



September 5, 2024 | Submitted electronically

Tony Brasil, Branch Chief
Mobile Source Control
Division California Air
Resources Board
1001 I Street
Sacramento, CA 95814

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

The California Municipal Utilities Association¹, Northern California Power Agency², and Southern California Public Power Authority³, (collectively, the “Joint POU’s”) appreciate the opportunity to provide comments to the California Air Resource Board (CARB) on proposed amendments to the Advanced Clean Fleets (ACF) rule to implement Assembly Bill (AB) 1594. Our organizations collectively represent many of the state’s public water agencies and most of the state’s publicly owned electric utilities (POUs), each of which is governed by a board of local officials and accountable to the communities they serve. The Joint POU’s sponsored AB 1594 and are committed to ensuring that amendments to the ACF rule properly incorporate the important changes applicable to public agency utilities’ fleets, as described and intended by the legislation.

¹ The California Municipal Utilities Association is a statewide organization of local public agencies in California that provide electricity and water service to California consumers. CMUA membership includes publicly owned electric utilities that operate electric distribution and transmission systems. In total, CMUA members provide approximately 25 percent of the electric load in 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 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.

The Joint POU's appreciate the opportunity to provide further refined feedback regarding key questions presented by CARB staff in relation to the implementation of Assembly Bill (AB) 1594. These comments incorporate updates from the comments submitted on July 30, 2024, to clarify our recommended regulatory amendments for the implementation of AB 1594.

CARB staff have 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 13th 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.

Per discussion with CARB staff in meetings on June 19 and July 31, 2024, the Joint POU's have refined this definition from previous versions to remove the criteria of a vehicle being capable of off-highway driving. The criteria provided below are required for specialized utility fleet vehicles, irrespective of the vehicle's fuel source. AB 1594 was specifically adopted to address the unique nature and special needs of public agency utility fleets, and the definition proposed below reflects the specialized needs that California's public agency utilities face when building and maintaining the state's critical infrastructure.

A Utility Specialized Vehicle means one or more of the following:

1. 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
2. A vehicle with a GVWR greater than 10,000 lbs. with a vocational power take off (PTO) system or auxiliary power 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:⁴
or
3. A vehicle with a GVWR greater than 10,000 lbs. certified by the manufacturer for towing equipment with air actuated and/or electric brakes, with published or affixed maximum limits for tongue weight, axle loading, and a gross combination weight rating (GCWR).

⁴ 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

II. Determining Utility Specialized Vehicles End of Useful Life

Public agency fleets will assess various criteria relevant to retaining vehicles in good working order within their fleet. AB 1594 stipulates that “[a]ny 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, *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.”⁵ This statutory language expressly recognizes the unique nature of public agency utilities’ obligations to provide essential services, which is reflected in the procedures governing maintenance and replacement of their fleet vehicles.

In order to ensure that public agency utilities are able to meet their service and essential utility functions, each utility will need to determine the appropriate replacement plan based on their unique needs. As such, the ACF regulation should recognize a public agency utility’s vehicle retirement procedure for determining a vehicle’s end of useful life, and should do so by using a POU vehicle retirement procedure or policy utilized by the utility in their normal course of business, and which can be provided to CARB for reference upon request.

Per discussion with CARB staff in meetings on June 19 and July 31, 2024 this justification has been refined to remove a second option which would rely on specific pre-set criteria used to determine the end-of-life of the vehicle, to avoid complexities within the regulation. Instead, this proposal streamlines CARB’s review process by relying on the public agency utility’s vehicle retirement procedure or policy.

III. Calculating Daily Usage Energy Needs

Unlike many fleets (such as commuter buses, long-haul freight, or administrative vehicles) public agency utility fleet vehicles must be available to perform their core functions under the most challenging of circumstances. The vehicles the public agency utility uses for those core functions must be available for the maximum usage and are often not necessarily vehicles that can be substituted with other vehicles within a fleet. For that reason, AB 1594 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.”⁶

Consistent with AB 1594’s recognition of “comprehensive usage data,” the Joint POU’s recommend that CARB revise the current regulatory provisions in section 2013.1 (b)(3)(A) that

⁵ [Assembly Bill \(AB\) 1594](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1594) (Garcia, Chapter 585, Statutes of 2023). See https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1594.

⁶ *Ibid.*

require use of battery electric vehicle (BEV) data, rather than a public agency utility's fleet usage data, for purposes of determining whether a BEV can satisfy energy usage needs. The current language, which requires fleets to obtain data on a BEV – which may not even be part of the fleet or any public agency utility 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 (and even impossible in some instances). At the current time, not all specialty vehicles utilized by the utilities have BEV alternatives that are readily available or in operation, which severely impacts the ability to collect the required BEV data. Furthermore, even those vehicles that are in operation may not necessarily be operating in the same terrain or climate as the utility seeking the data, which renders the comparative data unsuitable. In order for the public agency utility to provide meaningful 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.

The Joint POUs recommend specific regulatory amendments to ensure that public agency utilities are able to rely on complete usage data in the Daily Usage Exemption, pursuant to AB 1594, which was shared with staff during discussions on June 19 and July 31, 2024.

The ACF should be amended to clarify that internal combustion engine (ICE) vehicle data can be considered, as necessary.

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 and in similar climates and terrain, to substantiate their exemption request. If the fleet does not have access to BEV data, ICE energy use data may be submitted.

During recent discussions, CARB staff suggested 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 able to respond to all maintenance and repair needs, in all circumstances.

As such, the Joint POUs recommend that the ACF Regulation establish the highest energy usage days as the reference when evaluating a Daily Usage Exemption request. This proposal has been expanded to include an attestation to certify that the usage data submitted is reflective of standard operational usage and has not been exaggerated or altered in any way.

~~Identify the lowest mileage reading for each day and exclude the three 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). The public agency submitting the exemption request must attest that the vehicle data provided reflects the standard operational usage of the vehicles, as recorded in the normal course of business.

VI. Conclusion.

The Joint POU's appreciate the opportunity to provide this information as a follow-up and response to conversations with CARB ACF staff and look forward to continuing to work with CARB to implement AB 1594.

Respectfully submitted,



FRANK HARRIS, PHD
Manager of Energy Regulatory Policy
California Municipal Utilities Association
fharris@cmua.org



Elisabeth de Jong
Government Affairs Manager
Southern California Public Power Authority
edejong@scppa.org



Emily Lemei
Customer Programs Manager & Regulatory Affairs
Northern California Power Agency
Emily.lemei@ncpa.com