

# Exemption Application for the Innovative Clean Transit Zero-Emission Bus Purchase Requirements

## Template 4.2: Zero-Emission Bus Unavailability

Applicable for the purchase of standard and articulated buses

***Disclaimer:** Transit agencies wishing to request an exemption due to Zero-Emission Bus Unavailability reasons are encouraged, but not required, to use this application template for an easier, streamlined process. This template does not replace the [ICT regulatory text](#), which takes precedence in all instances.*

The Zero-Emission Bus Unavailability exemption is applicable for the purchase of standard and articulated buses. This exemption can be exercised on an annual basis when a required zero-emission bus type for the applicable weight class based on gross vehicle weight rating is unavailable for purchase.

*Transit agencies that are planning to purchase zero-emission cutaway class 4, over-the-road, and double-decker buses during the calendar years 2026 through 2028 may use "Template 4.1: Zero-Emission Bus Unavailability Based on the Comprehensive Review Results". This exemption option along with others are available on the [Innovative Clean Transit-Exemptions](#) page.*

Please follow the instructions in Sections I and II when using this exemption application. The complete application for exemption from a particular calendar year's compliance obligation must be submitted by November 30 of that calendar year. Each granted exemption is only valid for one compliance year. Transit agencies can request exemption in a later year again if needed. A transit agency may purchase conventional internal combustion engine buses instead of zero-emission buses once the exemption request is granted. Please submit your complete application to the Innovative Clean Transit team at [ICT@arb.ca.gov](mailto:ICT@arb.ca.gov).

### **Section I. Transit Contact Information**

Provide the contact information of the responsible official. Add more contact(s) if needed.

Calendar year for the request: \_\_\_\_\_  
Contact person name: \_\_\_\_\_  
Contact person title: \_\_\_\_\_  
Contact person email: \_\_\_\_\_  
Contact person phone number: \_\_\_\_\_  
Transit agency name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_

## Section II. Exemptions for Unavailability of Zero-Emission Buses

Transit agencies wishing to use this exemption must report all annual bus purchases and maintain an up-to-date bus inventory in the [Innovative Clean Transit Reporting Tool \(ICTRT\)](#). Transit agencies are responsible for ensuring that reported information remains accurate throughout the entire exemption period. If California Air Resources Board (CARB) determines that the exemption was granted based on incomplete, inaccurate information, or that the transit agency failed to fully and accurately report its annual purchases, the exemption may be revoked. A revoked exemption will be treated as a failure to comply with the zero-emission bus requirements set forth in section 2023.1. CARB reserves the right to request supplemental information or documentation.

Please identify which circumstance is applicable to your transit agency and provide all required documentation/information relevant to the applicable circumstance. An exemption request will not be considered complete if any of the required documentation or information is missing.

*Table 1: Annual quantity of planned new bus purchases and exemption requests*

<b>Annual Quantity of Planned New Bus Purchases per Fuel Type</b>	<b>Standard</b>	<b>Articulated</b>
Battery electric bus		
Fuel cell electric bus		
Internal combustion engine bus		
Total planned new bus purchases (without Exemption)		
<b>Annual Exemption Quantity per Fuel Type</b>		
Exemption quantity for battery electric bus		
Exemption quantity for fuel cell electric bus		
Total exemption quantity		

☐ **Condition 1: The zero-emission bus has not passed the complete Bus Testing and not obtained a Bus Testing Report** (13 California Code of Regulations (CCR)

§ 2023.4(c)(4)(B)1.).<sup>1</sup> Please provide the following documentation or information:

1. Complete Table 1. (13 CCR §2023.4(c)(4)(C)1.)

☐ **Condition 2: The zero-emission bus cannot be configured to meet applicable requirements of the Americans with Disabilities Act (ADA)** (13 CCR

§ 2023.4(c)(4)(B)2.). Please provide the following documentation or information:

1. Complete Table 1.
2. Provide documentation to show what ADA requirements cannot be met; and

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<sup>1</sup> The Innovative Clean Transit regulation defines the “Bus Testing Report” as the complete test report for a bus model required by title 49 of the Code of Federal Regulations (CFR) section 665.13. These bus tests are also commonly called “Altoona Testing” (13 CCR § 2023(b)(8)).

3. Provide explanation of why the manufacturer cannot meet the requirements by submitting information from the manufacturer (13 CCR § 2023.4(c)(4)(C)3.).<sup>2</sup>

□ **Condition 3: The physical characteristics of the zero-emission bus would result in a transit agency violating any federal, state, or local laws, regulations, or ordinances** (13 CCR §2023.4(c)(4)(B)3.). Please provide the following documentation or information:

1. Complete Table 1.
2. Provide a letter from transit agency's governing body that includes **all** the following information (13 CCR § 2023.4(c)(4)(C)4.):
  - a) All relevant citations to the regulatory code sections that the zero-emission bus may violate.
  - b) Explanation of how the physical characteristics of the zero-emission bus would violate federal, state, or local law, regulation, or ordinance; and
  - c) How the violation would be avoided with the purchase of a combustion engine bus of the same type.<sup>3</sup>

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<sup>2</sup> Information may include but is not limited to providing a citation of the ADA requirements that cannot be met and vehicle specification or brochures for the specific bus type and weight class that explain the issues.

<sup>3</sup> Here are two examples of how a transit agency can use this provision:

- a) A transit agency has only one zero-emission bus option (i.e. for purchase of zero-emission double-decker bus that has passed the Altoona testing), but because of the National Defense Authorization Act for Fiscal Year 2020, the transit agency cannot enter into a new purchase contract by using the Federal Transit Administration grants.
- b) A long-range battery electric bus is the only zero-emission bus purchase option, and it violates the curb weight limitation on any axle of the transit bus.