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Darrell E. Johnson
Chief Executive Officer

November 26, 2018

Ms. Mary Nichols
Chair
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Subject: Proposed Amendments to the Innovative Clean Transit Regulation

Dear Chair Nichols:

The Orange County Transportation Authority (OCTA) welcomes the opportunity to offer comments on the most recent amendments proposed to the California Air Resources Board's (ARB) Innovative Clean Transit (ICT) Regulation. These amendments, dated November 9, 2018, improve upon previous versions of the proposed ICT regulation. While progress has been made, OCTA continues to have concerns about the proposal's lack of clear benchmarks in the regulation to ensure that the technology and costs match the regulation's assumptions, and the absence of a viable funding source that would help agencies meet the purchase requirement.

Since the ARB Meeting on September 28, 2018, various technical changes were made to the regulation in response to concerns expressed by transit agencies. OCTA specifically supports the strengthening of the early compliance waiver, the additional temporary exemptions, and clarification of the definition of a zero-emission bus purchase. OCTA is hopeful for more improvements like these to allow for a sensible implementation of zero-emission bus technology.

Unfortunately, the recent amendments do not address OCTA's primary concerns with the proposed ICT regulation. The proposed regulatory language still does not identify adequate funding for agencies to meet the purchase mandate, which could be partially addressed if the regulation explicitly authorized ARB incentive programs to be available through the life of the regulation. The regulatory language also does not include explicit benchmarks to ensure that the buses transit agencies will be mandated to purchase will meet the operational needs of the agency and will not require a shifting of financial resources that could adversely impact transit riders. For your reference, OCTA has voiced these concerns in previous letters to the ARB, dated January 22, 2018; May 14, 2018; and September 24, 2018, as well as in public comments at the September ARB Board Meeting. OCTA encourages amendments be developed to address these concerns before the regulation is put forward for adoption.

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While the recent amendments are constructive, additional improvements are necessary to allow for the expansion of zero-emission technology in an economically sustainable manner. If you or your staff have any questions regarding OCTA's concerns with the proposed ICT regulation, please contact Kristin Essner, Manager of State and Federal Relations, at (714) 560-5754 or kessner@octa.net.

Sincerely,



Darrell E. Johnson
Chief Executive Officer

DJ:ds
Attachment

c: Members, California Air Resources Board
Richard Corey, Executive Officer, California Air Resources Board
Steve Cliff, Deputy Executive Officer, California Air Resources Board
Jack Kitowski, Chief, Mobile Source Control Division, California Air Resources Board
Shirin Barfjani, Air Pollution Specialist, Mobile Source Control Division, California Air Resources Board
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