

1 successful in this. But the first three to five years is
2 going to be telling as to how successful, because
3 unfortunately, even with all of the planning, with all the
4 discussion, this rule is dependent upon a whole ecosystem
5 that isn't thus partners with us, and that's
6 infrastructure. And even with all of the discussion, it
7 doesn't matter if it was light-duty, and medium- and
8 heavy-duty, there has been no major projects started to
9 date. Everything has been in discussions and reports, and
10 now it's time to go. Now, we're going to have 2040 -- I'm
11 sorry, 2024 (inaudible) vehicles. And it's time to charge
12 them and it's time to get going.

13 So it is critical that 2024, 2025, 2026, is, in
14 my opinion, that the CARB staff have every tool that they
15 need for all the things we know -- we do not know what we
16 do not know, because we know there is going to be
17 disruption and we need to be able to think like
18 innovators, like entrepreneurs. We need to be proactive.

19 And so when I look at where we are today, it's
20 more important to me that I hear that we're ready to
21 tackle what we don't know in a way to make 2030
22 successful. And so to that end, I am supportive of
23 staff's recommendations specifically. I also have a few
24 in-the-weeds, which I'm not going to take a lot of time
25 with to extend our hearing today, but I will be getting

1 back to staff on things like the acquisition, 30 days, on
2 things that are in the weeds that we want to make sure
3 that everything we can, we are successful in being able to
4 help these fleets accomplish what they need to do.

5 As far as our -- so I am -- I am supportive of
6 staff looking at, from what they've heard not only today
7 but throughout this public process, the
8 commerciability[SIC]. And the clearer we can be to
9 understand what decisions have to be made, the smoother
10 this is going to go.

11 I am supportive of every tool that we can give
12 staff, so the increase in infrastructure delay. To my
13 knowledge, of 18 years, I never remember stakeholders or
14 quite frankly NGO stakeholders of any type accusing staff
15 of giving away the farm. And so we want to make sure that
16 you have what you need, so when you hit 2024 and 2025 --
17 and sunset things, consider sunsetting, because that is --
18 also sets market signals. So that could be a tool.

19 I appreciated absolutely some of my fellow Board
20 members' concern about 2035. I also appreciate why we do
21 want to send strong market signals, but I'm a very literal
22 person, and a hundred percent means a hundred percent.
23 I'm, quite frankly, very nervous about a hundred percent
24 in 2040. I'm very enthusiastic about very beach-front
25 duty cycles and -- and specific vehicles that can be a

1 hundred percent by 2035.

2 But I -- I do not believe at this point, if I was
3 asked to vote today, that I would be able to support 2035
4 at a hundred percent. We're talking about logging trucks
5 up in Northern California would be a hundred percent
6 electric. I just don't quite see that yet. So -- and
7 then that will -- I am very supportive and I do want to
8 state my support for the wastewater and sanitation, and
9 the SB 1383. I do believe we should align to our
10 regular -- the State law and we should be supportive. And
11 if staff believes that the best and highest purpose of
12 this gas is some place else, okay, let's help them find
13 the market, develop that market, and transfer over. But
14 in the mean time, we do need to support SB 1383 and -- and
15 with low-NOx engines and really encourage you to work with
16 those stakeholders.

17 On the fleet of 10 or more, my biggest struggle
18 is I fear that we're trying to fix something on another
19 definition that will have more unintended consequences
20 than it will fix what we want. We have some very exciting
21 and aggressive incentive programs coming up.

22 I -- I get very concerned once you become a
23 regulated party if you're able to take advantage of
24 incentives. These -- I attend to agree that these are
25 small businesses. And I'm not convinced that changing

1 this will change any status of misclassified. It boggles
2 my mind quite frankly as a business owner how people --
3 other businesses are able to misclassify and misuse
4 independent drivers. But if they've figured it out,
5 they'll continue to figure it out, and there will be a lot
6 of small businesses that will be swept up and it will be
7 problematic.

8 So I do look forward to the discussion. But
9 again if I was voting today, I would vote that I could not
10 this increase the fleet size. And so with that, I really
11 do look forward to continuing to work with staff. I know
12 that we have had lots of discussions. And I am in favor
13 of all the things that -- the continued discussion,
14 including the continued public interface and public
15 workshop. That really should be part of this next round,
16 because it's such a big rule. We have got to keep our
17 stakeholders engaged. Even though sometimes it's
18 problematic and we might be talking past each other, we've
19 got to keep at it.

20 I think, Madam Chair, I would ask in your
21 closing, if so that the Board is very clear, not only are
22 the next steps, but when we come back for our next
23 hearing, it will be an up or down vote is my
24 understanding. And so I think we have to make it very
25 clear to our fellow Board members that our engagement

1 needs to take place over this next six months. We're not
2 going to have another bite at the apple at this so to
3 speak. And so whether and how we do interact with staff,
4 maybe Dr. Cliff can give us some ideas, and so that when
5 we arrive here some time in the spring of 2023, we don't
6 have disappointment from the dais.

7 Thank you, Madam Chair.

8 CHAIR RANDOLPH: All right. Thank you.

9 Okay. That was a great discussion. I'm going to
10 try to summarize where we are. And I think the easiest
11 way to do that is to start with the cheat sheet that is
12 slide 32, because I heard a lot of support amongst the
13 Board for more clarity around infrastructure exemptions
14 and consensus that the one-year construction delay
15 exemption is insufficient to address those issues, and
16 input about wanting the process to be as clear and
17 straight forward as possible, more clarity around
18 determining commercial unavailability. There will be the
19 unavailability list. There was also interest among the
20 stakeholders, and some discussion with staff, about also
21 maybe having some separate sort of informational guidance
22 around what vehicles are available in -- kind of in the
23 same way we do with our incentive programs. So I would
24 certainly encourage that.

25 Flexibility for public fleets to use the same

1 compliance option as commercial fleets. The mutual aid
2 exemption, a few Board members spoke about the importance
3 of that. Okay. And there was general -- those who spoke
4 on the temporary use of transient trucks were comfortable
5 with that. And I didn't hear any objection.

6 Then -- so did you want to add something on one
7 of the things on the slide, Vice Chair Berg. I'm going to
8 get to that.

9 VICE CHAIR BERG: No, ma'am. I'm just adding
10 that I will -- the mutual aid again.

11 CHAIR RANDOLPH: Oh, Vice Chair Berg was
12 expressing support for the mutual aid exemption clarity.

13 Okay. On some of these other big issues,
14 listening carefully, there were -- there was definitely
15 support for reducing the fleet size to 10, but there was
16 not consensus to do that. There was an interest in
17 getting more data on that topic and more information. And
18 perhaps we'll circle back to that when we talk about next
19 steps in terms of process.

20 Similarly, I would put the request to move up the
21 sleeper cabs in that same category. There was interest,
22 but the majority seemed to indicate they were comfortable
23 with staff's proposal. 2036 was kind of on the bubble,
24 I've got to say, because not everybody was super clear
25 about how they felt about the idea of accelerating to

1 that you can do in terms of the timeline. You know that
2 that's always something we're interested in, but, you
3 know, any additional analysis you could share with us if
4 you decide to, you know, keep the milestones as proposed
5 would be -- would be very helpful.

6 As I mentioned at this point, I don't hear a lot
7 of consensus to move sleeper cab tractors forward, but I
8 do hear interest in sort of, you know, showing as much
9 work as possible. So does that sound -- okay. All right.

10 I think we might be done.

11 (Laughter).

12 CHAIR RANDOLPH: Okay. So thank you so much
13 staff. This was really great work.

14 And now, we are done with this agenda item and we
15 are moving on to open public comment on items not on the
16 agenda.

17 BOARD CLERK GARCIA: We have no commenters at
18 this time.

19 CHAIR RANDOLPH: Well. All right. Okay. We are
20 now adjourned.

21 I forgot. I forgot. I just have one more thing
22 to say before I adjourned. I have to apologize.

23 I just unadjourned momentarily. So I just wanted
24 to note that we have a staff departure that I wanted to
25 share, which is that Todd Sax, the head of our Enforcement

1 Division is going to be going to one of our sister
2 agencies, the Department of Toxic Substances Control. So
3 I just want to thank Todd for all of his dedication, and
4 in particular his dedicated work with communities in the
5 AB 617 Program and being really creative and thoughtful
6 about how we can use enforcement as a tool to make
7 people's lives better and improve the air quality in our
8 617 communities. So congratulations, Todd, and good luck
9 in your next endeavor.

10 BOARD MEMBER RIORDAN: That's a real loss.

11 CHAIR RANDOLPH: Oh, and we are -- do we have to
12 mention that we're -- okay. All right. We're adjourned.

13 Thank you.

14 (Thereupon the Air Resources Board meeting
15 adjourned at 6:44 p.m.)
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