

## **Appendix A-1**

### **Proposed Regulation Order Advanced Clean Fleets Regulation**

#### **State and Local Government Agency Fleet Requirements**

Note: The entire text of sections 2013 through 2013.4 set forth below is new language in "normal type" proposed to be added to title 13, California Code of Regulations.

Date of Release: August 30, 2022  
Date of Hearing: October 27, 2022

## Chapter 1 Motor Vehicle Pollution Control Devices

- Section 2013.                    State and Local Government Agency Fleet Applicability, Definitions, and General Requirements
- Section 2013.1                 State and Local Government Agency Fleet Exemptions
- Section 2013.2                 State and Local Government Agency Fleet Reporting
- Section 2013.3                 State and Local Government Agency Fleet Recordkeeping
- Section 2013.4                 State and Local Government Agency Fleet Enforcement

## Proposed Regulation Order

Title 13, California Code of Regulations

Adopt Section 2013 of title 13, California Code of Regulations, to read as follows:

### **Section 2013        State and Local Government Fleet Applicability, Definitions, and General Requirements**

(a)     **Scope and Applicability**

- (1)     Except as provided in section 2013(c), this regulation applies to any state or local government agency with jurisdiction in California that owns, leases, or operates a vehicle with manufacturer's gross vehicle weight rating (GVWR) greater than 8,500 lbs. as defined in section 2013(b). This regulation does not apply to federal fleets subject to title 13, California Code of Regulations (CCR) section 2015.
- (2)     **Hiring Entities.** The requirements of section 2013(i) apply to any motor carrier, broker, governmental agency, person, or entity that hires and operates or hires and directs the operation of vehicles in fleets subject to title 13, CCR sections 2015 through 2015.6, or fleets and vehicles in fleets subject to this regulation per the scope and applicability of section 2013(a)(1).

(b)     **Definitions.** For the purposes of this regulation, the following definitions apply:

“Authorized dealer” means a 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.

“Backup vehicle” means a vehicle, excluding yard tractors, that is operated infrequently as specified in section 2013.1(a).

“Box truck” means a single-unit vehicle with a fully-enclosed or a partially-enclosed space with a roof and at least three sides designed for transporting cargo or payload, excluding the driver and passengers. Examples of included vehicles are those commonly referred to as step vans, refrigerated vans, dry vans, chipper trucks, and box reefer trucks.

“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.

"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.

"California fleet" means the subset of vehicles in the total fleet operated by a fleet owner in California during a calendar year. 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.

"CARB" means the California Air Resources Board.

"Class 2b through 3" means a vehicle with a GVWR greater than 8,500 lbs. and less than or equal to 14,000 lbs.

"Class 4" means a vehicle with a GVWR greater than 14,000 lbs. and less than or equal to 16,000 lbs.

"Class 5" means a vehicle with a GVWR greater than 16,000 lbs. and less than or equal to 19,500 lbs.

"Class 6" means a vehicle with a GVWR greater than 19,500 lbs. and less than or equal to 26,000 lbs.

"Class 7" means a vehicle with a GVWR greater than 26,000 lbs. and less than or equal to 33,000 lbs.

"Class 8" means a vehicle with a GVWR greater than 33,000 lbs.

"Configuration" means the primary intended function for which a vehicle is designed as determined by the body of a complete vehicle or by the equipment integrated into the body that is permanently attached to the chassis. It does not include auxiliary equipment or secondary uses of equipment that is added to or carried on the vehicle body.

"Declared emergency event" means the time period of an emergency event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during the emergency conditions described in California Government Code section 8558.

"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.

"Designated low population counties" means the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba.

"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.

"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. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, federal, or other responsible emergency management agency. Routine operation to prevent public health risks does not constitute emergency operation.

"Emergency support vehicle" means a vehicle other than an authorized emergency vehicle as defined in California Vehicle Code (CVC) section 165 that has been dispatched by a local, state, federal, or other responsible emergency management agency that is used to provide transport services or supplies in connection with an emergency operation.

"Energy storage system" means a system that is designed to store energy on a ZEV or NZEV, such as the battery pack or hydrogen storage tank.

"Executive Officer" means the Executive Officer of the California Air Resources Board or their delegated representative.

"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 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.

"Fleet" or "total fleet" means one or more vehicles owned by a fleet owner. It also includes rental or leased vehicles that are considered owned by the "fleet owner" as defined in section 2013(b).

"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 (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 rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, including truck leases that are part of a bundled service agreement, 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.
- (B) 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.
- (C) 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.

"Gross vehicle weight rating" or "GVWR" means the same as CVC section 350, as indicated by the characters in the 4 through 8 positions in a standard 17-character Vehicle Identification Number (VIN).

"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.

"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.

"Internal combustion engine vehicle" or "ICE vehicle" 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.

"Lessee" has the same meaning as defined in CVC section 371.

"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 entity or 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 entities or persons who supply parts to the importer or vehicle manufacturer of record.

"Model year" means a designation meeting the definition of "model year" under 17 CCR section 95662(a)(16).

"Motor carrier" means the same as defined in CVC section 408.

"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, or "all-electric range", as specified and tested in accordance with section 1037.150p(2)(ii) of "California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles," as last amended September 9, 2021, which is incorporated by reference herein.

"New vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

"Notice to proceed" means a written direction to a vehicle manufacturer or drivetrain conversion installer to commence production or conversion of a vehicle as provided in a contract.

"Pickup truck" means a vehicle originally manufactured as a complete vehicle with an open box-type bed and meets the definition set forth in CVC section 471.

"Rated energy capacity" means the amount of electrical energy, in watt-hours (Wh), that can be extracted from a fully charged energy storage system, based on or derived from the results of testing or analysis. The rated energy capacity includes the electrical energy of the battery pack that is not accessible due to a manufacturer-programmed decrease in energy capacity for battery pack protection.

"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; or
- (B) Sold out of the fleet or transferred out-of-state.

"Responsible official" means either a principal executive officer, ranking elected official, or delegated representative of the state or local government agency.

"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.

"State or local government agency" means a city, county, public utility, special district, local agency or district, or a public agency of the State of California, and any department, division, public corporation, or public agency of the State of California.

"Tractor" means an on-road vehicle meeting one of the following:

- (A) The definition of "tractor" in title 17, CCR section 95662(a)(23); or

- (B) The definition of "vocational tractor" in title 17, CCR section 95662(a)(27).

"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.

"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.

"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); or
- (B) Is a yard tractor that is not intended for use on highways.

"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 to be placed in service outside of California.

"Vehicle Identification Number" or "VIN" means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle.

"Vehicle purchase" or "purchase" means the fleet owner has placed an order for a 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, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase includes where the fleet owner has executed any one of the following:

- (A) Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer or powertrain conversion installer to begin production of the vehicle either:
  1. Under a previously entered purchase contract; or
  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.

"Yard tractor" means a 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.

"Zero-emissions powertrain" has the same definition as title 13, CCR section 1956.8(i)(12).

"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 2013 through 2013.4:

- (1) School buses as defined in CVC section 545(a);

- (2) Military tactical vehicles as described 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); or
  - (9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023.
- (d) *General Requirements.* Starting January 1, 2024, fleet owners must add ZEVs to their California fleet as specified by the following schedules:
- (1) *Agencies in Non-Designated Counties.* For a state or local government agency whose jurisdiction is not in a designated low population county:
    - (A) Starting January 1, 2024, 50 percent of the total number of vehicle additions to the California fleet in each calendar year must be ZEVs; and
    - (B) Starting January 1, 2027, 100 percent of the total number of vehicle additions to the California fleet in each calendar year must be ZEVs.
  - (2) *Agencies in Designated Counties.* For a state or local government agency whose jurisdiction is solely in a designated low population county:
    - (A) Starting January 1, 2027, 100 percent of the total number of vehicle additions to the California fleet in each calendar year must be ZEVs.
  - (3) *Agencies with Split Jurisdictions or Service Areas.* A state or local government agency whose jurisdiction or service area is split between a designated low population county and a non-designated county with at least 90 percent of the service area in the designated low population county must meet the requirements of section 2013(d)(2)(A).

- (e) *NZEV Flexibility.* Until January 1, 2035, additions of a new or used NZEV may optionally be made in lieu of ZEV additions if no new ZEV of the same weight class and configuration are available per section 2013.1(d).
- (f) *Rounding.* If the calculated required minimum number of ZEV additions as set forth in section 2013(d) does not result in a whole number, then use the "standard rounding convention" as defined in section 2013(b).
- (g) *ZEV Accounting.* Each ZEV or NZEV may be counted only once as long as the vehicle remains in the fleet to count towards compliance with the ZEV addition requirement for a given calendar year.
- (h) *Early or Excess ZEV Additions.* ZEV additions to the California fleet made before the deadlines or in excess of the amounts required in section 2013(d) count towards future ZEV addition requirements as long as the ZEV is still active in the fleet. Each early or excess ZEV addition counts toward a future requirement only once per the accounting requirements in section 2013(g).
- (i) *Requirement to Hire Compliant Fleets.* Any hiring entity that is subject to this section per section 2013(a)(2) must:
  - (1) *Verification of Compliance.* Verify that each fleet it hires or dispatches is listed on the CARB Advanced Clean Fleets webpage as a compliant fleet. Alternatively, for each calendar year that an entity hires a fleet to operate in California, it must obtain a signed statement from the fleet stating it is not subject to the High Priority and Federal Fleets regulation of title 13, CCR section 2015 through 2015.6 and the State and Local Government Fleets regulation of title 13, CCR section 2013 through 2013.4.
  - (2) *Disclosure of Regulation Applicability.* Provide the following disclosure in writing to the hired fleet in the hiring contract or agreement: "Vehicles with a GVWR greater than 8,500 lbs. and light-duty package delivery vehicles operated in California may be subject to the California Air Resources Board Advanced Clean Fleets regulations. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board website at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>."
  - (3) The hiring entity must also comply with the recordkeeping requirements of section 2013.3(g).
- (j) *Joint Compliance Option.* Individual departments, divisions, districts, subsidiaries, or agencies under the same state or local government agency's jurisdiction have the option to comply jointly instead of complying

independently if the combined California fleet meets the requirements of this regulation. If the group fails to comply, all participants must immediately comply individually. Agencies choosing to use this option must meet the reporting requirement of section 2013.2(d).

- (k) *Order Cancellations.* If a fleet owner cancels a notice to proceed, a purchase agreement, or a leasing contract at any time before the vehicle is delivered, the purchase will be considered invalid and will not count towards required ZEV additions to the California fleet. If a manufacturer cancels any of the above, the fleet owner has six months to replace it with another ZEV order. After six months, the purchase will be considered invalid and will not count towards required ZEV additions to the California fleet.
- (l) *Compliance Date.* Annual compliance with the ZEV addition requirements is determined on January 1 of each calendar year.
- (m) *Exemptions and Extensions.* Fleet owners complying with section 2013(d) may utilize exemptions and extensions as follows:
  - (1) *Backup Vehicle Exemption.* Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV addition requirement of section 2013(d) if it is designated as a backup vehicle as specified in section 2013.1(a) and may exclude miles travelled when the vehicle is operated in support of a declared emergency event as specified in section 2013.1(a)(1).
  - (2) *Daily Usage Exemption.* Fleet owners shall receive a one-year exemption from the ZEV addition requirement of section 2013(d) to purchase a new ICE vehicle if a new ZEV is available, but it cannot be placed anywhere in the California fleet while meeting the daily usage needs of any existing vehicle in the fleet provided the criteria specified in section 2013.1(b) are met.
  - (3) *Infrastructure Construction Delay Extension.* Fleet owners are excused from taking immediate delivery of ordered ZEVs for one year when determining compliance with section 2013(d) if the criteria described in section 2013.1(c) are met.
  - (4) *ZEV Unavailability.* Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV addition requirements of section 2013(d) if no ZEV and no NZEV of the needed configuration is commercially available and the conditions of section 2013.1(d) are met.
  - (5) *Mutual Aid Assistance.* Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV addition requirement of section 2013(d) for up to

25 percent of the fleet if the vehicles are needed to provide emergency response services and the conditions described in Mutual Aid Assistance section 2013.1(e) are met.

- (n) *Reporting and Recordkeeping Requirement.* Beginning January 1, 2024, fleet owners must meet reporting requirements as specified in section 2013.2 and keep and provide records as specified in section 2013.3.
- (o) *Vehicles Acquired with Incentive Funds.* Beginning January 1, 2024, 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 2013(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 2013.2(c)(2)(L).
- (p) *Certificate of Reported Compliance and Compliant Fleet List.* If the requirements of sections 2013 through 2013.4 are met and the required reporting is received to demonstrate compliance, the fleet owner will be provided with a Certificate of Reported Compliance. The CARB Advanced Clean Fleets webpage will list the CARB-issued ID number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a "ZEV Fleet" per title 13, CCR section 2015(p) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply will not be listed.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.1 of title 13, California Code of Regulations, to read as follows:

### **Section 2013.1      State and Local Government Fleet Exemptions**

Fleet owners may claim or apply for the following exemptions or extensions if the California fleet complies with the requirements that are in effect, and it would otherwise be impossible to comply with the next upcoming regulation requirement. Fleet owners requesting or utilizing any exemptions or extensions must meet applicable reporting and recordkeeping requirements for each exemption or extension as specified in sections 2013.2 and 2013.3. Any exemptions or extensions

approved for a fleet owner are not transferrable to another fleet owner. The Executive Officer will respond to exemption requests as described in section 2013.2(i).

- (a) *Backup Vehicle Exemption.* Fleet owners may designate vehicles as backup vehicles during the reporting period and renew the designation annually if the fleet owner meets each of the following requirements:
  - (1) The vehicle is operated less than 1,000 miles per year excluding any mileage travelled under contract while performing emergency operations in support of a declared emergency event;
  - (2) The fleet owner must report the vehicle as a backup vehicle and must submit odometer readings per section 2013.2(f); and
  - (3) Backup vehicles must immediately stop being operated and must be removed from the California fleet if the vehicle exceeds the allowed number of annual miles travelled and the vehicle or fleet is out of compliance with section 2013(d).
- (b) *Daily Usage Exemption.* Fleet owners may apply for an exemption to replace vehicles with a GVWR greater than 14,000 lbs. if at least 10 percent of their California fleet is comprised of ZEVs or NZEVs. Fleet owners may not apply for a vehicle configuration that is commercially available as: an NZEV; a hydrogen fuel cell ZEV; a Class 7 or 8 ZEV tractor or ZEV three-axle bus with a rated energy capacity of at least 1,000 kilowatt-hours; a Class 4 through 6 ZEV with a rated energy capacity of at least 325 kilowatt-hours; or a Class 7 or 8 ZEV that is not a tractor or three-axle bus with a rated energy capacity of at least 450 kilowatt-hours. The Executive Officer will approve the exemption based on their good engineering judgement in determining that the criteria specified in section 2013.1(b) have been met. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
  - (1) Submit the make, model, weight class, configuration, and photograph of the ICE vehicle to be replaced.
  - (2) Identify the commercially available ZEV with the highest rated energy capacity available in the same weight class and configuration. Submit the make, model, weight class, configuration, and rated energy capacity of the ZEV.
  - (3) Calculate the range of the vehicle in miles by dividing the rated energy capacity of the identified ZEV by the following factors: for Class 4 through 6 vehicles, 1.3 kilowatt-hours per mile; for Class 7 and 8 non-tractors, 1.8 kilowatt-hours per mile; for Class 7 and 8 tractors, 2.1

kilowatt-hours per mile. For vehicles that operate truck mounted or integrated equipment while stationary, in lieu of calculating the needed rated energy capacity based on vehicle miles travelled, the needed rated energy capacity is the same as the optionally submitted measured ZEV energy use of section 2013.1(b)(6). Submit the calculation and results.

- (4) Submit a daily usage report for a period of at least 30 consecutive workdays from within the last 12 months using telemetry data or other industry accepted data collection method for all ICE vehicles of the same weight class and configuration of the vehicle to be replaced. The report must include the daily miles traveled for each vehicle. Identify the lowest mileage reading for each day and exclude the three highest readings. For the exemption to be granted, the highest remaining mileage number must be greater than the range calculated in 2013.1(b)(3).
    - (A) For vehicles that operate truck mounted or integrated equipment while stationary, the daily usage report must include daily equipment usage information such as hours of operation.
  - (5) Submit a description of the daily assignments or routes used by existing vehicle types with an explanation of why all commercially available ZEVs of the same weight class and configuration cannot be charged or fueled during the workday at the depot, within one mile of the routes, or where ZEV charging or fueling is available. The explanation must include a description of why charging or fueling could not be managed during driver rest periods or breaks during the workday.
  - (6) Optionally submit measured ZEV energy use data to substantiate their exemption request from ZEVs of the same configuration already operated on similar daily assignments in the fleet's service. This optional information must include vehicle loading and weight data, route grade, average ambient daily temperature, and state of charge at the beginning and end of the daily shift to show typical energy usage over one month of regular service.
- (c) *Infrastructure Construction Delay Extension.* A fleet owner may apply for this extension if they experience construction delays beyond their control on a project to purchase ZEVs and install ZEV charging or fueling stations. The Executive Officer will grant a single extension per project 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 must submit all of the following by email to TRUCRS@arb.ca.gov to apply:

- (1) 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 after obtaining construction permits; change of a general contractor; delays obtaining power from a utility; delays due to unexpected safety issues; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act Public Resources Code Division 13, Section 21000 et. seq; or natural disasters;
  - (3) Submit a letter to CARB from the responsible official explaining the reason for the delay, why retail infrastructure cannot be used, the estimated completion date of the project, and documentation supporting the reason for the delay from the licensed contractor performing the work, related utility, building department, or other organization involved in the project; and
  - (4) Documentation showing the executed ZEV purchase agreement.
- (d) *ZEV Unavailability Exemption.* The Executive Officer will maintain a list of vehicle configurations that are eligible to purchase as ICE vehicles when ZEVs or NZEVs are not available on the CARB Advanced Clean Fleets webpage. The list will include available ICE vehicles with a GVWR greater than 14,000 lbs. and will not include pickup trucks, two-axle buses, box trucks, vans, or any tractors. Fleet owners may replace existing ICE vehicles with vehicles on the list without submitting an exemption request. To use the exemption, fleet owners must:
- (1) Verify the vehicle in the weight class and configuration being purchased or replaced to comply with the regulation is listed on the CARB Advanced Clean Fleets webpage as commercially unavailable; and
  - (2) Comply with the reporting and recordkeeping requirements of sections 2013.2(g) and 2013.3(e).

The following describes the criteria for adding or removing vehicles to the list. Fleet owners or vehicle manufacturers may request the Executive Officer to add or remove vehicles from the list if the conditions of this section have been met. The Executive Officer will rely on the information submitted below and their good engineering judgement in determining whether to add vehicles to the list. The vehicle will be added to the list unless a ZEV or NZEV is commercially available as a complete vehicle or is certified for sale in California. The applicant

must submit all of the following by email to TRUCRS@arb.ca.gov to request a vehicle configuration be added to the list:

- (3) The make, model, weight class, configuration, a photograph, and a specifications sheet to show the vehicle is commercially available as an ICE vehicle.
  - (4) For each commercially available ZEV or NZEV chassis in the same and next higher weight class that is certified for sale in California, show the chassis cannot be equipped in the applicable configuration. For example, if a Class 4 vehicle is needed, the following information must be submitted for Class 4 and Class 5 chassis. To do so, applicants must submit either of the following:
    - (A) A signed statement or email from the vehicle manufacturer stating the chassis is not compatible with the applicable configuration and for what reasons; or
    - (B) A signed statement or email from each authorized installer of the needed vehicle body stating that for each available ZEV or NZEV chassis, the installer is unable to configure the body on the chassis without violating safety standards prescribed under title 8, CCR by the California Department of Industrial Relations, Division of Occupational Safety and Health, comparable federal or state health and safety laws where the vehicle operates, or federal highway safety laws. The statement must identify which of these safety laws or standards would be violated and for what reasons.
  - (5) If the Executive Officer determines the conditions specified in section 2013.1(d)(4) are no longer met, the vehicle configuration will be removed from the list six months after the determination is made and the configuration is considered commercially available.
- (e) *Mutual Aid Assistance.* Fleet owners may apply for this exemption if they have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event and at least 75 percent of their California fleet is comprised of ZEVs. The exemption is limited to replacing vehicles with a GVWR greater than 14,000 lbs. and does not apply to pickup trucks, buses, box trucks, vans, any tractors, or any vehicle configurations commercially available as NZEVs. The Executive Officer will rely on the information submitted in sections 2013.1(e)(1-4) and their good engineering judgment in determining whether to approve the exemption. The fleet owner must do and submit all of the following by email to TRUCRS@arb.ca.gov to apply:

- (1) The make, model, weight class, configuration, and photograph of the needed ICE vehicle;
- (2) For each commercially available ZEV or NZEV complete vehicle or incomplete chassis in the same and next higher weight class that is certified for sale in California, submit the following: documentation from the manufacturer and all mobile fueling providers with compatible mobile fueling options to show the vehicle or chassis cannot be refueled with compatible mobile fueling options that would fuel from 10 to 80 percent of the ZEV's rated energy capacity within 1 hour of fueling time; a signed statement or email from the vehicle manufacturer stating the chassis is not compatible with the applicable configuration and for what reasons; or a signed statement or email from each authorized installer of the needed vehicle body stating that for each available ZEV or NZEV chassis, the installer is unable to configure the body on the chassis without violating safety standards prescribed under title 8, CCR by the California Department of Industrial Relations, Division of Occupational Safety and Health, comparable federal or state health and safety laws where the vehicle operates, or federal highway safety laws. The statement must identify which of these safety laws or standards would be violated and for what reasons;
- (3) Submit a copy of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events; and
- (4) Submit a letter to the Executive Officer that has an explanation of the reason for the exemption request.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.2 of title 13, California Code of Regulations, to read as follows:

## **Section 2013.2      State and Local Government Fleet Reporting**

- (a) *Method of Reporting.* Reports submitted to comply with sections 2013 through 2013.4 must be submitted online through CARB's Advanced Clean Fleets webpage.

- (b) *Reporting Deadline and End Date.* No later than April 1 of each year until April 1, 2045, fleet owners must annually submit a compliance report of the California fleet composition as of January 1 of each year. The initial report must be submitted by April 1, 2024.
- (c) *Fleet Reporting.* Fleet owners must report the following:
- (1) *State or local government agency Information.* Fleet owners must report all of the following:
- (A) State or local government primary agency name;
  - (B) Entity's physical and mailing addresses;
  - (C) Designated contact person name;
  - (D) Designated contact person phone number;
  - (E) Designated contact person email;
  - (F) 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;
  - (G) Identify the jurisdiction (state, county name, city name, or other local government); and
  - (H) Name of the responsible official.
- (2) *Vehicle Information.* The fleet owner must report the following information for each vehicle in the California fleet:
- (A) Vehicle Identification Number (VIN);
  - (B) Vehicle make and model;
  - (C) Vehicle model year;
  - (D) Vehicle license plate number and state or jurisdiction of issuance;
  - (E) Vehicle GVWR (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 2013.1;
  - (K) Odometer, or if applicable, hubodometer readings as specified in section 2013.2(e); and
  - (L) 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) *Joint Compliance Reporting.* If an agency chooses to comply jointly per section 2013(h), each individual department, division, district, subsidiary, or agency must report separately, and include the CARB-issued ID number of the primary controlling agency or designated primary entity.
- (e) *Changes to an Existing Fleet.* Fleet owners must comply with all of 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 Repowers or Conversions.* Vehicles repowered with zero-emission powertrains must report the vehicle's new fuel type within 30 calendar days of being repowered or converted.
- (f) *Odometer Reading Reporting.* This section applies to fleet owners that have backup vehicles. Fleet owners with backup vehicles 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 or hubodometer.
  - (2) *Odometer Replacement.* If 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.
    - (A) *Hubodometers.* If the vehicle's odometer is not functional and is not being replaced, report the serial number from a hubodometer with a non-resettable odometer.
  - (3) *Emergency Mileage.* For backup vehicles used in emergency operations that would exceed the backup vehicle mileage limit, the fleet owner must report the number of miles travelled in support of the emergency.
- (g) *ZEV Unavailability Supporting Documentation Reporting.* Fleet owners that purchase an ICE vehicle pursuant to the ZEV Unavailability exemption of section 2013.1(d) must submit an email to TRUCRS@arb.ca.gov with the purchase agreement and the following clear and legible digital photographs of:
- (1) VIN/GVWR label (typically located on the driver side door or door jamb);
  - (2) License plate with side of the vehicle visible;
  - (3) Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
  - (4) Entire right side of the vehicle with doors closed showing the vehicle's body configuration.
- (h) *Requirement for Signature.* All reports submitted to CARB electronically are deemed signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (i) *Method for Requesting and Approval of Exemptions or Extensions.* Requests and required information for Executive Officer consideration of the exemptions of sections 2013.1(b), 2013.1(c), 2013.1(d), and 2013.1(e) must be submitted via email to TRUCRS@arb.ca.gov. The Executive Officer will notify the fleet owner by email whether the exemption or extension request is approved within 30 calendar days from receipt of a complete submission.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.3 of title 13, California Code of Regulations, to read as follows:

### **Section 2013.3     State and Local Government Fleet Recordkeeping**

Fleet owners must keep for the duration in section 2013.3, subsection (i) and provide the following forms of documentation in an electronic or paper format upon request or make them available to the Executive Officer 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 2013.2(c-g);
  - (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, 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) Emergency Operation Dispatch Documentation. Fleet owners with backup vehicles that perform emergency operations must keep and

provide records to document contract and dispatch by a local, state, federal or other emergency management agency.

- (b) *Operator Documentation.* Fleet owners must keep and provide documentation identifying the entity responsible to pay the driver who is not a state or local government agency employee 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) *Odometer Reading Documentation.* Fleet owners required to report odometer readings must keep and provide records of the vehicle miles traveled. Acceptable records are those provided in smoke opacity test results, Biennial Inspection of Terminals inspection records, fuel tax records, maintenance records, unaltered photograph of the odometer or hubodometer, or an on-board diagnostics system information download that includes the vehicle miles travelled or odometer information. Fleet owners of backup vehicles used in emergency operations in support of a declared emergency event must keep and provide records to document vehicle mileage accrued under contract in support of an emergency event.
- (d) *Infrastructure Construction 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 and qualifications for the exemption.
- (e) *ZEV Unavailability Documentation.* Fleet owners utilizing the ZEV Unavailability exemption must keep and provide purchase agreements and photographs submitted per section 2013.2(g), and a copy of the specifications sheet or a list of the specifications for the vehicle and if applicable, the body installed for ICE vehicles purchased pursuant to the exemption.
- (f) *Documentation for Mutual Aid Assistance.* Fleet owners that utilize the Mutual Aid Assistance provision 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 and qualifications for the exemption.
- (g) *Hiring Entity Documentation.* Hiring entities that are subject to the regulation per section 2013(a)(2) must keep and provide certificates of reported compliance or signed statements received from hired fleets used to verify that hired fleets are compliant with the applicable regulations. Additionally, hiring entities must keep and provide copies of contracts with hired entities that include the disclosure of regulation applicability required by section 2013(i)(2).

- (h) *Daily Usage Exemption Documentation.* Fleet owners that utilize the Daily Usage Exemption must keep and provide copies of all documents, data, letters, and analysis used to support their request and qualifications for the exemption.
- (i) *Retention of Records.* Records of reported information required in reporting section 2013.2 and documentation required in record keeping section 2013.3 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 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104 Health and Safety Code. Reference: 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 Health and Safety Code.

Adopt Section 2013.4 of title 13, California Code of Regulations, to read as follows:

#### **Section 2013.4      State and Local Government Fleet Enforcement**

- (a) *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.
- (b) *Penalties.* Any person who fails to comply with the 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 penalties.
- (c) *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: 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101,

43102, and 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 Health and Safety Code.