

Advanced Clean Fleets Regulation
Proposed Draft Regulation Language

High Priority and Federal Fleet Requirements

California Air Resources Board

Advanced Clean Fleets Workshop

May 2, 2022

POTENTIAL DRAFT REGULATORY LANGUAGE FOR STAKEHOLDER REVIEW: This document provides potential draft regulatory language for the Advanced Clean Fleets rulemaking. This document is only intended to encourage feedback and should not be construed as a formal regulatory proposal.

DRAFT PROPOSED REGULATION ORDER
Advanced Clean Fleets Regulation

Adopt new sections 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, and 2015.6, title 13, California Code of Regulations (CCR) to read as follows:

[The text set forth below is new language in “normal type” proposed to be added to the California Code of Regulations.]

Section 2015. High Priority and Federal Fleets Applicability, Definitions, and General Requirements

(a) *Scope and Applicability.*

- (1) *Fleet Applicability.* Except as provided in section 2015(c), this regulation applies to any entity that owns, operates, or directs one or more vehicles in California as described in the vehicle scope of section 2015(a)(2) on or after January 1, 2024, and that meets any of the following criteria:
 - (A) Is an entity with \$50 million or more in total gross annual revenue in the prior year
 - (B) Is a fleet owner that owns, operates, or directs 50 or more vehicles, excluding light duty package delivery vehicles.
 - (C) Is a fleet owner or controlling party whose fleet in combination with other fleets operated under common ownership and control totals 50 or more vehicles, excluding light duty package delivery vehicles; or
 - (D) Is any federal government agency.
- (2) *Vehicle Scope.* Except as provided in section 2015(c), vehicles subject to this regulation include vehicles that operate in California with a GVWR greater than 8,500 lbs., light-duty package delivery vehicles with a GVWR equal to or less than 8,500 lbs., as defined in section 2015(b)(47), and off-road yard tractors.
- (3) *Hiring entities.* The requirements of section 2015(g) apply to any motor carrier, broker, federal governmental agency, person, or entity that hires

DRAFT REGULATORY LANGUAGE FOR COMMENT

fleets subject to title 13, CCR section 2014 or fleets and vehicles subject to this regulation per the scope and applicability of section 2015(a)(1-2).

- (b) *Definitions.* The following definitions apply to sections 2015 through 2015.6:
- (1) "Authorized dealer" means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is authorized and capable of performing repairs to factory specifications, including warranty repair work.
 - (2) "Backup vehicle" means a vehicle, excluding yard tractors, that is operated less than 1000 total miles per year except emergency mileage as specified in section 2015.3(a)(2).
 - (3) "Beverage truck" means a vehicle configuration with multiple storage bays designed to transport beverages in bottles or cans with individual doors to provide access to beverages from the vehicle.
 - (4) "Boom truck" means a vehicle configuration with a mounted crane or aerial lift system to hold and lift poles or equipment into position.
 - (5) "Box truck" means a single-unit vehicle with a fully enclosed cargo space or a partially enclosed cargo space with a roof and at least three sides. Examples of included vehicles are those commonly referred to as step vans, refrigerated vans, dry vans, and box reefer trucks.
 - (6) "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.
 - (7) "Bucket truck" means a vehicle configuration with an affixed personnel lift system with a control platform at the end of the lift that with a space for the operator to stand and work above the ground.
 - (8) "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.
 - (9) "California fleet" means the total number of vehicles operated in California during a calendar year, except rental vehicles as specified in section 2015.2(d). If a vehicle is operated in California at any time during a calendar year, it will be considered part of the California fleet for the entire calendar year.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (10) "Car carrier" means a tractor trailer combination with a permanently affixed structure designed for carrying on-road vehicles attached to the chassis of the power unit.
- (11) "CARB" means the California Air Resources Board.
- (12) "Class 4" means a vehicle with a GVWR greater than 14,000 and less than or equal to 16,000 lbs.
- (13) "Class 5" means a vehicle with a GVWR greater than 16,000 and less than or equal to 19,500 lbs.
- (14) "Class 6" means a vehicle with a GVWR greater than 19,500 and less than or equal to 26,000 lbs.
- (15) "Class 7" means a vehicle with a GVWR greater than 26,000 and less than or equal to 33,000 lbs.
- (16) "Class 8" means a vehicle with a GVWR greater than 33,000 lbs.
- (17) "Common ownership or control" means being owned, or managed on a day-to-day basis by the same person or entity. Vehicles managed by the same directors, officers, or managers, or by distinct corporations that are controlled by the same majority stockholders are considered to be under common ownership or control, even if their titles are held by different business entities or they have different taxpayer identification numbers. Furthermore, a vehicle is considered to be under an entity's control if the vehicle is operated using that entity's state or federal operating authority or other registration. Vehicles owned by different entities but operated by using common or shared resources to manage the day-to-day operations by using the same motor carrier number, displaying the same name or logo, or contractors who represent the same company are considered to be under common ownership or control. Common ownership or control of a federal government vehicle shall be the primary responsibility of the governmental agency that is directly responsible for the day-to-day operational control of the vehicle. Common ownership or control includes relationships where the controlling party has the right to direct or control the vehicle as to the details of when, where, and how work is to be performed or where expenses for operating the vehicle, such as fuel or insurance, are shared.
- (18) "Concrete mixer" means a vehicle configured with a rotating drum that is used to transport, mix and discharge concrete at a work site.
- (19) "Concrete pump truck" means a vehicle equipped with a system of pipes and hoses mounted on a boom affixed to the truck that is designed to

DRAFT REGULATORY LANGUAGE FOR COMMENT

pump wet concrete to a location at the work site that is elevated or otherwise difficult to dispense directly from the concrete mixer.

- (20) "Controlling party" means the motor carrier, broker, or entity that dispatches, directs or otherwise manages the day-to-day operation of multiple fleets under common ownership or control to serve its customers or clients.
- (21) "Corporate parent" means a business that possesses the majority of shares in another business.
- (22) "Criteria pollutants" mean air pollutants for which air quality criteria have been issued by the Administrator of the United States Environmental Protection Agency under title 42, United States Code (USC) section 7408.
- (23) "Day cab tractor" means an on-road tractor without a berth designed for resting or sleeping at the back of the cab and is not a yard tractor.
- (24) "Declared emergency event" means the time period of an emergency event declared by a local governing body, state Governor, or the President of the United States due to earthquake, flood, storm, fire, terrorism, or other infrequent act of nature. The emergency event period shall be determined by the Executive Officer and shall remain in effect until the immediate threat to public safety has ended and the Executive Officer declares the emergency event is over.
- (25) "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.
- (26) "Digger derrick" means a truck configuration equipped with a powered auger mounted on a boom for the purpose of digging shallow holes and setting poles.
- (27) "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.
- (28) "Drill rig" means a vehicle with an affixed drilling system with pipes and cutting bits designed for the purpose of drilling into the ground for developing oil wells, water wells or extracting other fluids.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (29) “Dump truck” means a vehicle with an open bed that is designed to transport sand, gravel, dirt, and similar loose materials to or from a work site and dump the load with an affixed powered hoist system.
- (30) “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. Examples of emergency operation include vehicle used at an emergency event to repair or prevent damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, or federal agency. Routine operation to prevent public health risks does not constitute emergency operation.
- (31) “Emergency support vehicle” means a vehicle other than an authorized emergency vehicle that has been dispatched by a local, state, or federal agency that is used to provide transport services or supplies in connection with an emergency operation.
- (32) “Executive officer” means the Executive Officer of the California Air Resources Board or their delegated representative.
- (33) “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 including the United States Postal Service 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.
- (34) “Flatbed truck” means a vehicle equipped with an entirely flat cargo space without permanently affixed walls on the sides or back of the vehicle. This definition also includes vehicles typically referred to as stake bed trucks with a flat bed and easily removable walls.
- (35) “Fleet” means one or more vehicles owned by a fleet owner or under common ownership or control of a controlling party. It also includes rental or leased vehicles that are considered owned by the fleet owner per section 2015(d)(36).
- (36) “Fleet owner” means the person or entity that owns the vehicles comprising the fleet. The owner shall be presumed to be either the person registered with the California Department of Motor Vehicles

DRAFT REGULATORY LANGUAGE FOR COMMENT

(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 owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which has responsibility for maintenance of the vehicles.
 - (B) 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, 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 or other equally reliable evidence identifies the renting operator or lessee of the vehicle as the party responsible for compliance with state laws.
 - (C) 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 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.
 - (D) 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 powertrain retrofits is not considered to be the owner of the vehicle.
- (37) "Greenhouse gas" means a gas that absorbs and emits radiant energy within the thermal infrared range.
- (38) "Gross annual revenue" means the total revenue, receipts, and sales for a consecutive 12 month period as filed with the Internal Revenue Service.
- (39) "Gross vehicle weight rating" or "GVWR" means the same as California Vehicle Code (CVC) section 350, as indicated by the characters in the 4-8 positions in a standard 17-character Vehicle Identification Number (VIN).

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (40) "Government agency" means any federal, state, or local public agency, or any other public entity with taxing authority.
- (41) "Heavy front axle" means any front steering axle whose gross weight imposed upon the highway by the wheels is rated to exceed 12,500 lbs. pursuant to the CVC section 35551.5(b).
- (42) "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.
- (43) "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.
- (44) "Internal combustion engine vehicle" or "ICEV" means a vehicle with a powertrain 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.
- (45) "Interstate rental fleet owner" means a fleet owner that regularly engages in the trade or business of renting vehicles without drivers with rental origins and destinations outside of California.
- (46) "Lessee" has the same meaning as defined in CVC section 371.
- (47) "Light-duty package delivery vehicle" means a motor vehicle with a GVWR equal to or less than 8,500 lbs. with equal to or greater than 100 cubic feet of enclosed cargo space that is used to deliver packages, parcels, or mail to the final destination from the last point of distribution.
- (48) "Manufacturer" means any entity or person who manufactures or assembles new on-road motor vehicles or yard tractors, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, the term manufacturer includes any person who manufactures or assembles an on-road vehicle, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a new on-road motor vehicle into commerce in California. This includes importers who import on-road vehicles for resale. This does not include persons who supply parts to the importer or vehicle manufacturer of record.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (49) "Milestone group 1" means the light-duty package delivery vehicles, box trucks, vans, buses with two axles, and yard tractors in the California fleet.
- (50) "Milestone group 2" means the work trucks, day cab tractors, and buses with three axles in the California fleet.
- (51) "Milestone group 3" means the sleeper cab tractors and specialty vehicles within the California fleet.
- (52) "Minimum useful life" means the minimum period of time a vehicle may remain in the California fleet. It is the latter of the dates specified in subsection (A) or (B) below:
 - (A) 13 years commencing from the model year that the original engine and emissions control system in a commercial vehicle was first certified for use by CARB or U.S. EPA; or
 - (B) The date that the commercial vehicle exceeded 800,000 vehicle miles traveled or 18 years from the model year that the original engine and emissions control system of that vehicle was first certified for use by CARB or U.S. EPA (whichever is earlier).
- (53) "Model year" means a designation meeting the definition of "model year" under title 17, CCR section 95662(a)(16).
- (54) "Motor carrier" means the same as defined in CVC section 408.
- (55) "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 as specified and tested per the "all-electric range" requirements of title 17, CCR section 95663(d).
- (56) "Notice to proceed" means a written direction to a vehicle manufacturer or powertrain conversion installer or to commence production or conversion of a vehicle as provided in a contract.
- (57) "Pickup truck" means a vehicle that is configured with an open box-type bed and meets the definition set forth in CVC section 471.
- (58) "Primary intended function" means the main function for which a complete vehicle configuration is designed and integrated into the body or vehicle design. It does not include auxiliary equipment or secondary uses of equipment that is added to or carried on the vehicle body.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (59) "Refuse compactor truck" means a vehicle specially designed to collect and compact residential or commercial solid waste on the vehicle for purposes of transportation and disposal. These include but are not limited to vehicles commonly referred to as front loader, rear loader, and automated and semi-automated side loaders.
- (60) "Refuse roll-off truck" means any heavy duty vehicle that is designed to drop off and pick up open boxes or other containers that are commonly used to collect residential and commercial solid waste at a site.
- (61) "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) Destroyed or scrapped
 - (B) Registered as Planned Non-Operation with the California DMV within 60 days before and 90 days after the expiration of the vehicle registration date
 - (C) Filed an affidavit of non-use with the California DMV up to 75 days before the expiration of the vehicle registration date
 - (D) Sold out-of-state or transferred out-of-state; or
 - (E) For controlling parties, common ownership or control of the vehicle ends.
- (62) "Rental vehicle" means a vehicle that is rented to an entity for a period of less than one year without a driver.
- (63) "Responsible official" means one of the following:
- (A) For a corporation: A president, chief executive officer, chief financial officer, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or a delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation.
 - (B) For a partnership or sole proprietorship: A general partner or the proprietor, or the delegate or designee of the aforementioned, or any other person who performs similar policy or decision-making functions for the business, or the chief executive officer, or the chief financial officer.
 - (C) For a federal government agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a

DRAFT REGULATORY LANGUAGE FOR COMMENT

principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the U.S. EPA). For the purposes of the Department of Defense Military Services, a principal executive officer includes a commanding officer of an installation, base, or tenant organization.

- (64) "Service or utility truck" means a vehicle equipped with an attached body that is configured with both open and enclosed storage compartments for the purpose of transporting, tools, and equipment to a work site.
- (65) "Sleeper cab tractor" means a tractor with a berth designed for resting or sleeping at the back of the cab.
- (66) "Specialty vehicle" is any of the following:
 - (A) A vehicle with a GVWR greater than 33,000 lbs. and with a heavy front axle
 - (B) A vehicle with a GVWR greater than 33,000 lbs. that is not designed to carry cargo and its primary intended function is to perform work that can only be done while the vehicle is stationary and the auxiliary mechanism to perform that work is an integral part of the vehicle design. Examples include vehicles commonly known as vacuum trucks, digger derricks, and concrete pump trucks.
- (67) "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 less than 0.5.
- (68) "Step van" means a vehicle with an enclosed cargo space accessible from the vehicle's cab where the driver can stand or sit at the steering wheel.
- (69) "Subsidiary" means an entity controlled by another entity.
- (70) "Sweeper truck" means a vehicle designed to pick up dirt, dust and small debris from paved roadways and similar driving surfaces by using a spray water system and a combination of broom bristles and vacuum suction.
- (71) "Tank truck" means a vehicle that is configured with a tank integrated into the body and is designed to transport bulk cargo in the form of

DRAFT REGULATORY LANGUAGE FOR COMMENT

liquids, semi-liquids, and gasses. It does not include vehicles with tanks that are separately mounted on a flatbed truck or body, and does not include water trucks.

- (72) "Tow rollback truck" means a vehicle with a moveable flatbed body that is able to tilt to the ground and is equipped with a lift or pulley mechanism used to load other vehicles or equipment that are disabled, abandoned, damaged or wrecked onto the bed for transport.
- (73) "Tractor" means an on-road vehicle meeting one of the following:
 - (A) The definition of "tractor" in title 17, CCR section 95662(a)(23).
 - (B) The definition of "vocational tractor" in title 17, CCR section 95662(a)(27).
- (74) "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.
- (75) "Vacuum truck" means a vehicle that is configured with a tank and system to vacuum liquid from a site and transport the load to a location for disposal or reuse.
- (76) "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.
- (77) "Vehicle" or "motor vehicle" means self-propelled equipment that meets one of the following criteria:
 - (A) Equipment that has a GVWR that is greater than 8,500 lbs. that is intended for use on highways, and meets the definition set forth in title 17, CCR section 95662(a)(26)

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (B) Equipment that has a GVWR equal to or less than 8,500 lbs. and meets the definition of light duty package delivery vehicle per section 2015(b)(47) and is intended for use on highways; or
 - (C) Is an off-road yard tractor.
- (78) "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 for the first time to be delivered to the ultimate purchaser outside of California.
- (79) "Vehicle purchase" or "purchase" means the fleet owner has placed an order of a new vehicle or powertrain conversion for immediate delivery or installation and has already paid for or has entered into a binding agreement with the authorized dealer, powertrain conversion installer, or manufacturer to pay for the vehicle or conversion. For federal fleets, a new vehicle purchase includes where the agency has identified, committed and encumbered funds and executed any one of the following:
- (A) A written notice to proceed executed by a fleet owner to a manufacturer or powertrain conversion installer to begin production of the vehicle either:
 - 1. Under a previously-entered purchase contract.
 - 2. To execute a contract option.
 - (B) A written purchase agreement between a fleet owner and the manufacturer or powertrain conversion installer 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 for a contract term of one year or more.
- (80) "Water truck" means a vehicle configured with a bulk water tank as the primary body configuration used to transport and dispense water for

DRAFT REGULATORY LANGUAGE FOR COMMENT

dust control, irrigation or other uses. It does not include vehicle configurations where a tank is attached to a flatbed or other multi-use body type.

- (81) "Work truck" means a vehicle that does not meet any of the definitions of box truck, van, bus, light-duty package delivery vehicle, day cab tractor, sleeper cab tractor, or specialty vehicle.
 - (82) "Yard tractor" means an on-road or off-road 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.
 - (83) "Zero-emissions powertrain" means an all-electric or hydrogen fuel-cell powertrain assembly, which includes (if applicable) the electric traction motor, system controller, generator, on-board charger, battery management system, thermal management systems, energy storage system (batteries, capacitors, and flywheels), inverter, fuel-cell stack, and the interface at which electrical power is converted to tractive mechanical power or vice-versa (in the case of a regenerative braking system), certified pursuant to the requirements incorporated by reference in title 13, CCR section 1956.8.
 - (84) "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.
- (c) *Exemptions.* The following entities and vehicles are exempt from the requirements of sections 2015 through 2015.6:
- (1) School buses as defined in CVC section 545(a)
 - (2) Military tactical vehicles as defined 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)

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023
 - (10) Vehicles subject to the regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards commencing with title 13, CCR section 2479; and
 - (11) Vehicles owned by public entities that are subject to title 13, CCR section 2013.
- (d) *General Requirements.* Except as provided in section 2015.3, beginning January 1, 2024, fleet owners must comply with the requirements of section 2015.1 unless the fleet owner voluntarily elects to comply with the alternative compliance requirements of section 2015.2.
 - (e) *NZEV Flexibility.* NZEVs with a 2035 model year or older are counted the same as ZEVs for the purpose of complying with the requirements of sections 2015.1 and 2015.2.
 - (f) *Controlling Party Compliance Requirements.* Controlling parties must meet the same requirements as fleet owners, and must report all vehicles that they operated in California under common ownership or control during the compliance year and must comply by including all those vehicles as part of the total California fleet. Controlling parties may take advantage of the same exemptions, extensions, or provisions as fleet owners. The controlling party must comply with the reporting requirements of section 2015.4(c)(2)(N) in addition to the general reporting requirements.
 - (g) *Requirement to Hire Compliant Fleets.* Any motor carrier, broker, or any California person or entity who hires or dispatches any fleet subject to this regulation must verify that each hired or dispatched fleet is listed on the CARB website as a compliant fleet. The hiring entity must also comply with the record keeping requirements of section 2015.5(i). This requirement does not apply to the controlling party when the hired vehicles are included in the combined fleet of vehicles that are subject to the controlling party compliance requirements of section 2015(f).
 - (h) *Corporate Joint Compliance Option.* Subsidiaries, parent companies, or joint ventures have the option to comply jointly with the fleet milestones of alternative 2015.2 instead of complying independently as long as all the vehicles in the combined California fleet meet the requirements of 2015.2. If the group fails to comply, all participants must immediately comply individually. Entities choosing to use this option must meet the reporting requirement of section 2015.4(d).
 - (i) *Newly Formed Fleet.* Any fleet that is newly formed on or after January 1, 2024, and meets the applicability criteria specified in section 2015(a)(1), must be

DRAFT REGULATORY LANGUAGE FOR COMMENT

comprised exclusively of ZEVs, or may opt-in to the ZEV milestone alternative 2015.2 within 30 days of newly adding vehicles to the California fleet.

- (j) *Newly Affected Fleet.* Any fleet that existed prior to January 1, 2024, and newly meets the applicability criteria specified in section 2015(a)(1) at any point on or after January 1, 2024 must do all of the following:
 - (1) Within 30 days of the change, meet the reporting requirements specified in section 2015.4
 - (2) Notify CARB of the month and year that the fleet newly became subject to the regulation within 30 days of the change.
 - (3) Within two years of the change, meet all requirements of the regulation.
- (k) *Fleets No Longer Affected.* Any fleet subject to the regulation that no longer meets the applicability criteria specified in section 2015(a)(1) for two consecutive calendar years shall no longer be subject to the regulation requirements, until such time as the fleet again is affected per the scope and applicability criteria per section 2015(a)(1).
- (l) *Reporting and Recordkeeping Requirement.* Beginning January 1, 2024, fleet owners must meet reporting requirements as specified in section 2015.4 and keep and provide records as specified in section 2015.5.
- (m) *Vehicles Acquired with Public Funds.* If a fleet owner receives California State-provided incentive funding for ZEVs or NZEVs and the funding program guidelines specify the vehicle cannot be used to count toward determining compliance with the general requirements section of 2015(d), the vehicle will not be counted as a compliant vehicle during the funding contract period. The fleet owner must meet the reporting requirements specified in section 2015.4(c)(2)(O).
- (n) *Certificate of Reported Compliance and Compliant Fleet List.* If the requirements of sections 2015 through 2015.6 have been met and the required reporting has been received to demonstrate compliance, CARB will provide the fleet owner with a Certificate of Reported Compliance. CARB will list on the CARB website information for compliant fleets that have received a Certificate of Reported Compliance, with the CARB-issued ID number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a "ZEV Fleet" per section 2015(o). Fleets that do not comply with either compliance path of sections 2015.1 or 2015.2 will not be listed on the CARB website.
- (o) *"ZEV Fleet" Recognition.* Fleet owners may optionally elect to be recognized as a "ZEV fleet" beginning January 1, 2024. A fleet will be recognized as a certified "ZEV fleet" on the CARB website if it meets or exceeds all of the following criteria regardless of the compliance path being used:

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (1) The number of ZEVs in the California fleet meets or exceeds the fleet ZEV Milestones in section 2015.2
- (2) The California fleet must have at least one ZEV
- (3) The California fleet consists of at least 5 percent ZEVs; and
- (4) The fleet owner meets the reporting requirements of 2015.4 and record keeping requirements of a section 2015.5.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2015.1 Requirement to Add ZEVs to the Fleet

Beginning January 1, 2024, fleet owners must comply with the following unless choosing to comply with the flexibility of the ZEV Milestone requirements of section 2015.2:

- (a) *ZEV Additions.* All vehicles added to the California fleet must be ZEVs.
- (b) *ICEV Removal.* ICEVs must be removed from the California fleet by January 1 of the calendar year following the end of the vehicle's minimum useful life. This requirement extends to ICEVs purchased with or granted exemptions or extensions under section 2015.1(c). The California fleet remains in compliance as long as the fleet has no ICEVs added on or after January 1, 2024, unless the ICEV was granted an exemption or extension of section 2015.3.
- (c) *Exemptions and Extensions.* Fleet owners complying with this section may utilize the following exemptions and extensions as follows:
 - (1) *Backup Vehicle Exemption.* Fleet owners may exclude a vehicle from the ICEV removal requirements of section 2015.1(b) if the vehicle is designated as backup vehicle as specified in section 2015.3(a) and may exclude mileage accrued when the vehicle is operated in support a declared emergency event as specified in section 2015.3(f)(1).
 - (2) *Daily Mileage Exemption.* Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2015.1(a) if a new ZEV is available but cannot be placed anywhere in the California fleet while meeting the daily mileage needs of any existing vehicle in the fleet if the criteria specified in section 2015.3(b) are met.

- (3) *Infrastructure Construction Delay Extension.* Fleet owners may delay delivery of ordered ZEVs and may exclude an existing vehicle from the ICEV removal requirements of section 2015.1(b) until the ZEV is delivered if the criteria described in section 2015.3(c) are met.
- (4) *Vehicle Delivery Delay Extension.* Fleet owners may exclude a vehicle from the ICEV removal requirements of section 2015.1(b) if a ZEV is ordered one year in advance of the compliance date for the ICEV and the newly purchased ZEV is not received timely for reasons beyond the fleet owner's control if the criteria of section 2015.3(d) are met.
- (5) *ZEV Unavailability Exemption.* Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2015.1(a) if no ZEV or NZEV of the needed configuration is available to purchase and the conditions of section 2015.3(e) are met.
- (6) *Exemptions Pursuant to Declared Emergency Events.* Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2015.1(a) for a portion of the fleet if the vehicles are needed to provide emergency response services and the conditions described in Mutual Aid Assistance section 2015.3(f) are met.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2015.2 Flexibility Option to Meet Fleet ZEV Milestones

Fleet owners that opt-in to this path have the flexibility to manage their fleet while meeting the milestone requirements. By using this option, fleet owners must acknowledge that they are knowingly and voluntarily waiving the advantages of the provisions of Health and Safety Code 43021(a) that would otherwise apply to any commercial motor vehicles as defined in CVC section 34601 in their California fleet prior to January 1, 2024 or added to the fleets on or after January 1, 2024. Fleet owners choosing to use this path must comply with the following:

- (a) *ZEV Fleet Milestones.* Beginning January 1, 2025 and each year afterwards by January 1, fleet owners must continuously meet or exceed the ZEV milestone for the California fleet as calculated in 2015.2(b) based on the milestone percentage requirements set forth below in Table A. At minimum, ZEV milestone percentages must be maintained each year until the next compliance milestone; for example, Milestone Group 1 vehicles should be calculated as at least 10% of the California fleet each year for 2025, 2026, and 2027.

Table A: ZEV Fleet Milestones by Milestone Group and Year

Percentage of vehicles that must be ZEVs	10%	25%	50%	75%	100%
Milestone Group 1: Box trucks, vans, buses with two axles, yard tractors, light-duty package delivery vehicles	2025	2028	2031	2033	2035 and beyond
Milestone Group 2: Work trucks, day cab tractors, buses with three axles	2027	2030	2033	2036	2039 and beyond
Milestone Group 3: Sleeper cab tractors and specialty vehicles	2030	2033	2036	2039	2042 and beyond

- (b) *ZEV Milestone Calculation.* The annual ZEV milestone is calculated by counting the vehicles in the California fleet for each of the three Milestone Groups listed in Table A, then multiplying the number of vehicles in each Milestone Group by the ZEV percentage requirement for that year as shown in the calculation below. If the sum of the ZEV milestones is not a whole number, the value must be rounded using standard rounding convention. Designated backup vehicles may be excluded from the vehicle count for each milestone group.

$$\begin{aligned}
 & ([\text{Milestone Group 1 Vehicle Count}] \times [\text{Milestone Group 1 Percentage Requirement}]) + \\
 & ([\text{Milestone Group 2 Vehicle Count}] \times [\text{Milestone Group 2 Percentage Requirement}]) + \\
 & ([\text{Milestone Group 3 Vehicle Count}] \times [\text{Milestone Group 3 Percentage Requirement}]) \\
 & \qquad \qquad \qquad = \text{ZEV Milestone}
 \end{aligned}$$

The following example shows how the ZEV milestone is calculated for the 2031 compliance year for a fleet owner that has 100 Milestone Group 1 vehicles and 50 Milestone Group 2 vehicles and 2 backup vehicles that are excluded from the calculation:

$$\begin{aligned}
 & \text{Milestone Group 1: } 100 \text{ vehicles} \times 50\% = 50 \text{ ZEVs} \\
 & \text{Milestone Group 2: } 50 \text{ vehicles} \times 25\% = 12.5 \text{ ZEVs} \\
 & \text{Total ZEV Milestone} = 62.5 \text{ (rounds up to 63 ZEVs)}
 \end{aligned}$$

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (c) *Any ZEVs Count for Compliance.* Any ZEV from any Milestone Group may be used to count toward the fleet's ZEV Milestone requirement. For example, a fleet with box trucks and day cab tractors can meet the initial ZEV fleet milestone with ZEV tractors instead of ZEV box trucks to meet the ZEV Milestone requirements for the fleet.
- (d) *Rental Vehicle Provision.* In lieu of counting all rental vehicles that operate in California, interstate rental fleet owners may instead report the average number of rental vehicles that are operated in California. Four quarterly snapshots of the number of rental vehicles must be taken on the first Monday after January 1, April 1, July 1, and October 1. Rental vehicles operated in California are those that are under contract to leave California, to be picked up and dropped off in California, and those that are not under contract while in California on the date of the snapshot. Each vehicle should only be counted once for purposes of the snapshot. Fleet owners utilizing this provision must report the average number of rental vehicles per section 2015.4(h) and keep records of snapshots taken and supporting documents per section 2015.5(h).
- (e) *Exemptions and Extensions.* Fleet owners complying with this section may utilize the following exemptions and extensions as follows:
 - (1) *Backup Vehicle Exemption.* Fleet owners may exclude a vehicle from the ZEV milestone calculation of section 2015.2(b) if the vehicle is designated as backup vehicle as specified in section 2015.3(a) and the fleet owner may exclude mileage accrued when the vehicle is operated in support a declared emergency event as specified in section 2015.3(f)(1).
 - (2) *Daily Mileage Exemption.* Fleet owners may purchase an ICEV and exclude it from the ZEV milestone requirements of section 2015.2 if the fleet owner can demonstrate that all the remaining ICEVs in the fleet that are not already using an exemption or extension cannot be replaced by a new ZEV while meeting the daily mileage needs of any existing vehicle in the fleet if the criteria specified in section 2015.3(b) are met.
 - (3) *Infrastructure Construction Delay Extension.* Fleet owners may delay delivery of ordered ZEVs and may count the vehicle to be replaced as a ZEV when determining compliance with section 2015.2(b) until the ZEV is delivered if the criteria described in section 2015.3(c) are met.
 - (4) *Vehicle Delivery Delay Extension.* Fleet owners may count a vehicle to be replaced as a ZEV when determining compliance with the ZEV milestone calculation of section 2015.2(b) if a ZEV is ordered one year in advance of the upcoming compliance date for the fleet and the newly purchased ZEV is not received timely for reasons beyond the fleet owner's control and the criteria of section 2015.3(d) are met.

- (5) *ZEV Unavailability Exemption.* Fleet owners may purchase an ICEV and exclude it from the ZEV milestone requirements of section 2015.2 if the fleet owner can demonstrate that all the remaining ICEVs in the fleet that are not already using an exemption or extension cannot be replaced with a ZEV or NZEV of the needed configuration because they are not available to purchase and the conditions of section 2015.3(e) are met.
- (6) *Exemptions Pursuant to Declared Emergency Events.* Fleet owners may purchase an ICEV and exclude it from the ZEV milestone calculation of section 2015.2(b) for a portion of the fleet if the vehicles are needed to provide mutual aid assistance and the conditions of section 2015.3(f) are met.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2015.3 High Priority and Federal Fleets Exemptions and Extensions

Fleet owners may take advantage of the following exemptions or extensions for any future compliance requirements if the California fleet is in compliance with the requirements that are in effect. Fleet owners requesting or utilizing any exemptions or extensions must meet reporting and recordkeeping requirements for each exemption or extension as specified in sections 2015.4 and 2015.5. Any exemptions or extensions approved for a fleet owner are not transferrable to another fleet owner.

- (a) *Backup Vehicle Exemption.* Backup vehicles as defined in section 2015(b)(2) may be excluded when determining compliance with the requirements of sections 2015.1 and 2015.2. The exemption may be claimed at the beginning of the compliance year and renewed annually if the conditions of this section have been met. Backup vehicles may be excluded when determining compliance with either section 2015.1 or section 2015.2. The fleet owner must meet each of the following requirements:
 - (1) The fleet owner must report the vehicle as a backup vehicle and must submit odometer readings per section 2015.4(f)
 - (2) The fleet owner may exclude any mileage accrued while performing emergency operations in support of a declared emergency event when determining whether the vehicle meets the definition of a backup vehicle; and

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (3) When a backup vehicle exceeds its annual mileage limit the vehicle must be immediately removed from the California fleet unless the California fleet as a whole remains in compliance. The vehicle may not be used to claim another exemption or extensions.
- (b) *Daily Mileage Exemption.* A fleet owner may apply for an exemption to replace an existing vehicle with a GVWR greater than 14,000 lbs. with another ICEV if all the ZEVs that are commercially available to meet the primary intended function cannot meet the daily mileage or daily hours of service needs of any existing ICEV with a GVWR greater than 14,000 lbs. in the California fleet. The Executive Officer will grant the exemption to replace the existing vehicle with an ICEV if they determines that the conditions of this section have been met. In making the determination, the Executive Officer will rely on the information submitted in sections 2015.3(b)(1-6) below and their good engineering judgment:
- (1) More than 10 percent of the existing vehicles in the California fleet are ZEVs regardless of the compliance path used
 - (2) No new NZEVs with a GVWR greater than 14,000 lbs. of the same configuration are available to purchase, shown by completing the steps for NZEV unavailability as specified in section 2015.3(e)
 - (3) The fleet owner submits documentation demonstrating how all commercially available ZEVs with a GVWR greater than 14,000 lbs. that meet the needed chassis and technical specifications are not able to meet the operational daily mileage needs of any remaining ICEV in the California fleet. The daily mileage report must include data for each truck operated in the fleet for at least 30 consecutive work days and show that for at least 3 days all commercially available ZEVs with the same primary intended function cannot meet the needs of any of the ICEVs in the fleet. Fleet owners may also submit documentation from the ZEV manufacturer or data collected from ZEVs in actual service in the fleet to substantiate the claim
 - (4) The fleet owner submits the daily mileage report used to make the demonstration for each vehicle of the same configuration as the vehicle to be replaced in the existing California fleet. The mileage report must include daily vehicle mileage traveled for a period of at least 30 consecutive days from within the last 12 months using telemetry data or other daily tracking method
 - (5) Fleet owners can optionally submit measured vehicle energy use data to substantiate their exemption request from similar ZEVs already operated on daily assignments in the fleet's service. Optional information must include vehicle loading and weight data, route grades, and ambient

DRAFT REGULATORY LANGUAGE FOR COMMENT

temperatures to show typical energy usage over one month or more of regular service; and

- (6) Submit a description of the daily assignments or routes used by existing vehicle types with an explanation of why available ZEVs cannot be charged or fueled along the route, or during the work day where ZEV fueling is available, or ZEV fueling would be installed by the fleet owner. The explanation must include a description of why charging or fueling could not be managed during driver rest periods or breaks during the work day
- (c) *Infrastructure Construction Delay Extension.* A fleet owner that experiences construction delay for a project to install their own hydrogen vehicle fueling station or battery-electric vehicle charging station that is beyond its control may request an extension to delay delivery of a ZEV that needs the infrastructure to operate in the fleet if publicly available infrastructure cannot be used. The Executive Officer will grant a single extension to delay the vehicle delivery for one year if they determine the fleet owner satisfies the criteria for the delay, based on the information submitted below and the exercise of good engineering judgment. The fleet owner may request an extension by submitting documentation showing each of the following requirements are met:
- (1) Submit documentation showing the executed contract for the infrastructure installation with a construction project start date at least one year prior to the next immediately applicable compliance date for the purchased vehicle
 - (2) Submit documentation showing the delay is a result of any of the following circumstances beyond the fleet owner's control: change of a general contractor; delays obtaining power from a utility; delays obtaining construction permits; delays due to unexpected safety issues; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act; or natural disasters
 - (3) Submit a letter signed by the responsible official and a letter from the licensed contractor performing the work or the related utility, building department, or other organizations involved in the project to CARB which includes an explanation of the reasons for the delay, why retail infrastructure cannot be used, and the estimated completion date of the project
 - (4) Documentation showing the executed purchase agreement for the ZEVs
- (d) *Vehicle Delivery Delay Extension.* Fleet owners may claim an extension if the California fleet is in compliance and ZEVs or NZEVs ordered at least one year prior to the next compliance date are not delivered to the ultimate purchaser in California in time to remain in compliance due to delays in vehicle delivery. The

DRAFT REGULATORY LANGUAGE FOR COMMENT

Executive Officer will grant an extension if they determine the fleet owner satisfies the criteria for the delay, based on the information submitted below and the exercise of good engineering judgment. The fleet owner will be granted an extension if the following conditions are met:

- (1) *Purchase Agreement Requirements.* Fleet owners must submit a purchase agreement showing that a ZEVs or NZEV was ordered one year ahead of the relevant compliance deadline. The purchase agreement must meet the following criteria:
 - (A) It is a written and legally binding contract signed at least one year before the upcoming fleet milestone or vehicle compliance date for the vehicle being replaced. The extension cannot be claimed if the purchase agreement is modified by the fleet owner within one year of the compliance deadline. Letters of intent or other agreements that are not binding or are contingent upon other decisions that remain unresolved within one year of the upcoming deadline are not sufficient to qualify for the extension; and
 - (B) The purchase agreement must identify that a specific ZEV or NZEV or powertrain was purchased, the date of the purchase, and that the purchase is for immediate delivery to the ultimate purchaser in California
 - (C) *Manufacturer Cancellation.* If a manufacturer cancels a purchase agreement used to qualify for the extension for reasons beyond the control of the fleet owner, the fleet owner must immediately secure another purchase agreement to maintain the provision.
 - (D) *Fleet Owner Cancellation.* If a fleet owner cancels a purchase agreement used to qualify for the extension, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.
- (e) *ZEV Unavailability Exemption.* Fleet owners may be exempt from the ZEV purchase requirements if a vehicle configuration is not commercially available with a ZEV or NZEV powertrain at the time the ICEV is purchased. The exemption does not apply to pickups, buses, box trucks, vans, or any tractors. A list of unavailable ZEVs will be kept on the CARB website as specified in this section. The Executive Officer will add and remove vehicles from the list if the conditions of this section have been met. Fleet owners will be able to purchase an ICEV of the listed configuration instead of a ZEV or NZEV without submitting a separate exemption request provided the supporting documentation reporting requirements of section 2015.5(j) are met. The following are the criteria for listing vehicles:

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (1) The list will include vehicle configurations for the primary intended function of the vehicle for Class 4 through 6 vehicles as a group and for Class 7 through 8 vehicles as a group
 - (2) Documentation must be submitted to CARB for consideration by the Executive Officer to have a vehicle added or removed from the list based on the primary configuration of the vehicle
 - (3) Vehicles will be added to the list if all of the following apply:
 - (A) The vehicle configuration is commercially available as an ICEV
 - (B) There is no new ZEV or NZEV powertrain conversion for any commercially available new ICEV or incomplete chassis that can be equipped in the needed configuration
 - (C) There is no commercially available new ZEV or NZEV sold as a complete vehicle with an equivalent configuration; and
 - (D) There is no new ZEV or NZEV chassis that is commercially available that can be equipped in the needed configuration.
 - (4) Vehicles will be removed from the list when the conditions specified in section 2015.3(e)(3) are no longer met effective January 1 at least six months after the determination is made that the configuration is commercially available as a ZEV or NZEV needed to comply.
- (f) *Exemptions Pursuant to Declared Emergency Events.*
- (1) *Declared Emergency Response.* Any vehicle dispatched by a local, state, or federal agency or other responsible emergency management entity to support a declared emergency event shall be exempt from the requirements of this regulation. Fleet owners must provide records per section 2015.5(a)(5) and 2015.5(g) to drivers operating vehicles under emergency orders that are otherwise not complying with the regulation and must keep and provide such records to CARB.
 - (2) *Mutual Aid Assistance.* Any regulated entity with a mutual aid agreement to send vehicles to assist other entities during a declared emergency event may request an exemption to purchase an ICEV with a GVWR greater than 14,000 lbs. instead of a ZEV for a portion of the fleet. The exemption does not apply to pickups, buses, box trucks, vans, or any tractors and it does not apply to any vehicle configurations that are available as NZEVs. The Executive Officer will grant the exemption if the conditions of this section have been met. The following conditions must be met:

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (A) The entity must have a mutual aid agreement with other entities to assist with affected vehicles during declared emergency events
- (B) At least 75 percent of the total number of vehicles already in the California fleet and on order must already be ZEVs
- (C) The fleet owner must demonstrate that mobile fueling for ZEVs is not commercially available for the needed configurations as specified below. Fleet owners must:
 - 1. Issue a public request for bids to purchase ZEVs with a GVWR greater than 14,000 lbs. that meet the primary intended function and a request for information about mobile fueling options for the ZEVs.
 - i. For responsive bids for ZEVs, demonstrate that mobile fueling options are not commercially available that would reach 80 percent of the ZEV's fueling capacity within 1 hour of fueling time.
- (D) Show no NZEVs with a GVWR over 14,000 lbs. of the needed configuration are available to purchase by completing the steps for NZEV unavailability as specified in section 2015.3(e); and
- (E) The responsible official must submit a letter to CARB to request the exemption with an explanation of the reason for the exemption and documentation supporting the requirements in sections 2015.3(f)(2)(A-C); the Executive Officer will grant an exemption if they determines the fleet owner satisfies the criteria for the exemption, based on the information submitted below and the exercise of good engineering judgment

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2015.4 High Priority and Federal Fleets Reporting

- (a) *Method of Reporting.* Reports submitted to comply with sections 2015 through 2015.6 must be submitted online through CARB's Advanced Clean Fleets webpage.
- (b) *Reporting Deadline and End Date.* No later than February 1 of each year until February 1, 2045, fleet owners must annually submit a compliance report to the

DRAFT REGULATORY LANGUAGE FOR COMMENT

Executive Officer showing the California fleet composition as of January 1 of each year. The initial report must be submitted by February 1, 2024.

- (c) *Fleet Reporting.* Fleet owners must report the following:
- (1) *Entity Information.* Fleet owners must report the following:
- (A) Entity name
 - 1. Fictitious business name if applicable.
 - (B) Company owner name
 - (C) Company physical and mailing addresses
 - (D) Designated contact person name
 - (E) Designated contact person phone number
 - (F) Designated contact person email
 - (G) Federal Taxpayer Identification Number
 - (H) 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
 - (I) Identify whether the fleet is a federal fleet
 - (J) Identify whether the fleet owner is an interstate rental fleet owner
 - (K) Which of the following apply:
 - 1. The reported fleet is owned by an entity with total annual gross revenue in the prior year that exceeds \$50 million
 - 2. The reported fleet owns, or operates under common ownership and control with other fleets, 50 vehicles or more; or
 - 3. The reported fleet is not in the scope of the regulation and is voluntarily being reported to be recognized as a "ZEV fleet".
 - (L) Newly formed or newly subject fleets must report the date the fleet was either formed or became subject to the regulation

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (M) Fleets that fall below the threshold of the scope and applicability of this regulation must report the date the fleet became no longer subject to the regulation; and
 - (N) Identify whether the fleet owner will follow the compliance path of section 2015.2.
 - (O) Name of the responsible official
- (2) *Vehicle Information.* The fleet owner must report the following information for each vehicle in the California fleet. Controlling parties that comply as a whole with vehicles under common ownership or control per section 2015(f) must also report the following information in their own CARB account for all vehicles in the California fleet including those operated under common ownership or control.
- (A) Vehicle Identification Number (VIN)
 - (B) Vehicle make and model
 - (C) Vehicle model year
 - (D) Vehicle license plate number
 - (E) Vehicle GVWR (Less than or equal to 8,500 lbs., 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 provision of section 2015.3
 - (K) Odometer readings for backup vehicles and tractors that are 12 years or older
 - (L) Engine family for tractors that are 12 years or older
 - (M) Engine model year for tractors that are 12 years or older

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (N) Whether the vehicle being reported by the controlling party is owned by an other entity, if applicable; and
 - (O) 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.
- (d) *Corporate Joint Compliance Reporting.* If an entity chooses to comply jointly per section 2015(h), each individual subsidiary or joint venture must report separately, and include the CARB-issued ID number of the primary controlling corporate parent, joint venture business, or designated primary entity.
- (e) *Changes to an Existing Fleet.* Fleet owners must comply with the following reporting requirements when adding or removing vehicles:
- (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 Re-powers or Conversions.* Vehicles repowered with zero-emissions powertrains must report the vehicle's new fuel type within 30 calendar days of being repowered or converted.
- (f) *Odometer Reading Reporting.* Fleet owners that have backup vehicles, or sleeper or day cab ICEV or NZEV tractors that are more than 12 years old, must comply with the following reporting requirements:
- (1) *Odometer Readings.* Report annually the mileage reading and the date the reading was recorded from a properly functioning odometer
 - (2) *Odometer Replacement.* In the event that the odometer is replaced, report the following within 30 calendar days of the original odometer failure: the original odometer's final reading, the new odometer's initial reading, and the date of replacement; and
 - (3) *Backup Vehicles.* Fleet owners with designated backup vehicles must additionally report the following:

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (A) *Hubodometers.* If the vehicle's odometer is not functional, report the serial number from a hubodometer with a non-resettable odometer; and
 - (B) *Emergency Mileage.* For backup vehicles used in emergency operations or under an exemption due to a declared emergency event per section 2015.3(f), the fleet owner must report the number of miles travelled in support of the emergency if the vehicle would exceed the backup vehicle mileage limit.
- (g) *Vehicle Delivery Delay Reporting.* Fleet owners utilizing the vehicle delivery delay extension must report the following:
 - (1) The date of the purchase agreement and anticipated delivery date of the ZEV or NZEV
 - (2) Identify the VIN of the vehicle that is to be replaced by the forthcoming ZEV or NZEV; and
 - (3) When the ZEV or NZEV has been delivered, the fleet owner will have 30 calendar days to report the delivery of the newly added vehicle and to either remove the ICEV from the California fleet or to designate it as a backup vehicle.
- (h) *Rental Vehicle Provision Reporting.* Individual rental vehicles that are rented fewer than 180 days under contract with origins and destinations in California do not need to be reported if using the Rental Vehicle Provision specified in section 2015.2(d). Interstate rental fleet owners must report the average number of rental vehicles in California within each Milestone Group.
- (i) *ZEV Unavailability Supporting Documentation Reporting.* Fleets owners that purchase an ICEV pursuant to the ZEV Unavailability exemption of section 2015.3(e) must submit to the Executive Officer the purchase agreement and the following clear and legible photographs of:
 - (1) DMV Vehicle Registration Card or Registration Renewal notice
 - (2) VIN/GVWR label (typically located on the driver side door or door jamb)
 - (3) License plate with side of the vehicle visible
 - (4) Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
 - (5) Entire right side of the vehicle with doors closed showing the vehicle's body configuration.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (j) *Requirement For Signature.* All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2015.5 High Priority and Federal Fleets Recordkeeping

Fleet owners must keep and provide the following forms of documentation upon request or make them available to CARB staff within 72 hours of a request:

- (a) *Entity and Vehicle Documentation.* The following records are required to be kept and provided upon request for vehicles in the California fleet:
- (1) Records of all vehicle information reported per section 2015.4.
 - (2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles
 - (3) For all vehicles that have been removed from the California fleet, keep and provide the following:
 - (A) If the vehicle is sold out-of-state, a transfer of liability form filed with DMV, including the date of sale and mileage 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) *Shipping Documentation.* Fleet owners must keep and provide shipping paperwork or other documentation that identifies the origin and destination of cargo and if applicable, the pick-up and termination destination of the trailer, chassis or intermodal equipment.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (5) *Emergency Operation Dispatch Documentation.* Fleet owners with backup vehicles that perform emergency operations or other emergency support vehicles utilizing the provisions of section 2015.3(f) must keep and provide records to document dispatch by a local, state, or federal emergency management entity. Additionally, fleet owners of vehicles with emergency support vehicles utilizing the provisions of section 2015.3(f) must keep and provide records of any contracts with a company or agency that was dispatched by a government agency to support emergency operations.
- (6) *Gross Annual Revenue Documentation.* Entities that are subject to this regulation on the basis of gross annual revenues per section 2015(a)(1) must keep and provide tax filing records that show the entity's gross annual revenues.
- (b) *Operator Documentation.* Fleet owners must keep and provide documentation that identifies the entity that is responsible to pay the driver 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) *Backup Vehicle Documentation.* For any fleet owner utilizing the backup vehicle exemption in section 2015.3(a), the fleet owner must keep and provide third party records of the vehicle miles traveled, such as those provided in smoke opacity test results, Biennial Inspection of Terminals inspection records, fuel tax records, or third party maintenance records. Additionally, fleet owners utilizing the backup vehicle exemption must keep and provide the following if applicable:
 - (1) *Emergency Mileage Documentation.* Fleet owners of backup vehicles used in emergency operations in support of a declared emergency event or for an exemption due to a declared emergency event per section 2015.3(f) must keep and provide records to document vehicle mileage accrued in support of an emergency event.
 - (2) *Non-Operation Certificate Documentation.* Fleet owners of backup vehicles must keep and provide copies of either a planned non-operation certificate or a certificate of non-operation has been filed with the DMV if the backup vehicle is not driven for the entire compliance year.
- (d) *Vehicle Delivery Delay Documentation.* Fleet owners that utilize the Vehicle Delivery Delay extension must keep and provide copies of the purchase agreement used to qualify for the extension, and any records or documentation of order cancellations by the manufacturer outside the control of the fleet owner.

DRAFT REGULATORY LANGUAGE FOR COMMENT

- (e) *Daily Mileage Exemption Documentation.* Fleet owners that utilize the Daily Mileage Exemption must keep and provide copies of all documents, data, letters, and analysis used to support their request for the exemption.
- (f) *Infrastructure Delay Documentation.* Fleet owners that utilize the Infrastructure Delay Exemption must keep and provide copies of all documents, letters, contracts, and purchase agreements used to support their request for the exemption.
- (g) *Documentation for Exemptions Pursuant to Declared Emergency Events.* Fleet owners that utilize the Exemptions Pursuant to Declared Emergency Events must keep and provide copies of all documents, mutual aid agreements, publicly issued bids and requests for information, and letters used to support their request for the exemption.
- (h) *Rental Vehicle Provision Records.* Interstate rental fleet owners utilizing section 2015.2(d) must keep and provide all documents, records, contracts, global positioning system data, rental vehicle snapshots, or other data used to support their reported annual average number of rental vehicles in the California fleet.
- (i) *Hiring Entity Documentation.* Hiring entities that are subject to the regulation per section 2015(a)(3) must keep and provide documentation, records, dispatch records, contracts, certificates of compliance, and other records used to verify that hired fleets are compliant with CARB regulations.
- (j) *ZEV Unavailability Documentation.* Fleet owners utilizing the ZEV Unavailability exemption must keep and provide documentation, purchase records, and other records used to qualify for the extension, records and photographs of the ICEVs purchased pursuant to the exemption, and any documentation to support adding or removing vehicles from the CARB list.
- (k) *Retention of Records.* Records of reported information required in reporting section 2015.4 and documentation required in record keeping section 2015.5 must be kept by the fleet owner and made available to CARB staff for audit for a period of eight years from the date the information is used to demonstrate compliance.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2015.6 High Priority and Federal Fleets Enforcement

- (a) *Audit of Records.* Within 72 hours of a request by CARB, a fleet owner must make all records required to be kept per sections 2015 through 2015.6

DRAFT REGULATORY LANGUAGE FOR COMMENT

available to the Executive Officer for audit to verify compliance and the accuracy of the reported information.

- (b) *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.
- (c) *Penalties.* Any person who fails to comply with the performance 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 civil or criminal penalties.
- (d) *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.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5, 43212 Health and Safety Code.