



July 30, 2024 | Submitted electronically

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**RE: Comments on Implementation of Assembly Bill 1594 and the Advanced Clean Fleets Regulation**

The California Municipal Utilities Association<sup>1</sup> (CMUA) appreciates the opportunity to provide feedback regarding key questions related to the implementation of Assembly Bill (AB) 1594.

Following a previous meeting focused on the implementation of AB 1594, staff of the California Air Resources Board (CARB) requested the following information:

1. Clarification of the definition of utility specialized vehicles,
2. Means of determining utility specialized vehicle's end of useful life, and
3. The calculation of daily usage energy needs.

**I. The Definition of Utility Specialized Vehicles**

The purpose of this definition is to establish which utility vehicles may be replaced prior to the 13<sup>th</sup> model year, based on the public agency utility's vehicle end of life procedures, to qualify with one of the existing ACF exemptions. This definition does not create a new exemption. A Utility Specialized Vehicle means one or more of the following:

1. A vehicle with a GVWR greater than 10,000 lbs. capable of driving off-highway and on low traction surfaces; or
  2. A vehicle with a GVWR greater than 10,000 lbs. equipped with 4WD or 6WD, specifically ones capable of providing torque and power to all wheels simultaneously;
- or

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<sup>1</sup> 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.

3. A vehicle with a GVWR greater than 10,000 lbs. with a vocational power take off (PTO) system or auxiliary and is configured to perform work that is an integral part of the vehicle design, whether that vehicle is stationary, or while the vehicle is in motion. Examples include digger derricks, vehicles commonly known as bucket trucks, underground/overhead cable pullers, crane, aerial boom, water tanker trucks, dump trucks, vegetation management/line clearance tree trimming, heavy haul/lowboy, insulator washer, grapple loader, hydraulic excavators and sewer equipment, and specialized/customized vocational utility trucks; or
4. A vehicle with a GVWR greater than 10,000 lbs. certified by the manufacturer for towing, with published or affixed maximum limits for tongue weight, axle loading and a gross combination weight rating (GCWR).

## **II. Determining Utility Specialized Vehicles End of Useful Life**

AB 1594 stipulates that “Any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles shall authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life *life, as determined by the State Air Resources Board in consultation with public agency utilities*, when needed to maintain reliable service and respond to major foreseeable events, including, but not limited to, severe weather, wildfires, natural disasters, and physical attacks, without regard to the model year of the vehicle being replaced.”<sup>2</sup> The ACF regulation should recognize a public agency utility’s vehicle retirement procedure for determining a vehicle’s end of useful life, using either:

- A POU vehicle retirement procedure using one or more of the following criteria:
  - Usage (stationary use hours or mileage),
  - Vehicle condition and reliability,
  - Availability and affordability of parts and maintenance
- A vehicle retirement policy as established and approved by the Public Agency Utility’s Governing Board.

## **III. Calculating Daily Usage Energy Needs**

AB 1594 also stipulates that “a public agency utility may provide comprehensive usage data for a class of vehicles that does not exclusively rely on the lowest mileage data reading and does not exclude the highest usage days.”<sup>3</sup>

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<sup>2</sup> [Assembly Bill \(AB\) 1594](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1594) (Garcia, Chapter 585, Statutes of 2023). See [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1594](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1594).

<sup>3</sup> *Ibid.*

Consistent with AB 1594's recognition of "comprehensive usage data," CMUA recommends that CARB revise the current regulatory provisions that require use of battery electric vehicle (BEV) data, rather than a public agency utility's fleet usage data, for purposes of determining whether a battery electric vehicle (BEV) can satisfy energy usage needs. The current approach, which requires fleets to obtain data on a BEV – not necessarily part of the fleet – operating on a similar assignment, does not consider comprehensive usage data for the class of vehicles operating within the fleet. Further, obtaining BEV data for a vehicle operating on similar assignment will likely prove challenging for many fleets. At the current time, not all 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. In recognizing the stipulation that a public agency utility may provide comprehensive usage data; CARB should allow for the calculation of equivalent mileage when possible and make accommodations for situations when BEV data cannot be attained.

CMUA understands that CARB staff is considering using the mean or median values as alternatives to relying on the lowest mileage data reading. However, relying on either of these values fails to recognize that public agency utilities must plan for the most extreme scenarios when deploying fleet vehicles. Public agency utilities cannot plan for the mean or median needs. They must be capable of responding to all maintenance and repair needs, in all circumstances. As such, CMUA recommends that the ACF Regulation establish the highest energy usage days as the reference when evaluating a Daily Usage Exemption request.

## **VI. Conclusion.**

CMUA appreciates the opportunity to provide this information and looks forward to working with CARB to implement AB 1594.

Respectfully submitted,



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