability to deploy reliable and operational vehicles used to provide essential public services. Vehicle retirement schedules are determined through peer benchmarking, usage needs of the utility, responsible economic decisions on vehicle maintenance costs, and avoiding vehicle deterioration that could impair safe and timely system maintenance. This is particularly important for the most specialized working vehicles that public electric, water, and wastewater agencies use to

maintain their systems, which are likely to be the vehicles that are most difficult to transition to ZEV.

As proposed, the 13th model year restriction would preclude fleet operators from utilizing the necessary exemptions in the rule to replace vehicles as needed or consistent with their existing procurement and operation policies based on safe and reliable usage criteria. If a municipal utility has a specialty vehicle that must be replaced but is less than 13 years old, the proposed rule effectively requires that the vehicle must be replaced by a ZEV even if there is no ZEV available for purchase or capable of meeting the utility's needs because the utility cannot apply for an exemption. When a vehicle reaches the end of its useful life – as determined by the fleet owner - it is critical that a utility be able to replace the vehicle in order to safely maintain reliable utility service and emergency response capabilities.

2. The Rationale for the Provision is Unfounded. CARB has explained that the 13th model year language originated in SB 1, Beall⁴. The intent of that bill language, however, is to provide accommodation for vehicles less than 13th model year, and not to force the retention of vehicles in a fleet until they are at least that old. SB 1 is not intended to support the inclusion of an arbitrary determination of when a vehicle may be replaced.
3. The Provision is Outside the Scope of 15-Day Changes. The final rule must not include 13th model year restrictions on replacing vehicles using the daily usage exemption, infrastructure delay extensions, and ZEV purchase exemptions, that were added as part of the 15-day Changes without Board Direction. This criterion was only introduced to stakeholders in the proposed rule in the 15-day Changes, but is outside of the direction provided by the Board for changes to the proposed rule. This change is substantial because, if approved, it risks requiring public fleets to retain vehicles beyond their safe and reliable useful life as medium- or heavy-duty specialty utility vehicles. This modification prevents public fleets from requesting the needed flexibility via the exemptions presented in the rule as published on August 30, 2022, and re-published on September 2, 2022. Further, no restriction mandating a minimum useful life was presented in the proposed rule as published on August 30, 2022, or re-published on September 2, 2022. As stated above, during the CARB Board hearing on October 27, 2022, no direction, discussion, or notice was provided, that such a change was planned, or should be expected or anticipated. As such, its inclusion is clearly in violation of Govt. Code § 11346.8(c) that provides:

“(c) No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.”

Removing this criterion is critical for successful implementation of the proposed rule.

B. The justification for daily usage of a fleet vehicle must account for all uses, including responding to major disruptions in services.

⁴ SB 1, Beall (2017). Transportation funding. Section 18, 43021 (a)(1).

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1#:~:text=Code%2C%20to%20read%3A-.43021.,-\(a\)%C2%A0Except%20as](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1#:~:text=Code%2C%20to%20read%3A-.43021.,-(a)%C2%A0Except%20as)

The Joint Public Agencies appreciate the changes to the provisions of Section 2013.1(b)(4) thus far, but note that the changes do not fully address the shortcomings of this provision that prevent it from reasonably assessing whether a ZEV replacement can perform the duty cycle of a given ICEV. To correct this and help ensure that public fleets are not required to purchase vehicles that cannot meet their energy usage or mileage needs, the Joint Public Agencies urge the Board to direct the following changes be made to the Daily Use Exemption: (1) ensure that the highest daily usage numbers are included in the final calculation, (2) remove the requirement to use BEV data for determining the Daily Usage Exemption, and (3) consider additional vehicle constraints beyond mileage and energy usage.

1. Highest Daily Usage Totals Must be Included. The Joint Public Agencies support the change to allow for fleets with mutual aid agreements to submit usage data from within the last 60 months in order to better capture usage during emergency events. However, the rule continues to expressly exclude the three highest usage days from this analysis. The proposed rule must account for these actual high usage days in order to ensure publicly owned utilities can protect their communities by effectively and efficiently responding to foreseeable emergency events. The usage required on each of those days occurred in the past, and therefore, may occur again. It is these extreme events that drive the operational criteria of medium- and heavy-duty specialty vehicles. Basing exemption criteria on average, or even slightly above average data sets, will not ensure adequate duty-cycles are accounted for in the rule. Without accounting for the complete picture of energy usage data, utilities may be required to purchase vehicles that do not have the capacity to respond to major disruptions in service and extreme weather events, which could hinder emergency response and slow restoration efforts.
2. BEV or Equivalent Data Must be Allowed. The requirement within the Daily Usage Exemption to collect data from a BEV operated on a similar assignment to show that the BEV cannot do the assignment is counterintuitive and will likely prove challenging for many fleets. At the current time, not all of the specialty vehicles utilized by the utilities have BEV alternatives that are readily available or in operation, severely impacting the ability to collect the required BEV data. CARB should allow for the calculation of equivalent mileage when possible and make accommodations for situations when BEV data cannot be attained.
3. Vehicle Constraints are not Limited to Range and Energy Capacity. The Daily Usage exemption should also consider additional factors such as weight limits or dimension constraints for vehicles. In some circumstances, unique terrain or infrastructure limitations pose greater challenges than range or energy capacity when purchasing a ZEV that is able to meet the necessary duty cycle for the fleet. For example, access roads and bridges may not be rated for the additional weight of the ZEV.

III. Further concerns to be addressed:

The Joint Public Agencies request that CARB address these further concerns for clarity and to improve implementation. To the extent that the critical issues discussed above are resolved before the ACF rule is adopted, the Joint Public Agencies believe that these further concerns may be addressed in the follow-up implementation rulemaking.

A. The non-repairable vehicle exemption needs refinement to capture all non-repairable vehicle instances.

The Joint Public Agencies appreciate the addition in the 15-day Changes of the non-repairable vehicle language in Section 2013(n)(7). To make this provision workable, however, the provision needs to be refined to better capture the different reasons why vehicles may be deemed non-repairable. As written, this provision would also preclude the ability to procure a replacement vehicle in the event a suitable ZEV is unavailable. To correct this, the final rule should include the following modifications:

1. The language should expand 'non-repairable' to include when a vehicle is stolen and not recovered.
2. This provision should be modified to clearly state that a vehicle that is damaged beyond repair be subject to replacement, whether the irreparable damage is to the body, the engine, or both. The Joint Public Agencies must be able to replace vehicles that are damaged to the extent that they are no longer operable and cannot be repaired, regardless of whether it is the body/frame, essential accessories, or the engine that are damaged rendering the vehicle non-repairable. As written, the non-repairable provision stipulates that both the body *and* the engine must be damaged beyond repair. A vehicle can be damaged beyond repair due to damage to either the body, or the engine, or both. Insurance companies can declare a vehicle a total loss due to body damage that does not impact the motor. Once declared non-repairable, the vehicle is a complete loss, irrespective of whether the damage is isolated to the body, or the motor, or both.
3. The language must be clarified to authorize fleets to purchase new vehicles in the event that a suitable used vehicle cannot be purchased. The current language requires that fleets purchase a *used* vehicle to replace a vehicle that is non-repairable. Given the nature of the proposed rule, it is unlikely that there will be a suitable supply of used specialty vehicles that can serve the needs of California's POUs or public water agencies. Further, public agencies have specific purchase requirements, based on vehicle reliability and employee safety, that frequently direct fleet managers to purchase new vehicles with full warranty coverage.
4. Fleets should be permitted up to one year to replace a non-repairable vehicle. The very nature of an unforeseen event including, but not limited to, an accident, mechanical failure, or theft, requires a public agency to purchase a replacement vehicle. Replacing a fleet vehicle is a major occurrence, particularly when the replacement was not planned. Public fleets must have adequate time to follow their necessary public procurement processes. Often, this includes drafting a new request for proposal, publicly noticing the purchase, and seeking approval from the governing body. Public agency processes for procuring a vehicle may take at least one year.

B. ZEV purchase exemption requires modifications.

1. Manufacturer Claims must be Verifiable and Fleets Must Have Opportunity to Respond to Executive Officer Determination: The Joint Public Agencies are concerned that the proposed ZEV Purchase Exemption relies heavily on manufacturer marketing claims. The language of Section 2013.1(d)(2)(E) should include minimum requirements for the documentation provided by a manufacturer reviewed by the Executive Officer to evaluate whether a ZEV

configuration is available to purchase before denying a fleet owner's exemption application. This documentation should include but not be limited to: evidence of battery capacity, range, compatibility with auxiliary equipment, payload, delivery date commitments, and maintenance/warranty support. In addition, the ZEV Purchase Exemption should provide a process for fleet owners, as the expert on their own individual operational needs, to respond to the Executive Officer's determination.

2. ZEVs of Different Weight Classes are not Equivalent: Vehicles in higher weight classes are not necessarily interchangeable with vehicles in lower weight classes. As proposed, Section 2013.1(d)(2)(G) provides that if any manufacturer or authorized dealer offers for sale a ZEV or NZEV chassis or complete ZEV or NZEV in the needed configuration with the needed frame attachments, in the same *or next higher weight class*, the Executive Officer shall deny the exemption request. This restriction incorrectly assumes that a vehicle in the next higher weight class is interchangeable with the vehicle intended for purchase. Depending on the weight class, a vehicle in the next higher weight class could be problematic for several reasons. First of all, it may require a different type of license for the driver, which could require a fleet owner to remove the intended driver and hire a driver with the appropriate California-mandated license. Further, inasmuch as a vehicle in the next higher weight class would be heavier and larger, it may not be able to safely maneuver in the spaces needed, such as along narrow or winding roads or at grades that the lower weight class vehicle can operate. Finally, it is likely that a vehicle from a weight class greater than what is required for the deployment will be more expensive than an *appropriately sized* vehicle.

For these reasons, the regulation should remove the "next higher weight class" language. If this language is not removed, then CARB will need to revise the economic analysis to incorporate the higher vehicle costs, and potentially higher cost of hiring drivers appropriately licensed for the larger vehicle.

C. Clarification needed on assignment of responsibilities for customer ZEV Infrastructure Delay extension requests.

Publicly owned electric utilities will be impacted by provisions of Section 2015.3(c), in the High Priority Fleets rule and provide these comments in the context of electricity providers. These provisions should be modified to clarify that it is the responsibility of the fleet owner to provide information regarding compliance with the rule to CARB when requesting a ZEV Infrastructure Delay Extension, and not the utility providing the electric service. The Joint Public Agencies are concerned that the new language could be viewed as requiring POUs to actively know and monitor the compliance schedules and status of their customers.

As proposed, fleet owners may request an infrastructure site electrification delay extension "if their *electric utility provider determines it cannot provide the requested power to the site where ZEVs will be charged or refueled before the fleet's next ZEV compliance deadline.*" This language should be modified to clarify that the information that is provided to the fleet owner does not require a POU analysis of customer compliance plans, but rather, the fleet owner is making this determination based on its own independent judgement. Similarly, new Section 2015.3(c)(2)(C)(4) includes language regarding the fleet owner's obligation to deploy ZEVs "that can be supported by the utility." As drafted, it could be construed that the utility would have knowledge of details regarding the fleet at issue, which they do not. Utilities do not know the

fleet make-up in terms of vehicle size and composition; they are only aware of the total load needed. The rule would also segregate total load analysis of customer into ZEV regulation compartmentalization, i.e., a determination is needed of ACF needs only, as opposed to total electrification needs, i.e., ZEV forklifts or off-road equipment. The same ambiguity is found in Section 2015.3(c)(2)(C)(3); the regulation should clarify that the information sought is the sole responsibility of the fleet owner seeking the exemption and does not require a utility to track or monitor a fleet owner's exemption request.

Tying a customer's compliance to a POU's individual analysis of their fleet is inappropriate, creates risks, and could be a source of conflict. Clearly, that is not what the regulation intends, thus the ambiguity should be removed.

IV. Request for implementation rulemaking.

The success of the ACF rule is important to meeting the state's GHG targets and ZEV goals. If the rule is not successful, the implications are far reaching. They include not only jeopardizing the provision of essential utility services, but also the risk of sending the wrong signal to the markets needed to develop these specialized vehicles. In order to ensure success, CARB must be able to monitor implementation progress and ensure that timely amendments can be adopted to ensure uninterrupted execution of this important rule. In order to address these concerns without jeopardizing utility reliability, a rulemaking should be opened to address implementation issues that come out of this first rule iteration. The Joint Public Agencies understand that CARB is committed to re-examining all aspects of the clean vehicle regulations in 2028, and that a rulemaking to do so would begin as early as 2026. An implementation rulemaking opened after approval of the ACF rule, however, will allow CARB staff an opportunity to further assess and address the many outstanding issues that have been identified by stakeholders thus far, as well as potential problems that arise as the ACF rule is implemented across the state. Importantly, an implementation rulemaking will also ensure that there is a venue to make necessary amendments to the regulation within 18 months, rather than wait for two years to identify any problems and four years before changes can be made.

No matter how well planned, the fact is there is no way to know in advance how significantly this regulation may impact public utilities or impede their ability to provide essential services. To be clear, we are not just speaking about the ongoing provision of water, power, and wastewater services, but also the ability to respond to emergencies and restore those services immediately should a problem arise. One way to ensure that publicly owned utilities can meet the now-dual mandates of electrifying our fleets while providing safe and reliable electricity, water, and wastewater, is to have an avenue to effect necessary changes without undue delay. The impacts and potential adverse repercussions should something not go as planned in implementing the ACF rule are too important not to address immediately. Salient issues that warrant close monitoring throughout implementation include: ensuring that the compilation of the list of available vehicles goes as planned; addressing the aforementioned concerns with the provisions regarding unrepairable vehicles; and monitoring vehicle availability impacts on utility fleet operations.

V. Appendix A: Redlines of proposed rule attached.

Appendix A includes redlines of the proposed State and Local Government Agency's Advanced Clean Fleets rule as discussed above.

VI. Conclusion.

The Joint Public Agencies appreciate that the 15-day Changes include some incremental changes but urge the CARB Board to make the critical changes of removing the 13th model year restriction and not excluding the highest usage days when establishing the daily use exemption addressed above *before* adopting the regulation. Furthermore, in order to ensure that there is a means to identify and address the outstanding issues raised by stakeholders and those that arise during implementation, CARB should direct that a new rulemaking be opened following adoption of the ACF rule. A new rulemaking would allow CARB and stakeholders to address issues that arise in implementation and make timely revisions that would ensure the successful implementation of the regulation, without compromising California's publicly owned utilities' ability to provide essential utility services.

Appendix A-1.1

Proposed 15-day Changes to the Proposed Regulation Order Advanced Clean Fleets Regulation

State and Local Government Agency Fleet Requirements

[Note: This version of the Proposed Regulation Order is provided in a tracked changes format to improve the accessibility of the regulatory text. This version is not the authoritative version for this proposed rulemaking. The proposed amendments are incorporated into the current regulatory text for ease of readability only. For the authoritative version that complies with Government Code section 11346.2, subdivision (a)(3), please see Appendix A.1. To review this document in a clean format (no underline or strikeout to show changes), please accept all tracked changes.]

Chapter 1 Motor Vehicle Pollution Control Devices

Section 2013.	State and Local Government Agency Fleet Applicability, Definitions, and General Requirements
Section 2013.1	State and Local Government Agency Fleet Exemptions
Section 2013.2	State and Local Government Agency Fleet Reporting
Section 2013.3	State and Local Government Agency Fleet Recordkeeping
Section 2013.4	State and Local Government Agency Fleet Enforcement

Proposed Regulation Order

Title 13, California Code of Regulations

Adopt Section 2013 of title 13, California Code of Regulations, to read as follows:

Section 2013 State and Local Government Fleet Applicability, Definitions, and General Requirements

(a) Scope and Applicability

- (1) Fleet Applicability. Except as provided in the exemptions specified in section 2013(c) and 2013(e), this regulation applies to any state or local government agency with jurisdiction in California that owns, leases, or operates one or more vehicles specified in section 2013(a)(2) in California as described in the vehicle scope specified in section 2013(a)(2) on or after January 1, 2024. This regulation does not apply to federal fleets subject to title 13, California Code of Regulations (CCR) section 2015 or to a state or local government agency that has elected to comply with the ZEV Milestones Option specified in title 13, CCR section 2015.2 pursuant to section 2013(e).
- (2) Vehicle Scope. Except as provided in the exemptions specified in section 2013(c), vehicles subject to this regulation are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs that are operated in California.
- (3) Hiring Entities. The requirements specified in section 2013(j) apply to any motor carrier, broker, governmental agency, person, or entity that hires and operates or hires and directs the operation of vehicles in California that are subject to this regulation.

(b) Definitions. For the purposes of this regulation, the following definitions apply to section 2013 through 2013.4:

“Authorized dealer” means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is both authorized by a motor vehicle manufacturer to perform repairs on vehicles and is in fact capable of performing repairs needed to maintain vehicles to factory specifications, including performing warranty repair work.

“Backup vehicle” means a vehicle, excluding yard tractors, that is operated infrequently as specified in section 2013.1(a).

“Battery-electric vehicle” or “BEV” has the same definition as “Electric Vehicle” in Title 40, Code of Federal Regulations (CFR) § 1037.801, last amended by the United States Environmental Protection Agency (U.S. EPA) on June 17, 2013, incorporated by reference herein.

“Box truck” means a single-unit vehicle with a fully- or partially enclosed space with a roof and at least three sides designed for transporting cargo or payload, excluding the driver and passengers. Examples include vehicles commonly referred to as step vans, refrigerated vans, dry vans, chipper trucks, and box reefer trucks.

“Broker” means any person that, as a principal or agent, sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

“Bus” means any vehicle designed, used, or maintained for carrying more than ten persons, including the driver, and is configured with seats for the primary purpose of transporting persons including the driver.

“California fleet” means the subset of vehicles in the total fleet operated in California by a fleet owner during a calendar year.

“CARB” means the California Air Resources Board.

“Configuration” means the primary intended function for which a complete vehicle is designed, or by the body permanently attached to the chassis of an incomplete vehicle. Examples of configurations include bucket trucks, box trucks, concrete pump trucks, dump trucks, digger derricks, drill rigs, stake bed trucks, flatbed trucks, and tow trucks. The configuration does not include any auxiliary equipment or secondary uses of equipment added to or carried on the vehicle body. Examples of such truck-mounted equipment includes welding equipment, lift gates, portable tanks, generators, storage cabinets, and winches.

“Daily usage needs” means the historical duty-cycle of an existing ICE, including towing capacity, payload/carrying capacity, distance traveled, and PTO operations, operating on similar or expected daily assignments for the regulated entity.

“Declared emergency event” means the time period of an emergency event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code section 8558.

“Dedicated snow removal vehicle” means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger and is operated exclusively to remove snow from public roads, private roads, or other paths to allow on-road vehicle access.

“Designated low population counties” means the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba.

“Dispatch” means to provide direction or instruction for routing a vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering cargo, passengers, property or goods, or providing a service.

“Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to a declared emergency event. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, federal, or other responsible emergency management agency. Routine operation to prevent public health risks does not constitute emergency operation.

“Emergency support vehicle” means a vehicle other than an authorized emergency vehicle as defined in California Vehicle Code (CVC) section 165 that has been dispatched by a local, state, federal, or other responsible emergency management agency that is used to provide transport services or supplies in connection with an emergency operation.

“Energy storage system” means a system that is designed to store energy on a ZEV or NZEV, such as the battery pack or hydrogen storage tank.

“Executive Officer” means the Executive Officer of the California Air Resources Board or their delegated representative.

“Federal fleet” means vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and

its departments, divisions, public corporations, or public agencies that operate in California. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a branch of military service or an installation.

“Fleet” or “total fleet” means one or more vehicles owned by a fleet owner. It also includes rental or leased vehicles that are considered owned by the “fleet owner” as defined in section 2013(b).

“Fleet owner” means the person or entity that owns the vehicles comprising the fleet. The owner shall be presumed to be either the person or entity registered with the California Department of Motor Vehicles (DMV) as the owner or lessee of a vehicle, or its equivalent in another state, province, or country; vehicle ownership is based on the vehicle registration document or the vehicle title, except as specified below:

- (A) For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, including truck leases that are part of a bundled service agreement, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer and the terms of the rental or lease agreement identifies the renting operator or lessee of the vehicle as the party responsible for compliance with state laws.
- (B) A financing company or a person that only provides financing to a third party in the form of “finance leases,” as defined in California Uniform Commercial Code Section 10103(a)(7), is not considered to own the vehicles that are financed. Similarly, a financing company or a person that only provides financing to a third party for converting a vehicle to a ZEV is not considered to be the owner of the vehicle.

“Gross vehicle weight rating” or “GVWR” means the same as CVC section 350, as indicated by the characters in the 4 through 8 positions in a standard 17-character Vehicle Identification Number (VIN).

“Historical vehicle” means a vehicle that meets the qualifications for a historical vehicle and has been issued a historical vehicle license plate pursuant to the CVC section 5004 and is operated or moved over the highway primarily for the purpose of historical exhibition or other historic vehicle club activities.

“Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

“Hydrogen fuel-cell electric vehicle” or “FCEV” means a vehicle with an electric motor where energy for the motor is supplied by an electrochemical cell that produces electricity via the non-combustion reaction of hydrogen.

“Intermittent snow removal vehicles” means a vehicle that is equipped with a snow plow or snow blower mounting attachment and a control system for the plow or blower.

“Internal combustion engine vehicle” or “ICE vehicle” means a vehicle with a powertrain that includes an internal combustion engine that is powered by gasoline, diesel, natural gas, propane, or other fuel where the sole source of power is from the combustion of the on-board fuel to provide motive power.

“Lessee” has the same meaning as defined in CVC section 371.

“Manufacturer” means any entity or person who manufactures or assembles new yard tractors or on-road motor vehicles, or imports such yard tractors or on-road motor vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of yard tractors or new motor vehicles, but shall not include any dealer with respect to yard tractors or new motor vehicles received in commerce. In general, the term manufacturer includes any entity or person who manufactures or assembles an on-road vehicle, a yard tractor, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a yard tractor or new on-road motor vehicle into commerce in California. It also includes any intermediate- or final-stage manufacturer that completes vehicle assembly prior to first purchase of the vehicle other than for resale. This does not include entities or persons who supply parts to the importer or vehicle manufacturer of record.

“Mobile ZEV fueling provider” means an entity that provides the service of, or is engaged in the sale, rental, or lease of equipment for the purpose of, delivering hydrogen fuel or electricity directly from a mobile vehicle or portable equipment into another vehicle’s fuel tank or battery for other than the dispenser’s own consumption.

“Model year” means the production period as assigned by the manufacturer when certifying an engine or vehicle for sale.

“Motor carrier” means the same as defined in CVC section 408.

“Motor vehicle” means the same as defined in CVC section 415.

“Near-zero-emissions vehicle” or “NZEV” means a vehicle as defined in title 13, CCR section 1963(c)(16) that is capable of operating like a ZEV using electricity stored on-board the vehicle for a minimum number of miles, or “all-electric range”, as specified and tested in accordance with section 1037.150p(2)(ii) of “California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles,” as last amended September 9, 2021, which is incorporated by reference herein.

“New vehicle” means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

“Notice to proceed” means a written direction to a vehicle manufacturer or entity that converts vehicles to ZEVs to commence production or conversion of a vehicle as provided in a contract.

“Pickup truck” means a vehicle originally manufactured as a complete vehicle with an open box-type bed and meets the definition set forth in CVC section 471. A “pickup truck” with removable bed covers or camper shells installed are considered “pickup trucks” for the purpose of this regulation.

“Rated energy capacity” means the amount of electrical energy, in watt-hours (Wh), that can be extracted from a fully charged energy storage system, based on or derived from the results of testing or analysis procedures specified in section D., “California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains”, adopted June 27, 2019, which is incorporated by reference herein. The rated energy capacity includes the electrical energy of the battery pack that is not accessible due to a manufacturer-programmed decrease in energy capacity for battery pack protection.

“Removed from the California fleet” means a vehicle that is no longer operated in California by the fleet owner on or after the date the vehicle meets one of the following conditions:

- (A) Is destroyed or scrapped; or
- (B) Is sold out of the fleet or transferred out-of-state.

“Responsible official” means either a principal executive officer, ranking elected official, or delegated representative of the State or local government agency.

“SAE J1667” means SAE Recommended Practice SAE J1667 “Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles,” as issued February 1996 (“1996-02”), which is incorporated herein by reference.

“Smoke opacity test” means a test of a vehicle's emissions for smoke opacity level conducted using the procedures specified in SAE J1667 Recommended Practice: Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles.

“Standard rounding convention” means if the calculated value is not equal to a whole number, the value shall round up to the nearest whole number when the fractional part is equal to or greater than 0.5, and round down to the nearest whole number if the fractional part is less than 0.5.

“State or local government agency” means a city, county, public utility, special district, local agency or district, or a public agency of the State of California, and any department, division, public corporation, or public agency of the State of California.

“Tractor” means an on-road vehicle meeting one of the following:

- (A) The definition of “tractor” in title 17, CCR section 95662(a)(23); or
- (B) The definition of “vocational tractor” in title 17, CCR section 95662(a)(27).

“Two-engine vehicle” means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with 2 engines: 1 engine provides the primary source of motive power of the vehicle while the second engine is an auxiliary engine with 50 brake horsepower or greater that is permanently attached and integrated into the original design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power. If a vehicle was originally designed with the capability to have an auxiliary engine installed, but the auxiliary engine was installed by someone else other than the original equipment manufacturer, the vehicle still qualifies as a two-engine vehicle. Two engine street sweepers are not included in this definition.

“Van” means a single unit vehicle with configured with seats to transport passengers or with an enclosed space for the primary purpose of transporting cargo and equipment.

“Vehicle” means either a device as defined in CVC section 670, or is a yard tractor that is not intended for use on highways.

“Vehicle awaiting sale” means a vehicle in the possession of a dealer, financing company, a private party, or other entity that does not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and it is operated only to demonstrate functionality to potential buyers, to move short distances to make repairs, or for maintenance or storage. It also includes new vehicles when driven to be delivered to the fleet owner.

“Vehicle Identification Number” or “VIN” means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle.

“Vehicle purchase” or “purchase” means an action wherein a fleet owner has either placed an order to acquire the legal or equitable title to a vehicle or to convert a vehicle to a ZEV for immediate delivery or installation and has already paid for or has entered into a binding agreement with an authorized dealer, entity that converts vehicles to ZEVs, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase does not include renewing a lease agreement for a vehicle already in the California fleet. A vehicle purchase includes when the fleet owner has executed any one of the following:

- (A) Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer, authorized dealer, or entity that converts vehicles to ZEVs to begin production of the vehicle either:
 - 1. Under a previously entered purchase contract; or
 - 2. To execute a contract option.
- (B) A written purchase agreement between a fleet owner and the manufacturer or entity that converts vehicles to ZEVs that specifies the date when the work to manufacture or convert the vehicle is to proceed;
- (C) A written purchase agreement between a fleet owner and another party for the purchase and immediate delivery of a used vehicle; or

- (D) A signed written lease agreement between a fleet owner and the manufacturer or authorized dealer for a new vehicle to be placed in service in the California fleet for a contract term of one year or more.

“Weight class” means the category of a vehicle’s GVWR as specified below:

- (A) “Light-duty” means a vehicle with a GVWR less than or equal to 8,500 lbs.
- (B) “Class 2b” means a vehicle with a GVWR greater than 8,500 lbs. and less than or equal to 10,000 lbs.
- (C) “Class 3” means a vehicle with a GVWR greater than 10,000 lbs. and less than or equal to 14,000 lbs.
- (D) “Class 4” means a vehicle with a GVWR greater than 14,000 lbs. and less than or equal to 16,000 lbs.
- (E) “Class 5” means a vehicle with a GVWR greater than 16,000 lbs. and less than or equal to 19,500 lbs.
- (F) “Class 6” means a vehicle with a GVWR greater than 19,500 lbs. and less than or equal to 26,000 lbs.
- (G) “Class 7” means a vehicle with a GVWR greater than 26,000 lbs. and less than or equal to 33,000 lbs.
- (H) “Class 8” means a vehicle with a GVWR greater than 33,000 lbs.

“Yard tractor” means a vehicle that has a movable fifth wheel that can be elevated and is used in moving and spotting trailers and containers at a location or facility. Yard tractors are also commonly known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.

“Zero-emissions powertrain” has the same definition as title 13, CCR section 1956.8(j)(27).

“Zero-emissions vehicle” or “ZEV” means a vehicle with a zero-emissions powertrain that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

“ZEV fueling infrastructure” means a fueling system that provides the appropriate fuel type to power a ZEV (e.g., electric charging infrastructure or cryogenic fueling tank and dispenser).

- (c) Exemptions. The following entities and vehicles are exempt from the requirements specified in sections 2013 through 2013.4:
- (1) School buses as defined in CVC section 545(a);
 - (2) Military tactical vehicles as described in title 13, CCR section 1905;
 - (3) Vehicles awaiting sale;
 - (4) Emergency vehicles as defined in CVC section 165;
 - (5) Historical vehicles;
 - (6) Dedicated snow removal vehicles;
 - (7) Two-engine vehicles;
 - (8) Heavy cranes as defined in title 13, CCR section 2021(b)(16);
 - (9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023; or
 - (10) Vehicles that are subject to the Zero-Emission Airport Shuttle Regulation of title 17, CCR sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8.
- (d) General Requirements. Beginning January 1, 2024, fleet owners must comply with the schedules specified in subsections (1) or (2) below. The fleet owner may alternately elect to comply with the ZEV Milestones Option commencing with title 13, CCR section 2015.2 as described in section 2013(e). Renewing a vehicle lease for a vehicle that is already in the California fleet shall not be considered as a vehicle purchase for the California fleet.
- (1) Except as specified in section 2013(d)(2), fleet owners must purchase ZEVs, or NZEVs as specified in section 2013(f), for their California fleet in accordance with the following schedule:
 - (A) Starting January 1, 2024, 50 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs; and
 - (B) Starting January 1, 2027, 100 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs.

- (2) A State or local government agency that meets any one of the following criteria must meet the requirements specified in section 2013(d)(1)(B) and are not subject to the requirements specified in section 2013(d)(1)(A): its jurisdiction is solely in a designated low population county; it owns, leases, or operates ~~ten~~ 49 or fewer vehicles in the California fleet, as specified in section 2013(k); or its jurisdiction or service area is split between a designated low population county and a non-designated county and at least 90 percent of the service area in square miles is in the designated low population county.
- (e) ZEV Milestones Option Flexibility. Until January 1, 2030, ~~in lieu of complying with the requirements of sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4,~~ fleet owners may instead elect to permanently comply with the ZEV Milestones Option of title 13, CCR section 2015.2 in lieu of complying with the requirements specified in section 2013. If choosing to use this option, fleet owners must comply with all of the requirements otherwise applicable to federal government fleets specified in title 13, CCR sections 2015, 2015.2, 2015.3, 2015.4, 2015.5, and 2015.6. The fleet owner must also report their intention to use this option as specified in section 2013.2(c)(1)(I). After electing to use this option, fleet owners are no longer subject to and may not switch back to the State or local government fleet requirements specified in sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4.
- (f) NZEV Flexibility. 2035 model year and earlier NZEVs are counted the same as ZEVs for purposes of determining compliance with this regulation, except as specified in sections 2013.1(b) and 2013.1(d) and the ZEV Milestones Option in specified in section 2015-2015.6.
- (g) Rounding. If the calculated required minimum number of ZEV purchases as set forth in section 2013(d) does not result in a whole number, then use the “standard rounding convention” as defined in section 2013(b).
- (h) ZEV Accounting. Each ZEV may be counted only once as long as the vehicle remains in the fleet to count towards compliance with the ZEV purchase requirement for a given calendar year.
- (i) Early ZEV Purchases. ZEV purchases for the California fleet made before the deadlines or in excess of the amounts required in section 2013(d) count towards future ZEV purchase requirements as long as the ZEV is still active in the fleet. Each early or excess ZEV purchase counts toward a future requirement only once per the accounting requirements in section 2013(h).
- (j) Requirement to Hire Compliant Fleets. Any hiring entity that is subject to this section as specified in section 2013(a)(3) must:

- (1) Verification of Compliance. For each calendar year, verify that each fleet it hires or dispatches to operate in California is listed on the CARB Advanced Clean Fleets webpage as a compliant fleet. Alternatively, for each calendar year that an entity hires a fleet to operate in California that is not listed on the CARB Advanced Clean Fleets webpage as a compliant fleet, it must obtain a signed statement from the fleet stating the fleet is not subject to the High Priority and Federal Fleets regulation of title 13, CCR section 2015 through 2015.6 and the State and Local Government Fleets regulation of title 13, CCR section 2013 through 2013.4.
 - (2) Disclosure of Regulation Applicability. Provide the following disclosure in writing to the hired fleet either in the hiring contract or agreement or as an addendum to the hiring contract or agreement: "Vehicles with a GVWR greater than 8,500 lbs. and light-duty package delivery vehicles operated in California may be subject to the California Air Resources Board Advanced Clean Fleets regulations. Such vehicles may therefore be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>."
 - (3) Comply with the recordkeeping requirements specified in section 2013.3(g).
- (k) Joint Compliance Option. Individual departments, divisions, districts, subsidiaries, or agencies under the same state or local government agency's jurisdiction have the option to comply jointly instead of complying independently if the combined California fleet meets the requirements of this regulation. The California Department of General Services may comply jointly for all State agency fleets under its jurisdiction and must exclude vehicles in subdivisions that opt to comply separately. If such departments, divisions, districts, subsidiaries, or agencies elect to utilize this compliance option and then subsequently do not fully comply with the applicable requirements of section 2013(d), each of the participating entities must then demonstrate compliance with the requirements of section 2013(d) on an individual basis. Fleet owners choosing to use this option must meet the reporting requirement specified in section 2013.2(d). Fleet owners may comply jointly even if one or more individual subdivisions opt into the ZEV Milestones Option as specified in section 2013(e).
- (l) Order Cancellations. If a fleet owner cancels a notice to proceed, a purchase agreement, or a leasing contract for a ZEV at any time before the vehicle is delivered, the purchase will not count towards required ZEV purchases for the California fleet. If a vehicle manufacturer cancels a purchase agreement for ZEVs at any time before the vehicle is delivered for reasons beyond the control of the fleet owner, the fleet owner must secure another purchase agreement for ZEVs no later than one year after the cancellation. Fleet owners must submit a copy of the manufacturer cancellation notice within 30 calendar days of the cancellation and must submit the new ZEV purchase

agreement within 30 calendar days of placing the order to TRUCRS@arb.ca.gov to maintain compliance. In the event there is no available ZEV of the needed configuration to purchase, the fleet owner may request the ZEV Purchase Exemption specified in section 2013.1(d).

- (m) Compliance Date. Beginning January 1, 2024, annual compliance with the ZEV purchase requirements is determined on January 1 of each calendar year.
- (n) Exemptions and Extensions. Fleet owners complying with section 2013(d) may utilize the following exemptions and extensions if the specified criteria are met:
 - (1) Backup Vehicle Exemption. Fleet owners may purchase a new or used ICE vehicle and exclude it from the ZEV purchase requirement specified in section 2013(d) if the vehicle is designated as a backup vehicle as specified in section 2013.1(a).
 - (2) Daily Usage Exemption. Fleet owners may request an exemption from the ZEV purchase requirements of section 2013(d) to purchase a new ICE vehicle. Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2013.1(b) ~~no earlier than when the model year of the ICE vehicle being replaced reaches 13 years old.~~
 - (3) ZEV Infrastructure Delay Extension. Fleet owners may request a temporary extension to count an ICE vehicle being replaced as a ZEV purchase when determining compliance with the ZEV purchase requirements of section 2013(d). The fleet owner must request and obtain the extension pursuant to the criteria specified in section 2013.1(c) ~~no earlier than when the model year of the ICE vehicle being replaced reaches 13 years old.~~
 - (4) ZEV Purchase Exemption. Fleet owners must use the exemption in section 2013.1(d)(1) or request the exemption in section 2013.1(d)(2) ~~no earlier than when the model year of the ICE vehicle being replaced reaches 13 years old:~~
 - (A) ZEV Purchase Exemption List. Fleet owners shall receive an exemption from the ZEV purchase requirements specified in section 2013(d) to purchase a new ICE vehicle pursuant to the criteria specified in section 2013.1(d)(1).
 - (B) ZEV Purchase Exemption Application. Fleet owners may request and obtain an exemption from the ZEV purchase requirements specified in section 2013(d), pursuant to the criteria specified in section 2013.1(d)(2), to purchase a new ICE vehicle.

- (5) Mutual Aid Assistance. Fleet owners may request an exemption from the ZEV purchase requirements specified in section 2013(d) to purchase new ICE vehicles. Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2013.1(e). ICE vehicles purchased pursuant to a granted exemption may operate as part of the regular California fleet and are not restricted solely to mutual aid functions.
- (6) Intermittent Snow Removal Vehicles. Fleet owners shall receive an exemption from the ZEV purchase requirements specified in section 2013(d) until January 1, 2030, for designated intermittent snow removal vehicles. Fleet owners may request the Executive Officer designate vehicles added to the California fleet prior to January 1, 2030 as intermittent snow removal vehicles pursuant to the criteria in section 2013.2(k).
- (7) Non-repairable Vehicles. Fleet owners that need to ~~temporarily~~ replace a vehicle due to an accident or other onetime event due to circumstances beyond the fleet owner's control, such as fire, ~~or~~ catastrophic failure, or vehicle theft that damages ~~both~~ the ~~engine and~~ vehicle such that the vehicle is not repairable may request and obtain an exemption from the ZEV purchase requirements specified in section 2013(d). If approved, they may purchase an used ICE vehicle of the same configuration and with an engine with the same or newer model year as the non-repairable vehicle no later than ~~180 calendar days~~ 12 months from the date the vehicle became non-repairable. Fleet owners must report the replacement vehicle within 30 calendar days of adding it to the California fleet as specified in section 2013.2 and keep records for both vehicles as specified in section 2013.3(k). To apply, fleet owners must submit the following information and documentation to TRUCRS@arb.ca.gov prior to adding the used vehicle to the California fleet:
1. A copy of a police report, statement from the insurance company, or signed attestation from a fleet owner's governing board indicating the vehicle is non-repairable;
 2. The VIN of the non-repairable vehicle;
 3. The following clear and legible digital photographs of the replacement used vehicle:
 - a. VIN/GVWR label (typically located on the driver side door or door jamb);
 - b. License plate with driver side of the vehicle visible;

- c. Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
 - d. Entire right side of the vehicle with doors closed showing the vehicle's body configuration;
- (o) Reporting and Recordkeeping Requirement. Beginning January 1, 2024, fleet owners must meet reporting requirements as specified in section 2013.2 and keep and provide records as specified in section 2013.3.
- (p) Vehicles Acquired with Incentive Funds. Beginning January 1, 2024, if a fleet owner receives California State-provided incentive funding for ZEVs or NZEVs and the funding program guidelines specify any vehicles acquired with such funds cannot be used to determine compliance with the general requirements section of 2013(d), any vehicles acquired with such funds will not be counted as a compliant vehicle during the funding contract period. The fleet owner must meet the reporting requirements specified in section 2013.2(c)(2)(M).
- (q) Certificate of Reported Compliance and Compliant Fleet List. If the requirements specified in sections 2013 through 2013.4 are met and the required reporting is received to demonstrate compliance, the fleet owner will be provided with a Certificate of Reported Compliance. The CARB Advanced Clean Fleets webpage will list the CARB-issued ID number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a "ZEV Fleet" per title 13, CCR section 2015(p) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply will not be listed.
- (r) Sales Disclosure of Regulation Applicability. Any person subject to this regulation selling a vehicle subject to this regulation must provide the following disclosure in writing to the purchaser on or with the bill of sale, sales contract addendum, or invoice: "A vehicle operated in California may be subject to the California Air Resources Board Advanced Clean Fleets regulations. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>."
- (s) ICE Vehicle Purchases. Any new ICE vehicle purchased for the California fleet on or after January 1, 2024, must be certified to the California emissions standards and emissions related requirements applicable to that vehicle. Any used ICE vehicle purchased must have a 2010 or newer model year engine.

- (t) Transit Agency Exemption. Transit agencies subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023 are not subject to any section of this regulation until January 1, 2030.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.1 of title 13, California Code of Regulations, to read as follows:

Section 2013.1 State and Local Government Fleet Exemptions

Fleet owners may request the following exemptions or extensions if their California fleets comply with all applicable requirements. Fleet owners requesting or utilizing any exemptions or extensions must meet applicable reporting and recordkeeping requirements for each exemption or extension as specified in sections 2013.2 and 2013.3. Any exemptions or extensions granted to a fleet owner are not transferrable to another fleet owner. The Executive Officer will respond to exemption or extension requests as specified in section 2013.2(i).

- (a) Backup Vehicle Exemption. Fleet owners may designate vehicles as backup vehicles during the March reporting period as specified in section 2013.2(b) and renew such designations annually only if the following criteria are satisfied:
- (1) The vehicle is operated less than 1,000 miles per year excluding any mileage travelled while performing emergency operations in support of a declared emergency event;
 - (2) The fleet owner must report the vehicle as a backup vehicle and must submit odometer readings as specified in section 2013.2(f); and
 - (3) Backup vehicles that no longer meet the criteria specified in section 2013.1(a) cannot be operated in California and must be removed from the California fleet if the fleet is out of compliance with section 2013(d).
- (b) Daily Usage Exemption. Fleet owners may request a calendar exemption as specified in sections 2013(n)(2) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2013.1(b)(1) if no new BEV is available to purchase that can meet the demonstrated daily usage needs of any existing vehicles of the same configuration in the fleet, as determined by the criteria specified in section

2013.1(b)(2) through (5). If approved, fleet owners must place their new ICE vehicle orders within 1 year from the date the exemption is granted. ~~Fleet owners may request this exemption only if at least ten percent of their California fleet is comprised of ZEVs or NZEVs.~~ The Executive Officer will not approve exemption requests for a vehicle configuration that is available to purchase as: an NZEV; an FCEV; a Class 7 or 8 BEV tractor or BEV 3-axle bus with a rated energy capacity of at least 1,000 kilowatt-hours; a Class 4 through 6 BEV with a rated energy capacity of at least 325 kilowatt-hours; or a Class 7 or 8 BEV that is not a tractor or 3-axle bus with a rated energy capacity of at least 450 kilowatt-hours. The fleet owner must submit the following information by email to TRUCRS@arb.ca.gov to apply:

- (1) Submit the make, model, weight class, configuration, and photograph of the ICE vehicle to be replaced, including the specifications of any auxiliary equipment such as aerial lifts, derricks, or cranes, if applicable.
- (2) Identify the BEV that is available to purchase in the same weight class and configuration with the highest rated energy capacity available. Submit the make, model, weight class, configuration, and rated energy capacity of the identified BEV.
- (3) Calculate the range of the vehicle identified in section 2013.1(b)(2) in miles by dividing the rated energy capacity of the identified BEV by the following factors: for Class 2b through 3 vehicles, 0.6 kilowatt-hours per mile; for Class 4 through 6 vehicles, 1.3 kilowatt-hours per mile; for Class 7 and 8 vehicles that are not tractors, 1.8 kilowatt-hours per mile; for Class 7 and 8 tractors, 2.1 kilowatt-hours per mile. For vehicles that operate truck mounted or integrated equipment while stationary, in lieu of calculating the needed rated energy capacity based on vehicle miles travelled, the needed rated energy capacity is the same as the measured BEV energy use specified in section 2013.1(b)(3)(A). Submit the calculation and results.

- (A) In lieu of calculating range as specified in section 2013.1(b)(3), fleet owners may instead submit measured BEV energy use data from BEVs of the same configuration already operated on similar daily assignments to substantiate their exemption request. Information must include vehicle loading and weight data, route grade, average ambient daily temperature, vehicle miles travelled per day, energy used to drive, and state of charge at the beginning and end of the daily shift to show typical daily energy usage for the BEV, over five consecutive business days. For vehicles that operate truck mounted or integrated equipment while stationary the information must also include the energy used while stationary and number of hours such truck mounted or integrated equipment is operated each day,
- (4) Submit a daily usage report for a period of at least 30 consecutive workdays from within the last 12 months using telemetry data or other data collection system that tracks daily mileage and energy use, and hours of vehicle operation if applicable, for all ICE vehicles of the same weight class and configuration of the vehicle to be replaced. Fleet owners that have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event may alternatively submit this report from within the last 60 months. The report must include the daily miles traveled and energy used to drive for each ICE vehicle of the same weight class and configuration of the vehicle to be replaced. Identify the lowest mileage reading for each day ~~and exclude the 3 highest readings~~. For the exemption to be granted, the highest remaining mileage or energy use number must be greater than the range calculated in 2013.1(b)(3) or the energy use data submitted per section 2013.1(b)(3)(A).
 - (A) For vehicles that operate truck mounted or integrated equipment while stationary, the daily usage report must include the energy used while stationary and number of hours such truck mounted or integrated equipment is operated each day, for at least 30 consecutive workdays from within the last 12 months.
- (5) Submit a description of the daily assignments or routes used by existing vehicle configurations with an explanation of why all BEVs available to purchase of the same weight class and configuration cannot be charged or fueled during the workday at the depot, within one mile of the routes, or where ZEV fueling infrastructure is available. The explanation must include a description of why charging could not be managed during driver rest periods or breaks during the workday.

- (6) In granting or denying the exemption request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria specified in section 2013.1(b).
- (c) ZEV Infrastructure Delay Extension. Fleet owners may request the following extensions as specified in sections 2013(n)(3) if they experience delays due to circumstances beyond their control on a project to install ZEV fueling infrastructure. Fleet owners may only request the following extensions for ICE vehicles being replaced at the site experiencing the delay. These extensions also apply for locations where the fleet owner has entered into a contract of one year or longer to charge or fuel their ZEVs at a single location prior to beginning the infrastructure project. The fleet owner must request the following extensions at least 45 calendar days prior to the next applicable compliance date for CARB to consider the request.
 - (1) ZEV Infrastructure Construction Delays. Fleet owners may request this extension if they experience a construction delay due to circumstances beyond their control. The Executive Officer will grant an extension for up to two years, beginning on the applicable compliance date for the number of vehicles that qualify for the extension, per project, if they determine the fleet owner meets the criteria specified below. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
 - (A) Documentation showing the executed contract for the ZEV fueling infrastructure installation including a construction permit indicating the permit issuance date is at least one year prior to the next applicable compliance deadline.
 - (B) Documentation showing the delay is a result of any of the following circumstances that occurred after the fleet owner obtained the construction permit identified in section 2013.1(c)(1)(A): change of a general contractor; delay in manufacture and shipment of ZEV fueling infrastructure equipment; delays obtaining power from a utility; delays due to unexpected safety issues on the project; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act, Public Resources Code Division 13, Section 21000 et. seq.; or natural disasters.

- (C) A letter to CARB from the responsible official explaining the reason for the delay, why retail ZEV fueling infrastructure cannot be used, the estimated completion date of the project, and documentation supporting the reason for the delay from the licensed contractor performing the work, related utility, building department, or other organization involved in the project.
 - (D) Documentation showing the executed ZEV purchase agreement.
 - (E) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.1(c)(1).
- (2) ZEV Infrastructure Site Electrification Delays. Until January 1, 2030, fleet owners may request this extension if their electric utility provider determines it cannot provide the requested power to the site where ZEVs will be charged or refueled before the fleet's next ZEV compliance deadline. The Executive Officer will grant an extension for the time-period specified in section 2013.1(c)(2)(A) and number of vehicles specified in section 2013.1(c)(2)(B) if they determine the fleet owner satisfies the criteria for this delay, based on the information submitted below and the exercise of their good engineering judgment. The fleet owner must meet the criteria and submit the documentation or information specified below by email to TRUCRS@arb.ca.gov to apply:
- (A) Site Electrification Delay Time Period. Fleet owners may request an initial extension for a period of up to 3 years to align the estimated ZEV delivery date with the amount of time the utility determines it needs to supply the needed power to the site. Fleet owners can request an additional two-year extension if the utility still cannot supply the needed power by the end of any granted initial extension period. To renew the initial extension, a fleet owner must submit updated supporting documentation at least 45 calendar days prior to the expiration of the initial extension period.

- (B) Number of Extensions. A fleet owner may request an extension for the number of ZEVs for which, based on information submitted in section 2013.1(c)(2)(C), the utility cannot supply sufficient power. The fleet owner must deploy the maximum number of ZEVs needed to meet its compliance obligations and that can be supported by the utility, and must deploy any additional ZEVs that can be supported by utility upgrades to the site's electrical capacity each calendar year during the delay until the project is complete to maintain the extension.
- (C) The fleet owner must submit all of the following information by email to TRUCRS@arb.ca.gov to request this extension:
1. A copy of the application submitted to the utility requesting site electrification that is consistent with the number of ZEVs the fleet owner must deploy each calendar year to meet their compliance requirements during the requested extension period;
 2. The utility's response showing that the project will take longer than a year, and the executed utility contract. If a utility is unable or unwilling to execute a contract, a fleet owner must submit the initial contract or application requesting site electrification to the utility, and a signed attestation from the utility stating they will proceed with the project;
 3. Documentation indicating the reason for the delay, an estimated delivery date provided by the manufacturer for the ZEV replacing an ICE vehicle at the site, an estimate ~~provided by the utility~~ of the available electrical capacity the utility can supply to the site within one year of the extension request, and for each year of the requested delay in kilowatts, and estimated project completion date;
 4. Information about the ZEV fueling infrastructure equipment that can be installed consistent with the utility's capacity estimate and the associated number, configuration, and weight class of the ZEVs that can be supported by such equipment within one year of the extension request, and for each year of the requested extension. The information must include:

- a. The number, type, and rated capacity for chargers in kilowatts; or
 - b. For hydrogen stations, dispensing capacity in kilograms per day and the electrical demand in kilowatts.
- 5. Fleet owners with multiple sites where vehicles are domiciled must submit a copy of each site's infrastructure capacity evaluation from the utility or a third-party licensed professional electrical engineer with the information required to be submitted in sections 2013.1(c)(2)(C)(3.) and (4.).
- (D) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.1(c)(2).
- (d) ZEV Purchase Exemptions. Fleet owners may request exemptions as specified in sections 2013(n)(4) to purchase a new ICE vehicle if a needed configuration is not available to purchase as a ZEV or NZEV under either the ZEV Purchase Exemption List of 2013.1(d)(1) or the ZEV Purchase Exemption Application of 2013.1(d)(2).
- (1) ZEV Purchase Exemption List. The Executive Officer will establish and maintain a list of vehicle configurations on the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> no later than ~~January 1, 2025~~ January 1, 2024. That list will specify vehicle configurations that are not available to purchase as ZEVs or NZEVs and the date the exemption expires for listed configurations determined to be available to purchase as specified in section 2013.1(d)(2)(G). The list will include the configurations specified in section 2013.1(d)(1)(A). The Executive Officer will rely on the information submitted and gathered in section 2013.1(d)(2) and utilize their good engineering and business judgement to determine if the information establishes that the criteria in sections 2013.1(d)(2)(C) through (G) are met when determining whether to add a vehicle configuration to the list or to identify the expiration date for a vehicle configuration on the list. The list will not include the following configurations: pickups, any buses, box trucks, vans, or any tractors. Fleet owners may purchase a new ICE vehicle of the same configuration and weight class as one on the list as specified in section 2013(n)(4), report the purchase as specified in section 2013.2(g), and keep records as specified in section 2013.3(e), and CARB will recognize that vehicle as having met the criteria for the exemption.

- (A) Configurations List. The list will include the following vehicle configurations: Bucket truck, boom truck, dump truck, flatbed truck, stake bed truck, front-loader refuse compactor truck, side-loader refuse compactor truck, rear-loader refuse compactor truck, refuse roll-off truck, service body truck, street sweeper, tank truck, tow truck, water truck, car carrier truck, concrete mixer truck, concrete pump truck, crane, drill rig, vacuum truck.
- (2) ZEV Purchase Exemption Application. Fleet owners may request an exemption as specified in section 2013(n)(4) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2013.1(d)(2)(A)(1.). If approved, fleet owners must place their new ICE vehicle orders within 1 year from the date the exemption is granted. The fleet owner must submit the following information by email to TRUCRS@arb.ca.gov. The Executive Officer will rely on the information submitted in sections 2013.1(d)(2)(A) and (B) and their good engineering and business judgement to determine if the information establishes that the criteria specified in sections 2013.1(d)(2)(C) through (G) are met:
- (A) Fleet owners must submit the following information about the vehicle configuration needed:
1. Make, model, weight class, configuration, whether the vehicle has a: crew cab; cabover; or all-wheel drive; clear and legible photographs of the entire left and right sides of the vehicle with doors closed showing the vehicle's body configuration, for an existing ICE vehicle being replaced in the fleet;
 2. A list of any frame attachments other than the body itself necessary to support or perform the primary intended function of the vehicle. Examples of frame attachments include rail wheels and stabilizing outriggers; and
 3. The make and model of the body equipped on the vehicle, if applicable.

- (B) Fleet owners must also submit documentation from two or more manufacturers that offer ZEV or NZEV chassis, or complete ZEVs or NZEVs, that states the manufacturer does not offer for sale ZEV or NZEV chassis, or complete ZEVs or NZEVs, of the needed configuration submitted in section 2013.1(d)(2)(A). If there are no manufacturers offering ZEV chassis, the statements can come from other vehicle manufacturers.
- (C) After receiving a complete submission, the Executive Officer shall rely on information gathered from fleet owners ~~and~~^{or} manufacturers, including information gathered to comply with other CARB-administered programs, manufacturer websites, manufacturer documentation, authorized dealers, CARB-issued Executive Orders, and their good engineering and business judgement to determine whether the configuration is available for purchase as a ZEV or NZEV from any manufacturer, and whether the identified body submitted in section 2013.1(d)(2)(A)(3.) or a body from another manufacturer that can perform the same primary intended function can be installed on the offered ZEV or NZEV. If the Executive Officer does not have sufficient information to make the determination, they shall solicit the information submitted by the fleet owner specified in section 2013.1(d)(2)(A) for public feedback from vehicle manufacturers and authorized dealers on the CARB Advanced Clean Fleets webpage, available at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>, to assist in making the determination.
- (D) The Executive Officer shall consider an offered ZEV or NZEV available to purchase if all of the following criteria are met:
1. If applicable, the manufacturer has certified the ZEV's powertrain with CARB in accordance with the "California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains," as adopted June 27, 2019, which is incorporated by reference herein;
 2. ZEVs or NZEVs with model years 18 months or less from the date the fleet owner submitted the complete exemption request;
 3. ZEV or NZEV configuration is not solely for demonstration, test, or experimental purposes;

4. Documentation from the manufacturer or authorized dealer shows evidence of battery capacity, range, compatibility with and run time of existing equipment where applicable, and payload; a commitment to deliver the vehicle within 18 months, and a list of service centers within reasonable proximity to the fleet;
5. Based on the documentation in subparagraph (4), the ZEV or NZEV meets the fleet's required specifications;
6. The ZEV or NZEV is not offered solely from manufacturers or authorized dealers that have failed to deliver on commitments to fleets on at least two separate occasions;
7. ZEVs or NZEVs are not offered as a temporary placeholder for a vehicle that may or may not be offered for sale in the future; and
8. ZEVs or NZEVs do not conflict with safety standards that the fleet owner is subject to, if applicable, as prescribed under title 8, CCR by the California Department of Industrial Relations, Division of Occupational Safety and Health, comparable federal or state health and safety laws where the vehicle operates, or federal highway safety laws. The fleet owner must submit which of these safety laws or standards would be in conflict and for what reasons in their application.

- (E) If the Executive Officer identifies any manufacturer or authorized dealer that offers for sale a ZEV or NZEV chassis, or complete ZEV or NZEV in the same ~~or next higher~~ weight class, ~~except for Class 8 vehicles which must only be in the same weight class,~~ in the needed configuration, with the needed frame attachments, and on which the identified body submitted in section 2013.1(d)(2)(A) or an equivalent body from another manufacturer or authorized dealer that can perform the same primary intended function can be installed, and meets the fleet's required specifications, the Executive Officer will supply the manufacturer or authorized dealer name to the fleet owner applicant, deny the exemption request, and remove the vehicle configuration from the ZEV Purchase Exemption List pursuant to section 2013.1(d)(2)(G). The manufacturer shall provide a specification sheet for the offered vehicle, including evidence of battery capacity range, fully loaded weight and dimensions, compatibility with and run time of auxiliary equipment where applicable, and payload; a delivery date for the vehicle within 18 months; and a list of service centers located near the fleet. Otherwise, the Executive Officer will rely on the information specified in sections 2013.1(d)(2)(A) through (G) and their good engineering judgement to determine if the information established that the criteria specified in sections 2013.1(d)(2)(C) through (G) are met, and the exemption will be approved.
- (F) If the Executive Officer cannot identify any manufacturer that offers a ZEV or NZEV chassis, or complete ZEV or NZEV for sale in the needed configuration and weight class, the vehicle configuration will be added to the ZEV Purchase Exemption List specified in section 2013.1(d)(1).
- (G) The Executive Officer will rely on information gathered from fleet owners or manufacturers, including information gathered to comply with other CARB-administered programs, manufacturer websites, manufacturer documentation, authorized dealers, CARB-issued Executive Orders, and their good engineering and business judgement to determine whether any vehicle configuration listed on the ZEV Purchase Exemption List specified in section 2013.1(d)(1) no longer meets the criteria specified in section 2013.1(d)(2)(C) through (G). If such a determination is made, on the Advanced Clean Fleets website, the Executive Officer will notify the public of the determination by posting the vehicle configuration, weight class, and exemption expiration date on and after which the vehicle will no longer be eligible to purchase as an ICE vehicle from the ZEV Purchase Exemption List, which shall be the first day of the month after 180 calendar days after posting the determination.

- (H) The Executive Officer will notify the fleet owner by email whether the exemption has been approved within 45 calendar days from the date a complete application is received. If the Executive Officer does not respond to within this timeframe, the exemption will be deemed approved.
 - (I) Fleet owners whose exemption request has been granted must comply with the reporting and recordkeeping requirements specified in sections 2013.2(g) and 2013.3(e).
- (e) Mutual Aid Assistance. Fleet owners may request this exemption as specified in sections 2013(n)(5) to purchase new ICE vehicles. ~~The total number of new ICE vehicles allowed to be purchased under this exemption must not exceed 25 percent of the total number of vehicles in the fleet owner's California fleet in the calendar year the exemption is approved, less the number of ICE vehicles already in the fleet purchased pursuant to a granted exemption.~~ Fleet owners must have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event to apply. The California fleet must be comprised of ZEVs in the following minimum proportions to apply: at least 25 percent until January 1, 2032; 50 percent until January 1, 2035; and 75 percent thereafter. This exemption does not apply to pickup trucks, buses, box trucks, vans, tractors, or any vehicle configurations available to purchase as NZEVs. The Executive Officer will rely on the information submitted in sections 2013.1(e)(1) through (5) and their good engineering judgment in determining whether the information establishes that the criteria in 2013.1(e)(2) and (3) are met. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
 - (1) The make, model, weight class, configuration, and photograph of the needed ICE vehicle;
 - (2) Documentation from each manufacturer offering ZEVs for sale of the same configuration and weight class as the ICE vehicle submitted in section 2013.1(e)(1) describing the charging or fueling connector and charging or fueling time capability;

- (3) Documentation from three mobile ZEV fueling providers, with mobile fueling options that are compatible with the vehicle's charging or hydrogen fueling connector and system identified in section 2013.1(e)(2) to show the ZEV cannot be refueled from 10 to 80 percent of the ZEV's rated energy capacity ~~within 1 hour~~ within 15 minutes or an explanation from the fleet owner stating why a compatible mobile fueling option is not practicable for the mutual aid scenarios in which the fleet owner reasonably expects to experience. If less than three mobile ZEV fueling providers have compatible mobile fueling options for the ZEV, documentation must be submitted from all mobile ZEV fueling providers that do have compatible mobile fueling options;
- (4) A copy of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events; and
- (5) A letter to the Executive Officer that has an explanation of the reason for the exemption request.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.2 of title 13, California Code of Regulations, to read as follows:

Section 2013.2 State and Local Government Fleet Reporting

- (a) Method of Reporting. Reports submitted to comply with sections 2013 through 2013.4 must be submitted online through the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> in the TRUCRS reporting system, except exemption or extension requests requiring documentation to be submitted via TRUCRS@arb.ca.gov.
- (b) Reporting Deadline and End Date. Except as specified in section 2013.2(e), no later than April 1 of each year until April 1, 2045, fleet owners must annually submit a compliance report that includes all of the information specified in section 2013.2 for their California fleet as it is composed as of January 1 of the corresponding calendar year. The initial report must be submitted by April 1, 2024. The annual reporting period is during the month of March.
- (c) Fleet Reporting. Fleet owners must report all of the following:

- (1) State or local government agency information.
 - (A) State or local government agency name or, if applicable, subdivision name;
 - (B) State or local government agency 's physical and mailing addresses;
 - (C) Designated contact person name;
 - (D) Designated contact person phone number;
 - (E) Designated contact person email;
 - (F) The following operating authority numbers, if applicable: motor carrier identification number, United States Department of Transportation number, California Carrier Identification number, California Public Utilities Commission transportation charter permit number, International Registration Plan number;
 - (G) Identify the jurisdiction (state, county name, city name, or other local government);
 - (H) Name of the responsible official; and
 - (I) Whether the fleet owner will permanently opt-in to the ZEV Milestones Option of title 13, CCR section 2015.2 as described in section 2013(e) and no longer be subject to the requirements specified in sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4.
- (2) Vehicle Information. The fleet owner must report the following information for each vehicle in the California fleet:
 - (A) VIN;
 - (B) Vehicle make and model;
 - (C) Vehicle model year;
 - (D) Vehicle license plate number and state or jurisdiction of issuance;
 - (E) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.);

- (F) Vehicle body type;
 - (G) Fuel and powertrain type;
 - (H) Date vehicle purchase was made;
 - (I) Date vehicle was added to or removed from the California fleet;
 - (J) Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension specified in section 2013.1;
 - (K) Odometer, or if applicable, hubodometer readings for vehicles as specified in section 2013.2(f);
 - (L) Engine family and engine model year for any vehicles added to the California fleet after January 1, 2024;
 - (M) Funding contract start and end date for vehicles purchased with California State-funding if the vehicle is to be excluded during the funding contract period as specified by the funding program.
 - (N) ZEV Purchase Reporting. Fleet owners that are replacing a vehicle pursuant to the ZEV Purchase Exemption specified in section 2013.1(d) must identify which vehicle is being replaced.
- (d) Joint Compliance Reporting. If an agency chooses to comply jointly as specified in section 2013(k), each individual department, division, district, subsidiary, or agency must report separately, and include the CARB-issued ID number of the primary controlling agency or designated primary entity.
- (e) Changes to an Existing Fleet. Fleet owners must comply with all of the following reporting requirements when adding or removing vehicles from the California fleet:
- (1) Vehicles added to the California fleet must be reported within 30 calendar days of being added to the fleet;
 - (2) Vehicles that are permanently removed from the California fleet must be reported within 30 calendar days of removal. The report must include the date of removal;
 - (3) If a backup vehicle exceeds the allowable mileage limit the change must be reported within 30 calendar days of the date the mileage limit was exceeded; and

- (4) ZEV Conversions. Fleet owners that convert a vehicle to a ZEV must report the vehicle's new fuel type within 30 calendar days of being converted.
- (f) Odometer Reading Reporting. This section applies to fleet owners that own or operate backup vehicles. Fleet owners with backup vehicles must comply with the following reporting requirements:
 - (1) Odometer Readings. Report annually the odometer reading from January 1 of the current calendar year and the date the reading was recorded from a properly functioning odometer or hubodometer.
 - (2) Odometer Failure and Replacement. If the vehicle's originally equipped odometer has failed and is replaced, report the following information within 30 calendar days of the date the original odometer failed or was replaced, whichever comes first: the original odometer's final reading, the new odometer's initial reading, and the date of replacement.
 - (A) Hubodometers. If the vehicle's originally equipped odometer has failed and is not being replaced, the fleet owner must equip the vehicle with a hubodometer. Fleet owners must report the serial number of the hubodometer within 30 calendar days of the date the hubodometer was installed;
 - (3) Emergency Mileage. The fleet owner must report the number of miles travelled in support of the emergency for backup vehicles used in emergency operations that would exceed the backup vehicle mileage limit.
- (g) ZEV Purchase Exemption Supporting Documentation Reporting. Fleet owners that purchase an ICE vehicle pursuant to the ZEV Purchase exemption specified in section 2013.1(d) must submit an email to TRUCRS@arb.ca.gov within 30 calendar days of receiving the new ICE vehicle with the purchase agreement and the following clear and legible digital photographs of:
 - (1) VIN/GVWR label (typically located on the driver side door or door jamb);
 - (2) License plate with driver's side of the vehicle visible;
 - (3) Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
 - (4) Entire right side of the vehicle with doors closed showing the vehicle's body configuration.

- (h) Requirement for Signature. All reports submitted to CARB electronically are deemed signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (i) Method for Requesting and Approval of Exemptions or Extensions. The Executive Officer will notify the fleet owner by email whether any exemption or extension requests that are required to be submitted to TRUCRS@arb.ca.gov are approved within 45 calendar days from receipt of a complete submission.
- (j) Late Reporting. Until January 1, 2027, fleet owners that submit initial reporting information specified in section 2013.2 after the initial reporting deadline specified in section 2013.2(b) may still establish the vehicles in their California fleet as of January 1, 2024 by reporting the information in the TRUCRS Reporting System and submitting vehicle records specified in section 2013.3(a) to CARB by email to TRUCRS@arb.ca.gov when submitting their late report. Beginning January 1, 2025, fleet owners that submit initial reporting information specified in section 2013.2 after the initial reporting deadline specified in section 2013.2(b) are also subject to penalties specified in section 2013.4(b)(1).
- (k) Intermittent Snow Removal Vehicle Reporting. Fleet owners may request vehicles be designated by the Executive Officer as intermittent snow removal vehicles by submitting via email to TRUCRS@arb.ca.gov a copy of the vehicle's specifications sheet from the manufacturer showing the vehicle meets the definition of an intermittent snow removal vehicle, or the following clear and legible digital photographs. The Executive Officer will rely on the information and photos submitted by the fleet owner and their engineering judgement to determine whether vehicle meets the definition of an intermittent snow removal vehicle specified in section 2013(b) and will notify the fleet owner via email within 45 days of receiving a request whether the request is approved. If approved, the Executive Officer will immediately designate the requested vehicles as intermittent snow removal vehicles.
 - (1) VIN/GVWR label (typically located on the driver side door or door jamb);
 - (2) License plate with driver side of the vehicle visible;
 - (3) Entire left side of the vehicle with doors closed showing the vehicle's body configuration;
 - (4) Entire right side of the vehicle with doors closed showing the vehicle's body configuration; and

- (5) The plow mounting attachment and control system; traction material spreader attachment and control system; or the de-icing system attachment and control system.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.3 of title 13, California Code of Regulations, to read as follows:

Section 2013.3 State and Local Government Fleet Recordkeeping

Fleet owners must keep records of reported information required in reporting section 2013.2 and documentation specified in section 2013.3 for a period of at least five years. Fleet owners must make such records available in an electronic or paper format to CARB staff within 72 hours of a written or verbal request for audit. The following records are required to be kept and provided upon request for vehicles in the California fleet:

- (a) Entity and Vehicle Documentation.
 - (1) Records of all vehicle information required to be reported as specified in section 2013.2;
 - (2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles;
 - (3) The following information about all vehicles that have been removed from the California fleet:
 - (A) If the vehicle is sold, a transfer of liability form filed with DMV, including the date of sale and odometer reading at the time of sale;
 - (B) If the vehicle is transferred out-of-state, but not sold, a copy of the out-of-state registration;
 - (C) If the vehicle is registered with DMV as non-revivable junked or dismantled, a copy of the registration demonstrating it was filed as such with DMV; and

- (D) If the vehicle is sold or consigned to an auction house, a copy of the contract and the transfer of liability form filed with DMV, if applicable.
- (4) Backup Vehicle Documentation. Fleet owners with backup vehicles that perform emergency operations must keep records to document dispatch by a local, state, federal or other emergency management agency.
- (b) Operator Documentation. Fleet owners must keep documentation identifying the entity responsible to pay the driver who is not a state or local government agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo.
- (c) Odometer Reading Documentation. Fleet owners required to report odometer readings must keep records of the vehicle miles traveled. Acceptable records are those that have an odometer reading from the vehicle and are provided in smoke opacity test results, Basic (previously Biennial) Inspection of Terminals inspection forms, California Highway Patrol-Truck and/or Tractor Maintenance and Safety Inspections Forms (108-Form), maintenance or service work orders, invoices or receipts, unaltered photograph of the odometer or hubodometer, driver logs or inspection sheets, or an onboard diagnostics system information download that includes the vehicle miles travelled or odometer information. Fleet owners of backup vehicles used in emergency operations in support of a declared emergency event must keep records to document vehicle mileage accrued under contract in support of an emergency event.
- (d) ZEV Infrastructure Delay Documentation. Fleet owners that utilize the ZEV Infrastructure Delay Extensions of section 2013.1(c) must keep copies of all documents, letters, and contracts submitted to CARB as specified in section 2013.1(c) to support their request and qualifications for the extensions.
- (e) ZEV Purchase Exemption Documentation. Fleet owners utilizing the ZEV Purchase Exemption must keep copies of documents submitted as specified in section 2013.2(g), and copies of documents submitted as specified in section 2013.1(d).
- (f) Documentation for Mutual Aid Assistance. Fleet owners that utilize the Mutual Aid Assistance exemption must keep copies of all documents, mutual aid agreements, and letters submitted to CARB as specified in section 2013.1(e) to support their request and qualifications for the exemption.
- (g) Hiring Entity Documentation. Hiring entities that are subject to the regulation as specified in section 2013(a)(3) must keep certificates of reported compliance or signed statements received from hired fleets used to verify that hired fleets are compliant with

the applicable regulations. Additionally, hiring entities must keep copies of contracts with hired entities that include the disclosure of regulation applicability as specified in section 2013(j)(2).

- (h) Daily Usage Exemption Documentation. Fleet owners that utilize the Daily Usage Exemption must keep copies of all documents, data, letters, and analysis submitted to CARB as specified in section 2013.1(b) to support their request and qualifications for the exemption.
- (i) Intermittent Snow Removal Vehicle Documentation. Fleet owners approved to designate vehicles as intermittent snow removal vehicles must keep copies of the vehicle specification sheet from the manufacturer or photographs submitted as specified in section 2013.2(k).
- (j) Sales Disclosure Documentation. Any person required to submit a sales disclosure as specified in section 2013(r) must keep a copy of the written sales disclosure.
- (k) Non-repairable Vehicle Documentation. Fleet owners approved to utilize the Non-repairable Vehicle exemption of section 2013(n)(7) must keep records of the police report, insurance statement, or signed attestation, photographs, and information submitted to CARB as specified in section 2013(n)(7).

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104 Health and Safety Code. Reference: 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 Health and Safety Code.

Adopt Section 2013.4 of title 13, California Code of Regulations, to read as follows:

Section 2013.4 State and Local Government Fleet Enforcement

- (a) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.
- (b) Penalties. Any person who fails to comply with the requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report,

statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to penalties.

- (1) Late Reporting Penalties. Beginning January 1, 2025, and until January 1, 2027, failure to submit any information as specified in section 2013.2 shall constitute a single, separate violation for each vehicle and each month the information is not submitted past the initial reporting period specified in section 2013.2(b).
- (c) Right of Entry. An agent or employee of CARB, upon presentation of proper credentials, has the right to enter any motor carrier, broker, or hiring entity facility (with any necessary safety clearances) where vehicles are located or vehicle records, including hiring and brokering records, are kept to verify compliance.
- (d) Fleet Owner Enforcement. For purposes of enforcement, if the vehicle is inspected and cited for noncompliance with this regulation and neither the operator of the vehicle nor the rental or leasing entity can produce evidence, as specified in the “Fleet owner” definition of section 2013(b), of the party responsible for compliance with state laws, the owner shall be presumed to be both the rental or leasing entity and the renting operator or lessee of the vehicle.

Note: Authority cited: Sections: 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.