

Public Hearing to Consider Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations

Final Statement of Reasons for Rulemaking, Including Summary of Comments and Agency Response

*Public Hearing Date: September 25, 2025
Agenda Item No.: 25-6-8*

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List of Acronyms and Abbreviations

AB—Assembly Bill

ACF or the Regulation or the ACF regulation—The Advanced Clean Fleets Regulation

ACWA—Association of California Water Agencies

ACOs—Animal Control Officers

AER—All-Electric Range

APA—Administrative Procedures Act

BEV—Battery Electric Vehicle

Cal. Code Regs.—California Code of Regulations

CalARP—California Accidental Release Prevention

CalOSHA—California Division of Occupational Safety and Health

CARB or the Board—California Air Resources Board

CASA—California Association of Sanitation Agencies

CAWA—California Animal Welfare Association

CCEEB—California Council for Environmental and Economic Balance

CCFR—California Clean Fuel Reward

CEC—California Energy Commission

CI—Carbon Intensity

CMUA—California Municipal Utilities Association

CNG—Compressed Natural Gas

CPUC—California Public Utilities Commission

CVC—California Vehicle Code

CVWD—Cucamonga Valley Water District

EnergIIZE—Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles

ePTO—Electric Power Take-Off

EV—Electric Vehicle

EVSE—Electric Vehicle Supply Equipment

FCEV—Fuel Cell Electric Vehicle

FCI—Fast Charging Infrastructure

FSE—Fuel Supply Equipment

FSOR—Final Statement of Reasons

GHG—Greenhouse Gas

GVWR—Gross Vehicle Weight Rating

H2ICE—Hydrogen Internal Combustion Engines

HD—Heavy-Duty

HELOs—Humane Law Enforcement Officers
HRI—Hydrogen Refueling Infrastructure
HVIP—Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project
ICE—Internal Combustion Engine
ICT—Innovative Clean Transit
IOU—Investor-Owned Utility
ISOR or Staff Report—Initial Statement of Reasons for Rulemaking
LADWP—Los Angeles Department of Water and Power
LCFS—Low Carbon Fuel Standard
LMD-HRI—Light-and-Medium-Duty Hydrogen Refueling Infrastructure
MCS—Megawatt Charging Standard
MHD—Medium- and Heavy-duty
MHDV—Medium- and Heavy-duty Vehicles
MSW—Municipal Solid Waste
NCPA—Northern California Power Agency
NEVI—National Electric Vehicle Infrastructure
NG—Natural Gas
NOx—Nitrogen Oxides
NZEV—Near-Zero-Emission Vehicle
OAL—Office of Administrative Law
OCP—Outside of Comment Period
OEM—Original Engine Manufacturer
OT—Oral Testimony
PG&E—Pacific Gas & Electric
PSPS—Public Safety Power Shutoff
PHEV—Plug-in Hybrid Electric Vehicle
RNG—Renewable Natural Gas
SB—Senate Bill
SCPPA—Southern California Public Power Authority
SCE—Southern California Edison
SIP—State Implementation Plan
SLG—State and Local Government
SRIA—Standardized Regulatory Impact Assessment
TAC—Toxic Air Contaminant
TCO—Total Cost of Ownership
TEAS—Transportation Electrification Advisory Services

TRIG—Truck Regulation Implementation Group

TUSV—Traditional Utility-Specialized Vehicle

U.S. EPA—United States Environmental Protection Agency

WT—Written Testimony

ZE—Zero-emission

ZEV—Zero-emission Vehicle

I. General

The *Staff Report: Initial Statement of Reasons for Rulemaking* (“Staff Report” or “ISOR”), entitled *Public Hearing to Consider Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations*, released August 1, 2025, is incorporated by reference herein. The Staff Report contains a description of the rationale for the Proposed Amendments. On August 1, 2025, all references relied upon and identified in the Staff Report were made available to the public.

This Final Statement of Reasons (FSOR) updates the Staff Report by identifying and providing the rationale for the modifications made to the originally proposed regulatory text, including non-substantive modifications, and regulatory text circulated for public comment during the 15-Day comment period. The FSOR also contains a summary of the comments received by the California Air Resources Board (CARB) on the Proposed Amendments during the formal rulemaking process and CARB’s responses to those comments.

A. Background

The California Air Resources Board (CARB or Board) adopted the Advanced Clean Fleets (ACF) regulation on April 28, 2023, and the regulation became effective on October 1, 2023.¹ The ACF regulation is part of California’s overall strategy to accelerate a large-scale reduction in tailpipe emissions to achieve long-term air quality, climate, and public health goals by eliminating emissions from medium- and heavy-duty vehicles where feasible over the upcoming decades. Under the ACF regulation, fleets are anticipated to meet their medium- and heavy-duty zero-emission vehicle (ZEV) purchase requirements using a combination of battery electric vehicles (BEV) and fuel cell electric vehicles (FCEV), and with near-zero-emission vehicle (NZEV) technologies like plug-in hybrid electric vehicles (PHEV) prior to 2035.

On October 8, 2023, the Legislature enacted Assembly Bill (AB) 1594 (Garcia, E., Stats. 2023, ch. 585), which directs CARB to amend the ACF regulation to provide additional flexibility for public agency utilities as defined in statute. Specifically, AB 1594 directs CARB to allow a public agency utility to submit comprehensive usage data for a class of vehicles that does not exclusively rely on the lowest mileage reading and does not exclude the highest usage days when applying under the ACF regulation’s Daily Usage Exemption. AB 1594 also requires CARB to define a “traditional utility-specialized vehicle” (TUSV) and to consult with public agency utilities to determine what criteria can be used to determine the end-of-life for TUSVs without regard to the model year of the vehicle being replaced.

Public agency utilities in California play a vital role in delivering electricity and water, including emergency response during disasters. While the ACF regulation includes exemptions to address concerns about the availability and practicality of ZEVs, these utilities expressed concerns that current ZEV options may not meet their operational needs, especially during emergencies, and were requesting earlier access to exemptions than currently allowed.

Since public agency utilities had requested expediency, CARB implemented AB 1594 in two steps. The first step was to pursue non-discretionary portions as Section 100 changes (California Code of Regulations (Cal. Code Regs.), title 1, sections 100(a)(5) and (6)). On August 26, 2024, the Office of Administrative Law (OAL) approved the Section 100 changes to include a new definition of “public agency utility” and to allow a public agency utility to retain the three highest daily mileage readings from the lowest 30 daily readings when applying for a Daily Usage Exemption. These changes became effective on October 1, 2024. The second step is

¹ Any reference to the “original rulemaking,” or “ACF Amendments,” or “Proposed ACF Amendments” refers to the Advanced Clean Fleets regulation adopted on April 28, 2023, which became effective October 1, 2023.

accomplished by the Proposed State and Local Government (SLG) Amendments that provide TUSVs earlier access to exemptions to fulfill the requirement of AB 1594.

The Board approved additional changes, proposed by CARB, to the SLG requirements that went beyond the requirements of AB 1594. The amendments delay certain purchase requirements and expand access to exemptions, offering fleets greater certainty and operational flexibility. The amendments extend the 50% ZEV purchase requirement for an additional three years, delaying the 100% requirement until 2030. The Daily Usage and ZEV Purchase exemptions have been broadened by removing model year limitations and expanding eligibility criteria for the Daily Usage Exemption. The Fleet Resiliency Exemption, formerly the Mutual Aid Exemption, was also updated to allow earlier access by lowering the ZEV threshold from 25% to 5% of the fleet. In addition, CARB included a new exemption for captive fleets using the ZEV Milestones Option.

Also, the Proposed Amendments repeal parts of the ACF regulation (Proposed Repeal), specifically the Drayage requirements in title 13, chapter 1, article 3.2, section 2014, and the High Priority and Federal Fleet requirements in title 13, chapter 1, article 3.2, section 2015, since these requirements cannot be enforced for the foreseeable future. On January 13, 2025, CARB withdrew its request for a waiver and authorization for the addition of the ACF regulation to California's emissions control program. The Trump administration had previously evidenced its opposition to California's authority to establish greenhouse gas (GHG) and zero-emission standards for new motor vehicles and has also stated its continued opposition to that authority. Accordingly, in light of the United States Environmental Protection Agency's (U.S. EPA) lack of final action on CARB's request for waiver and authorization before the incoming administration assumed its official duties on January 20, 2025, and given the incoming administration's past and continued hostility to CARB's emissions control program, CARB determined that withdrawing its request was appropriate.

Lastly, CARB proposed to modify the derating factors for light- and medium-duty hydrogen refueling infrastructure (LMD-HRI) crediting within the Low Carbon Fuel Standard (LCFS) regulation. Hydrogen refueling stations approved for hydrogen refueling infrastructure (HRI) crediting receive credits for their unused refueling capacity, in addition to credits generated for dispensing fuel to FCEVs. CARB proposed to reduce the derating factor, such that LMD-HRI stations may receive HRI credits for the full nameplate capacity (up to 1,200 kilograms per day) for public stations, and 50% of the nameplate capacity for private stations. This change will provide stronger crediting support for hydrogen stations and more adequately supports development of stations that can accommodate the refueling demand of larger medium-duty hydrogen FCEVs. The change will not increase the total HRI credits generated by the HRI program in aggregate, due to an existing cap on program-wide HRI crediting.

B. Description of Board Action

The Proposed Amendments were presented to the Board at a public hearing (Hearing) held on September 25, 2025.² The Board received 108 written comment letters submitted to the comment docket during the 45-day comment period including seven additional written comment letters that were submitted on the day of the Hearing. A total of 57 stakeholders delivered oral testimony during the Hearing. At the conclusion of the Hearing, the Board approved the Proposed Amendments and the Proposed Repeal of Drayage, Federal, and High Priority Fleets from the ACF requirements. The Board directed the Executive Officer to determine if additional

² Any reference to the "initial proposal" or "original proposal" refers to the Proposed Amendments, 45-day notice and related documents posted to CARB's website on July 29, 2025, and approved at the Board hearing on September 25, 2025.

modifications to the regulation were necessary and take final action to adopt the regulation after addressing all appropriate modifications.

At the direction of the Board and in response to stakeholder comments received, CARB proposed additional changes (First 15-Day Changes) made available, in addition to supporting documents, for a 15-Day Comment Period through a “Notice of Public Availability of Modified Text” (First 15-Day Notice). The First 15-Day Notice and modified regulatory language were posted on March 26, 2026, for public review and comment through April 10, 2026. The Board received 232 written comment letters submitted to the comment docket during the First 15-Day Comment Period. Based on feedback received, CARB developed additional proposed modifications (Second 15-Day Changes) made available for a second 15-Day Comment Period through a “Notice of Public Availability of Modified Text” (Second 15-Day Notice). The Second 15-Day Notice and modified regulatory text were posted on June 1, 2026, for public review and comment through June 16, 2026. The Board received 86 written comment letters submitted to the comment docket during the Second 15-Day comment period.

CARB has reviewed and responded to the comments in section IV of this document and the Executive Officer determined that no further changes to the Regulation Order are necessary.

Following the release of the Staff Report and based on the Board’s direction and in response to stakeholder requests for clarification during the 45-Day Comment Period, CARB made the following additional modifications in the First 15-Day Changes:

- Extend the 50% ZEV purchase requirement until January 1, 2030, which delays the start date for small fleets and those in designated low population counties by three years, while providing additional time for all other fleet owners to designate 50% of their new vehicle purchases as internal combustion engine (ICE) vehicles. This change better aligns the regulation with the current and expected state of the ZEV market while providing fleet owners with the flexibility to better manage any concerns such as towing, payload, range, cost, and commercial availability. Further, this allows them to continue focusing their ZEV purchases on best-fit applications.
- The Daily Usage Exemption and the ZEV Purchase Exemption were modified to allow vehicles of all model years to be considered eligible for exemptions. The eligibility for the Daily Usage Exemption was expanded to allow fleet owners to use all mileage data instead of excluding the three highest days of usage. Through these modifications, the Proposed SLG Amendments fully meet the requirements of AB 1594 to provide additional flexibility to public utilities. These additional flexibilities were also available for all SLG fleets. Additionally, the Daily Usage Exemption was revised to improve readability and provide clarity, and to better align with operational data fleet owners already collect.
- In response to Board direction, an exemption was added under the ZEV Milestones Option for captive waste and wastewater fleets that produce biomethane on-site. This provision allows the fleet owners to utilize and dispense their own renewable biofuel for engines that have lower oxides of nitrogen (NOx) emissions than the applicable standard. The provision grants these fleet owners the ability to purchase such low-NOx ICE vehicles fueled by renewable biofuel until January 1, 2035. The exemption can apply to as many vehicles as the fleet facility’s excess renewable biofuel capacity can support. Any ICE vehicle purchased through this exemption will be guaranteed its full useful life³.

³ “Minimum useful life” means the minimum time period a vehicle may remain in the California fleet. It is the later of the dates specified in subsection (A) or (B) below, as modified by subsection (C): (A) Thirteen years, commencing from the model year that the engine and emissions control system in a vehicle was first certified for use by CARB or United States Environmental Protection Agency (U.S. EPA); or (B) The date that the vehicle exceeded 800,000

- The ZEV Purchase Exemption availability criteria was expanded to ensure minimum ZEV warranty requirements and manufacturer experience or reliability. Additional minor modifications were also made to better streamline the exemption process. These include expanding the types of verification documents fleet owners can submit within the application process and expanding the types of vehicles CARB will consider for automatic exemptions where fleet owners would not need to submit any documentation to receive the exemption.
- The Fleet Resiliency Exemption, formerly the Mutual Aid Exemption, previously required that the fleet consist of at least 25% ZEVs before 2032 to access the exemption, at least 50% before 2036, and at least 75% starting in 2036. This provision was modified to provide earlier access to this provision by lowering the ZEV penetration threshold from 25% of the fleet to 5% of the fleet. The modifications also expand eligibility to all vehicle types and no longer exclude pickup trucks, buses, box trucks, vans, and tractors. These modifications help fleet owners address their resiliency concerns regarding towing, secondary response, and other issues. Other minor modifications made within the Fleet Resiliency Exemption include delaying mobile fueling requirements and streamlining the application process.
- The ZEV Milestones Option and other language applicable to public fleets were copied from sections being repealed.
- Other changes were made to streamline or simplify implementation.

Following the release of the Staff Report and based on the Board's direction and in response to stakeholder requests for clarification during the First 15-Day Comment Period, CARB made the following additional modifications in the Second 15-Day Changes:

- Regulatory text changes that made explicit the existing requirement that vehicles being operated by State and local governments, including those through a contractual arrangement, are part of the government entity's fleet for purposes of the regulation.

a) Updated Emissions

CARB analyzed the emissions of the updated proposal for the Advanced Clean Fleet amendments in comparison to the initial proposal. Overall, the updated amendments would reduce the number of ZEVs purchased and increase the number of ICE vehicles purchased. Relative to the initial proposal, CARB estimates that the updated amendments would result in increased NOx and particulate matter (PM2.5) emissions, which impact public health outcomes in California. For an update on the emissions impact of the Proposed Amendments, please see Attachment B to the First 15-Day Notice. This updated emissions data does not change CARB's determination that the ACF Amendments are exempt from CEQA and there would be no increase beyond the baseline because the initial proposal comparison shown in the updated emissions data does not reflect a baseline comparison for CEQA purposes.

vehicle miles traveled or 18 years from the model year that the engine and emissions control system of that vehicle was first certified for use by CARB or U.S. EPA (whichever is earlier). (C) If the vehicle no longer has its originally equipped engine, or the model year of the originally equipped engine is not able to be determined, the model year of the vehicle less one year shall be used to determine when the thresholds described in subsections (A) and (B) above are met.

b) Updated Cost

Overall, the updated amendments would reduce the number of ZEVs purchased and increase the number of ICE vehicles purchased. The associated costs are the differences in costs of purchasing and operating a ZEV instead of an ICE vehicle.⁴

CARB estimate the Proposed SLG Amendments could result in net fiscal impacts to SLGs of up to \$28 million from 2026 to 2035.

C. Mandates and Fiscal Impacts to Local Governments and School Districts

The Board has determined that this regulatory action will not result in a reimbursable mandate to local agencies. The Board finds that any costs incurred by local agencies are not reimbursable pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code. These costs are not reimbursable because this action neither compels local agencies to provide new governmental functions (i.e., it does not require such agencies to provide additional services to the public), instead, the amendments modify an existing program, providing additional flexibility to regulated entities. Nor does this action impose requirements that apply only to local agencies or school district, as they also apply to State government fleets.^{5,6} This action does not compel local agencies to increase the actual level or quality of services that they already provide the public. For the foregoing reasons, any costs incurred by local agencies to comply with this regulatory action are not reimbursable.⁷

D. Consideration of Alternatives

For the reasons set forth in the Staff Report, in CARB's comments and responses at the Hearing, and in this FSOR, the Board determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by the Board.

a) Small Business Alternative

Section 11346.9, subdivision (a)(5), of the Government Code provides that the FSOR shall contain an "explanation setting forth the reasons for rejecting any proposed alternative that would lessen the adverse economic impact on small businesses." Small businesses are not expected to be adversely affected by the proposed regulatory actions. The Proposed Repeal removes previously adopted High-Priority Fleets and Drayage Trucks requirements, which have not been enforced and for which any compliance actions taken by businesses have been voluntary; therefore, the repeal does not impose costs on small businesses and maintains conditions consistent with business-as-usual operations. The Proposed LCFS Amendments do not establish new compliance obligations for businesses and instead modify crediting provisions related to HRI within the existing program framework. The Proposed SLG Amendments apply exclusively to SLG agencies and do not regulate private entities. Accordingly, these proposed actions do not impose direct compliance requirements or adverse economic impacts on small businesses.

⁴ The costs include vehicle cost, fuel cost, infrastructure cost, maintenance cost, and other cost (i.e., insurance, transitional cost, and reporting cost).

⁵ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 877.

⁶ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

⁷ *County of Los Angeles v. State of California*, 43 Cal.3d. 46, 58.

II. Modifications Made to the Original Proposal

A. Modifications Approved at the Board Hearing and Provided for in the 15-Day Comment Periods

The following section provides a high-level summary of modifications made to the original proposal, at the direction of the Board and in response to stakeholder concerns. The summary of changes does not include any definitions or edits made for clarity or restructuring. CARB proposed modifications to the Proposed Amendments in sections 2013, 2013.1, 2013.2, 2013.3, 2013.4, 2013.5, 2013.6 and 2049, title 13, Cal. Code Regs. For more detailed information on each change and its purpose and rationale, see the ACF First and Second 15-Day Notices on CARB's website: <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594>.

1. Section 2013, State and Local Government Fleet Applicability, Definitions, and General Requirements

Language was added to the regulation's applicability and definitions to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of their fleet, and makes explicit that the regulated fleet includes all vehicles being operated by or for the governmental entity including those under contract. Language was modified to extend compliance flexibilities from specialized vehicles owned by public utilities to all SLG fleets subject to the ACF regulation. Language was added to allow fleet owners to switch between the two compliance pathways without limitation until January 1, 2030, so that fleet owners can choose which pathway best aligns with their specific needs and to meet compliance with no significant impact on emissions. Language was added to define Low-NOx ICE vehicles for Captive Biofuel Use Exemption eligibility.

2. Section 2013.1, State and Local Government Fleet ZEV Purchase Schedule

Language was modified to delay the 100% ZEV purchase requirement from 2027 to 2030. This change extends the 50% ZEV purchase requirement and delays the 100% ZEV purchase requirement for larger fleets. The start date for small fleets and those in designated low population counties was delayed to 2030. Language was added to require fleet owners to submit expected vehicle purchase information for the ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption until January 1, 2030. Language was added to only grant exemptions to fleet owners for a given vehicle if other vehicles in the fleet are unavailable to purchase as a ZEV.

3. Section 2013.2, State and Local Government Fleet Exemptions and Extensions

Language was modified to streamline the application process for the ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption (formerly Mutual Aid Exemption). Language was added to allow exemptions to include fleet expansions, ensuring governments and public utilities could respond to expanding service areas and needs to improve resilience.

Language was added in the ZEV Purchase Exemption to provide greater consumer protection and confidence for fleet owners when purchasing a ZEV. The manufacturer must meet minimum warranty requirements, have received a CARB ZEV Executive Order in at least three of the past five years, and not be undergoing bankruptcy proceedings.

Language was modified in the Daily Usage Exemption to allow fleets to submit periodic vehicle data spread out over longer periods of time rather than being limited specifically to a daily data set as previously required. Further, modifications were made to allow fleets to utilize vehicle data already collected and submitted by other entities to determine whether they meet the exemption criteria.

Language was modified to rename the Mutual Aid Exemption to the Fleet Resiliency Exemption because the exemption was changed to cover other situations beyond mutual aid events, such as intermittent towing and payload constraints. Language was modified to provide earlier access to the Fleet Resiliency Exemption by lowering the ZEV penetration threshold from 25% of the fleet needing to be ZEVs to qualify for the exemption to 10%. Body type restrictions were also removed to allow pickups and other common vehicle types to be included. Mobile fueling requirements were delayed.

4. Section 2013.3, State and Local Government Fleet Reporting

Language was added to streamline the reporting process for the ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption to verify that the fleet owner has purchased all the required BEVs prior to adding ICE vehicles to the fleet as required, or that the new vehicle complied with the granted exemption. Language was added to require fleet owners utilizing the ZEV Infrastructure Delay extension to report added ZEVs within 30 calendar days to determine their compliance with the ZEV Purchase Schedule or ZEV Milestones requirements at the end of the extension period.

5. Section 2013.4, State and Local Government Fleet Recordkeeping

Language was added to list recordkeeping requirements for fleet owners utilizing Captive Biofuel Use Exemption. Language was added for fleet owners to keep copies of any agreement contracting for vehicles or services using vehicles.

6. Section 2013.5, State and Local Government Agency Fleet Enforcement

Language was modified to remove late reporting penalties to reduce the administrative burden on fleet owners and simplify the regulation. Language was modified to reflect that private rental and leasing entities are no longer regulated.

7. Section 2013.6, ZEV Milestones Option

Language was added to allow fleet owners using the Captive Biofuel Use Exemption to continue purchasing renewable natural gas (RNG) vehicles certified cleaner than the applicable NOx emissions standard (either federal or California, whichever is cleaner) until January 1, 2035. The exemption can cover as many vehicles as the fleet facility's excess renewable biofuel capacity can support and any vehicle purchase made through this exemption is guaranteed its full useful life within the ACF regulation. Language was modified to allow for upfront designation of vehicles utilizing Fleet Resiliency Exemptions when fleets are complying using the ZEV Milestones Option. Language was modified to streamline applications for the ZEV Purchase Exemption and Daily Usage Exemption.

8. Section 2049, Hiring Compliant Fleets

Language was modified and moved from section 2013.7 to section 2049 as a standalone section to consolidate requirements related to any person or entity that is hiring a fleet subject to the ACF SLG requirements. Changes were made to explicitly state this section is applicable to agreements between a hiring entity and a State and local government agency and does not apply to an agreement with other nongovernmental entities.

B. Non-Substantial Modifications

Subsequent to the 15-Day public comment period mentioned above, CARB identified the following additional non-substantive changes to the regulation:

- Throughout, corrected the spelling of “judgment” by removing the “e.”
- Section 2013.1(g) deleted typo “s” in front of “ZEV.”
- Section 2013.4(l) deleted typo “l” in front of “Waste.”

The above-described modifications constitute non-substantial changes to the regulatory text because they more accurately reflect the numbering of a section and correct spelling and grammatical errors, but do not materially alter the requirements or conditions of the proposed rulemaking action.

III. Documents Incorporated by Reference

No documents are incorporated by reference in this regulation.

IV. Summary of Comments and Agency Response

Written comments were received during the 45-day comment period in response to the September 25, 2025, Public Hearing Notice, and written and oral comments were presented at the Board Hearing. Listed below are the affiliations and individuals that submitted comments to the comment docket during the 45-day comment period:^{8,9}

Table 1. Written Comments Received During the 45-Day Comment Period

Commenter, Date	Affiliation	Commentor Code
Quinn Rickert, 08/15/2025	Individual	45d
Eric Grubb, 08/18/2025	Cucamonga Valley Water District (CVWD)	45d
Angela Constantino, 08/28/2025	J Bar A Ranch	45d
Dave Cortese, 08/28/2025	Chair of the Senate Transportation Committee	45d
James Leonard, 08/29/2025	City of Bakersfield	45d
Erica Smith, ¹⁰ 09/15/2025	California Animal Welfare Association (CAWA), ASAP Cats, Humane Society of Silicon Valley, Hollister Police Animal Care & Services, Inland Valley Humane Society and SPCA, House Rabbit Society, Joybound People and Pets, Humane Animal Services, Kern County Animal Services, Humane Society for Inland Mendocino County, Long Beach Animal Services, Humane Society of Imperial County, Los Angeles County Dept. of Animal Care and Control, Humane Society of San Bernardino Valley, Marin Humane, Santa Cruz County Animal Shelter, Ridgecrest Animal Services, Sonoma County Animal Services, Southeast Area Animal Control Authority, SPCA Monterey County, Ventura County Animal Services, Westminster Animal Control, Woods Humane Society.	45d

⁸ Each “commenter” is identified as the individual who submitted the comment to CARB, which may differ from any individual(s) listed as the author or signatory of any comment or comment letter received.

⁹ 108 comment letters were submitted to the 45-Day Comment Period public docket, these include seven written letters submitted during the Board Hearing (shown as Table 3) and 65 separate line items (shown as Table 1).

¹⁰ Comment letters are grouped because they contain substantially similar comments.

Commenter, Date	Affiliation	Commentor Code
John Cortes, 09/06/2025	Individual	45d
Noam Elroi, 09/25/2025	CR&R Environmental Services	45d
Mina Mikhael, 09/08/2025	City of Buena Park	45d
Paschal Owaka, 09/09/2025	City of Buena Park	45d
Neil Edgar/Noam Elroi, 09/08/2025 ¹¹	California Compost Coalition	45d
Eleanor Granflor, 09/09/2025	City of Los Alamitos	45d
James Gumpel, 09/10/2025	Vallecitos Water District	45d
Steve Sudduth, 09/10/2025	City of Garden Grove	45d
Alessandra Magnasco, 09/10/2025	California Fuels and Convenience Alliance	45d
LII Dd, 09/10/2025	Individual	45d
Michael Kastner, 09/15/2025	National Truck Equipment Association	45d
Duc Luu, 09/11/2025	City of Fountain Valley	45d
Brett Hodgkiss, 09/11/2025	Vista Irrigation District	45d
Kimberly Thorner, 09/11/2025	Olivenhain Municipal Water District	45d
Damon Conklin, 09/11/2025	League of California Cities	45d
Noelle Mattock, 09/12/2025	City of Roseville	45d
Nick Chiappe, 09/25/2025	California Trucking Association & American Trucking Associations	45d
Stan Ellis, 09/13/2025	California State Assembly, District 32	45d
Roxana Ramirez, 09/14/2025	Metropolitan Water District of Southern California	45d
Alwin Acua, 09/15/2025	Westlands Water District	45d
Matt Miyasato, 09/25/2025	FirstElement Fuel	45d
Vong Mouanoutoua, 09/16/2025	City of Clovis	45d
Sam Wilson, 09/15/2025	Union of Concerned Scientists	45d
Curtis Paxton, 09/15/2025	Las Gallinas Valley Sanitary District	45d
Peter Okurowski, 09/15/2025	California Council for Environmental and Economic Balance (CCEEB)	45d
John Fleming, 09/15/2025	Center for Biological Diversity	45d

¹¹ This submission includes a substantially similar letter that was also submitted by CR&R's Noam Elroi.

Commenter, Date	Affiliation	Commentor Code
Shanita Tillman, 09/15/2025	City of Grand Terrace	45d
Caleb Bowers, 09/15/2025	Specialty Equipment Market Association	45d
Erica Smith, 08/29/2025	California Animal Welfare Association, same letter also submitted by Jessica Wiebe	45d
Kayla Warmbrodt, 09/15/2025	City of Fortuna	45d
Anthony Tannehill, 09/15/2025	California Special District Association & California State Association of Counties	45d
Lily Mackay, 09/15/2025	West Valley Water District	45d
Alison Torres, 09/15/2025	Eastern Municipal Water District	45d
Nick Blair, 09/15/2025	Association of California Water Agencies	45d
Jason Maruca, 09/15/2025	Burbank Water and Power	45d
Chris Bozir, 09/15/2025	Santa Fe Irrigation District	45d
Michael Taylor, 09/15/2025	National Association of Fleet Administrators	45d
Scott Petersen, 09/15/2025	San Luis & Delta-Mendota Water Authority	45d
Tim McRae, 09/15/2025	California Hydrogen Business Council	45d
Sophie Ellinghouse, 09/15/2025	Western States Petroleum Association	45d
Emily Rooney, 09/15/2025	Agricultural Council of California	45d
Victor Vasquez Sr., 09/15/2025	Individual	45d
Yasmine Agelidis, 09/15/2025	Earthjustice	45d
David Shawver, 09/15/2025	City of Stanton	45d
Elizabeth Leeper, 09/15/2025	El Dorado Irrigation District	45d
James Takehara, 09/15/2025	City of Shasta Lake	45d
Sarah Deslauriers, 09/15/2025	California Association of Sanitation Agencies (CASA)	45d
Ellis Chiu, 09/15/2025	Los Angeles Department of Water & Power	45d
John Kinsey, 09/15/2025	Western States Trucking Association	45d
Jennifer Goodsell, 09/15/2025	Imperial Irrigation District	45d
Craig Miller, 09/15/2025	Western Municipal Water District	45d
Nicole Looney, 09/15/2025	Sacramento Municipal Utility District (SMUD)	45d
Alyson Piguee, 09/15/2025	Inland Empire Utilities Agency	45d
Alwin Acuna, 09/14/2025	Westlands Water District	45d

Commenter, Date	Affiliation	Commentor Code
Sean Sabo, 09/15/2025	City of Seal Beach	45d
Guillermo Ortiz, 09/15/2025	Natural Resources Defense Council	45d
Tenille Otero, 09/15/2025	Otay Water District	45d
Priscilla Quiroz, 09/15/2025	Joint Public Agencies	45d
Jesus Martinez Ramirez, 09/15/2025	Santa Clarita Valley Water Agency	45d

Table 2. Oral Comments Presented at the Board Hearing

Oral testimony was given at the September 25, 2025, Board Hearing. Listed below are the affiliations and individuals that testified at the September 25, 2025 Board Hearing:

Commenter, Date	Affiliation	Commentor Code
Evan Edgar, 09/25/2025	California Compost Coalition	Oral Testimony (OT)
Sean Edgar, 09/25/2025	Clean Fleets	OT
David Rothbart, 09/25/2025	Individual (Retired LA County Sanitation Districts)	OT
Drew Bessinger, 09/25/2025	Clovis City Councilmember	OT
Claire Sullivan, 09/25/2025	CA Public Policy Group	OT
Maurissa Brown, 09/25/2025	Greenlining Institute	OT
John McNamara, 09/25/2025	CR&R Environmental Services	OT
Matt Miyasato, 09/25/2025	First Element Fuel	OT
Steve Jepsen, 09/25/2025	Clean Water SoCal	OT
Justin Caporusso, 09/25/2025	Mountain Counties Water Resources Association	OT
Noelle Mattock, 09/25/2025	City of Roseville	OT
Nick Chiappe, 09/25/2025	California Trucking Association	OT
Julia Levin, 09/25/2025	Bioenergy Association of California	OT
Bill Magavern, 09/25/2025	Coalition for Clean Air	OT
Mikhael Skvarla, 09/25/2025	California Hydrogen Coalition	OT
Nicole Rice, 09/25/2025	California Renewable Transportation Alliance	OT
Laura Renger, 09/25/2025	California Electric Transportation Coalition	OT
Peter Okurowski, 09/25/2025	CCEEB	OT
Alison Torres, 09/25/2025	Clean Water SoCal	OT
Sam Wilson, 09/25/2025	Union of Concerned Scientists	OT
Gracyna Mohabir, 09/25/2025	California Environmental Voters	OT
Joe Sturges, 09/25/2025	Inland Empire Utilities Agency	OT
Greg Bundesen, 09/25/2025	Sacramento Suburban Water District	OT
Ellis Chiu, 09/25/2025	Los Angeles Department of Water and Power	OT
Randa AbuShaban, 09/25/2025	Orange County Sanitation District	OT
Kimberly Thorner, 09/25/2025	Olivenhain Municipal Water District	OT
Nick Blair, 09/25/2025	Association of California Water Agencies (ACWA)	OT
Sarah Deslauriers, 09/25/2025	CASA	OT
Damon Wyckoff, 09/25/2025	Calaveras County Water District	OT

Commenter, Date	Affiliation	Commentor Code
Priscilla Quiroz, 09/25/2025	California Municipal Utilities Association (CMUA)	OT
Susie Berlin, 09/25/2025	Northern California Power Agency (NCPA)	OT
Elisabeth de Jong, 09/25/2025	Southern California Public Power Authority	OT
Syrus Devers, 09/25/2025	De Luz Community Service District	OT
Antonio Ortega, 09/25/2025	Imperial Irrigation District	OT
Nicholas Schneider, 09/25/2025	Georgetown Divide Public Utility District	OT
Mary Elise Conzelmann, 09/25/2025	Citrus Heights Water District	OT
Laura Rodarte, 09/25/2025	Placer County Water Agency	OT
Katherine Larson, 09/25/2025	Sacramento Metropolitan Utilities District	OT
Anthony Tannehill, 09/25/2025	California Special Districts Association	OT
Charles Watson, 09/25/2025	West Valley Water District	OT
Mark Neuburger, 09/25/2025	California State Association of Counties	OT
Jesus Martinez, 09/25/2025	Santa Clarita Valley Water Agency	OT
Karen Lange, 09/25/2025	CAWA	OT
Anthony Budicin, 09/25/2025	Eastern Municipal Water District	OT
Kasha Hunt, 09/25/2025	California Bus Association	OT
Warisa Niizawa, 09/25/2025	Los Angeles County Sanitation Districts	OT
Tom Greene, 09/25/2025	Rancho California Water District	OT
Damon Conklin, 09/25/2025	League of California Cities	OT
Raul Fletes, 09/25/2025	Los Angeles Department of Water and Power	OT
Sean Bigley, 09/25/2025	City of Roseville	OT
Andy Haussler, 09/25/2025	City of Clovis	OT
Jason Maruca, 09/25/2025	Burbank Water and Power	OT
Casey Dunn, 09/25/2025	Southern California Edison (SCE)	OT
Noam Elroi, 09/25/2025	CR&R Environmental Services	OT
Tony Pastore, 09/25/2025	Terra Verde Energy	OT
Ryan Kenny, 09/25/2025	Clean Energy	OT
Harmony Gates, 09/25/2025	TRC Clean Transportation Solutions	OT
Curtis Paxton, 09/25/2025	Las Gallinas Valley Sanitary District	OT

Table 3. Written Comments Presented at the Board Hearing

The 45-Day comment docket was opened again on September 25, 2025, during the Board Hearing. Listed below are the affiliations and individuals that submitted written comments during the September 25, 2025, Board Hearing:

Commenter, Date	Affiliation	Commentor Code
William Mancilla, 09/25/2025	City of Sacramento Fleet Management	WT
Juan Carillo, 09/25/2025	Assemblymember, 39th District	WT
Nick Chiappe, 09/25/2025	California Trucking Association and American Trucking Associations	WT
Eric Grubb, 09/25/2025	CVWD	WT
John Sanders, 09/25/2025	Individual	WT
Marti Sanders, 09/25/2025	Individual	WT
Tony Pastore, 09/25/2025	TerraVerde Energy	WT

Table 4. Comments Received During the First 15-Day Comment Period

Comments were received in response to the First 15-Day Notice and modified regulatory language that were posted on March 26, 2026, for public review and comment through April 10, 2026. Listed below are the affiliations and individuals that submitted comments to the comment docket during the First 15-day comment period:

Commenter, Date	Affiliation	Commentor Code
Fr. John Fernandes, 04/04/2026	Individual	15d
Steven McCracken, 04/09/2026	Individual	15d
Rick Verbanec, 04/11/2026	Individual	15d
Linda Halbur, 04/12/2026	Individual	15d
Thomas DeSantis, 04/12/2026	Individual	15d
Dorothy Norkus, 04/13/2026	Individual	15d
Michael Thornton, 04/13/2026	Individual	15d
Ronald Berg, 04/13/2026	Individual	15d
Bryan Bravo, 04/14/2026	City of Tracy	15d
Helen Barber, 04/14/2026	Individual	15d
Fire Chief Napier, 04/15/2026	Valley Center Fire Department	15d
Garth Schultz, 04/16/2026	Individual	15d
John Levi, 04/16/2026	Individual	15d
Garrett Toy, 04/16/2026	Tamalpais Community Services District	15d
Nicole Rinauro, 04/16/2026	Individual	15d
Jill Tucker, 04/17/2026	California Animal Welfare Association (CalAnimals)	15d
Julie Bryant, 04/17/2026	Individual	15d
Linda Reich, 04/17/2026	City of Chino	15d
Kimberly Thorner, 04/13/2026	Olivenhain Municipal Water District	15d
Justin Caporusso, 04/15/2026	Mountain Counties Water Resources Association	15d
Damon Conklin, 04/16/2026	League of California Cities (Cal Cities)	15d
Gebriel Saleh, 04/16/2026	California Fuels and Convenience Alliance	15d
KristenLamkin, 04/16/2026	Tehama Conservation Fund & El Camino Irrigation District	15d
Nancy Wahl-Scheurich, 04/16/2026	California Association of Resource Conservation Districts	15d
Julianna Tetlow, 04/17/2026	San Diego Humane Society	15d
David Rothbart, 04/17/2026	Clean Water SoCal	15d
Michael Taylor, 04/17/2026	NAFA Fleet Management Association	15d
Veronica Pardo, 04/17/2026	Resource Recovery Coalition of California	15d
Yasmine Agelidis, 04/17/2026	Earthjustice	15d
Matt Ball, 04/07/2026	Butte County Mosquito and Vector Control District	15d
Joubin Packpour, 04/10/2026	California chapters of the American Public Works Association (CA APWA)	15d
Brittney Barsotti, 04/14/2026	Ca Special Districts Assoc, Ca League of Cities, Ca State Assoc of Counties, Rural County Reps of CA	15d
Cory Shumaker, 04/15/2026	Utility Global Inc.	15d
Justin Raithel, 04/15/2026	City of Folsom	15d
Anthony Choi, 04/15/2026	City of Fremont	15d
Noelle Mattock, 04/16/2026	City of Roseville	15d
Alyson Piguee, 04/16/2026	Santa Margarita Water District	15d
Dana Ferreira, 04/16/2026	Modesto Irrigation District	15d

Commenter, Date	Affiliation	Commentor Code
Luis Sanchez, 04/16/2026	California Waste Haulers Council	15d
Michelle Bender, 04/16/2026	City of San Marcos	15d
Consuelo Hernandez, 04/16/2026	City of Sacramento	15d
Lauren Barich, 04/16/2026	City of Seal Beach	15d
Steven Poncelet, 04/16/2026	Truckee Donner Public Utility District	15d
Joshua Hugg, 04/16/2026	Midpeninsula Regional Open Space District	15d
Brian Villalobos, 04/16/2026	City of Duarte	15d
Tyler Foltz, 04/16/2026	City of Imperial Beach	15d
Nick Blair, 04/17/2026	Association of California Water Agencies	15d
Jeff Sullivan, 04/17/2026	Solano Irrigation District	15d
Kerry Schmitz, 04/17/2026	Sacramento County Department of Water Resources	15d
Sarah Deslauriers, 04/17/2026	California Association of Sanitation Agencies	15d
Derek Dolfie, 04/17/2026	Joint Public Agencies (CMUA, NCPA, Southern California Public Power Authority (SCPPA))	15d
Michael Lewis, 04/17/2026	Construction Industry Air Quality Coalition (CIAQC)	15d
Sarah Musiker, 04/17/2026	California Water Association	15d
Ellis Chiu, 04/17/2026	Los Angeles Department of Water and Power	15d
Robert Hilton, 04/17/2026	HF&H Consultants	15d
Mark Gingrich, 04/17/2026	Waste Connections of California, Inc.	15d
Anne Germain, 04/17/2026	National Waste & Recycling Association	15d
Katie Vassalli, 04/17/2026	The Transport Project	15d
Kristin O'Hara, 04/17/2026	ReGen Monterey	15d
Christine Wolfe, 04/17/2026	Local Government and Contracted Fleets Coalition	15d
Kristian Corby, 04/17/2026	California Electric Transportation Coalition (CalETC)	15d
Julia Mangin, 04/17/2026	Recology	15d
Jason Haber, 04/17/2026	City of Carlsbad	15d
Tim Carmichael, 04/17/2026	CCEEB - California Council for Environmental and Economic Balance	15d
Katelyn Scholz, 04/17/2026	Franchise, Rate, and Business Practices Technical Council	15d
Paul J. Bushee, 04/15/2026	Leucadia Wastewater District	15d - WT
Dan Jagers, 04/15/2026	Beaumont-Cherry Valley Water District	15d - WT
Rigo Castro, 04/07/2026	Coachella Valley Water District	15d
Greg Hammett, 04/07/2026	West Kern Water District	15d
Erica Wolski, 04/07/2026	Ramona Municipal Water District	15d
Chris Robbins, 04/08/2026	Vallecitos Water District	15d
Paul Bushee, 04/08/2026	Leucadia Wastewater District	15d
Brett Hodgkiss, 04/08/2026	Vista Irrigation District	15d
Amber Rowland, 04/08/2026	Santa Cruz County Animal Services Authority JPA	15d
Andy Lawler, 04/09/2026	San Miguel Consolidated Fire Protection District	15d
Matthew Shragge, 04/09/2026	Twentynine Palms Water District	15d
Abbigail Parcon, 04/09/2026	Tuolumne Utilities District	15d
Jon Barrett, 04/09/2026	Resource Conservation District of Tehama County	15d
Michael Thornton, 04/09/2026	San Elijo Joint Powers Authority	15d
Kyle Swanson, 04/09/2026	Padre Dam Municipal Water District	15d
Clay Murray, 04/10/2026	Mammoth Community Water District	15d

Commenter, Date	Affiliation	Commentor Code
Kat Wuelfing, 04/11/2026	Mid-Peninsula Water District	15d
Keith McCreynolds, 04/13/2026	North County Fire Protection District	15d
Brent Byrne, 04/13/2026	Quartz Hill Water District	15d
Curtis Jorritsma, 04/13/2026	Hilmar County Water District	15d
Thai Thao, 04/13/2026	Delano Mosquito Abatement District	15d
Sara Tom, 04/13/2026	Dublin San Ramon Services District	15d
Paul Hughes, 04/13/2026	South Tahoe Public Utility District	15d
Terry Gorman Brown, 04/13/2026	City of Oceanside	15d
Timothy Ruiz, 04/13/2026	East Niles Community Services District	15d
Kelsey Siemer, 04/13/2026	Honey Lake Valley Resource Conservation District	15d
Richard Miller, 04/14/2026	County of Riverside Transportation Department	15d
Leann Verdick, 04/14/2026	Antelope Valley Mosquito & Vector Control District	15d
Jeff Frye, 04/14/2026	West Stanislaus County Fire Protection District	15d
La Thao, 04/14/2026	Kern Mosquito and Vector Control District	15d
Chief Peter Golling, 04/14/2026	Burbank Paradise Fire Department	15d
Bradley Johnson, 04/14/2026	North Tahoe Public Utility District	15d
Isam Hireish, 04/14/2026	City of Encinitas / San Dieguito Water District	15d
Jack Bebee, 04/14/2026	Fallbrook Public Utility District	15d
Glenn Jacklin, 04/14/2026	Big Bear City Community Services District	15d
Jason Machado, 04/14/2026	City of Cypress	15d
Pravani Vandeyar, 04/14/2026	El Dorado Irrigation District	15d
Shelley Redding, 04/14/2026	Inverness Public Utility District	15d
John Jansons, 04/14/2026	City of Kerman, Fresno County	15d
Jennifer Spindler, 04/14/2026	Crestline Lake Arrowhead Water Agency	15d
Melissa Wilcox, 04/15/2026	City of Tulare	15d
Jeff Umbrasas, 04/15/2026	Rincon del Diablo Municipal Water District	15d
Dan Lewis, 04/15/2026	Tahoe City Public Utility District	15d
Eleanor Granflor, 04/15/2026	City of Los Alamitos	15d
Judy Shay, 04/15/2026	Palmdale Water District	15d
John Wiersma, 04/15/2026	Henry Miller Reclamation District No. 2131	15d
Daniel Gaytan, 04/15/2026	San Diego County Water Authority	15d
David Youngblood, 04/15/2026	East Orange County Water District	15d
Kevin Phillips, 04/15/2026	Paradise Irrigation District	15d
Victor Jimenez, 04/15/2026	Fern Valley Water District	15d
Jose Rodrigues, 04/15/2026	Union Sanitary District	15d
Melanie Schumacher, 04/15/2026	Soquel Creek Water District	15d
Andy Su, 04/15/2026	City of Mountain House	15d
Danielle Jones, 04/15/2026	City of Citrus Heights	15d
Dina Breitstein, 04/15/2026	Town of Discovery Bay	15d
Stacy Taylor, 04/15/2026	Mesa Water District	15d
Anthony Firenzi, 04/15/2026	Placer County Water Agency	15d
Courtney Lee, 04/16/2026	City of Vacaville Public Works Department	15d
Joe Sturges, 04/16/2026	Inland Empire Utilities Agency	15d
Michael Rees, 04/16/2026	Albion-Little River Fire Protection District	15d
Omar Khweiss, 04/16/2026	San Joaquin County Mosquito & Vector Control District	15d

Commenter, Date	Affiliation	Commentor Code
Josh Hylinski, 04/16/2026	Nevada County	15d
Lilia Corona, 04/16/2026	Mt. View Sanitary District	15d
Carlos Zamano, 04/16/2026	City of Highland	15d
Ryan McNeil, 04/16/2026	Fresno Mosquito and Vector Control District	15d
Ron Noda, 04/16/2026	City of Los Alamitos	15d
Jennifer Goodsell, 04/16/2026	Imperial Irrigation District	15d
Mark Greenall, 04/16/2026	Lower Tule River Irrigation District	15d
Mark Greenall, 04/16/2026	Pixley Irrigation District	15d
Robert Marsheck, 04/16/2026	Alameda County Water District	15d
Jessica Self, 04/16/2026	Union Public Utility District	15d
Eric Grubb, 04/16/2026	Cucamonga Valley Water District	15d
Brian Weber, 04/16/2026	San Mateo County Mosquito and Vector Control District	15d
Michelle Musgrave, 04/16/2026	Sweetwater Authority	15d
Anthony Mejia, 04/16/2026	City of Palm Desert	15d
Bill Stretch, 04/16/2026	Fresno Irrigation District	15d
Pacal Cornejo-Reynoso, 04/16/2026	Eastern Municipal Water District	15d
Darren Chan, 04/16/2026	City of Upland	15d
Jennifer Goodsell, 04/16/2026	Imperial Irrigation District	15d
Philip Southard, 04/16/2026	City of Menifee	15d
Kelley Donaldson, 04/16/2026	Monte Vista Water District	15d
Brett Sanders, 04/16/2026	Lakeside Water District	15d
Socorro Pantaleon, 04/16/2026	West Valley Water District	15d
Justin Ezell, 04/16/2026	City of Concord	15d
Jesus Martinez Ramirez, 04/16/2026	Santa Clarita Valley Water Agency	15d
Erin Sasse, 04/17/2026	Elsinore Valley Municipal Water District	15d
Craig Miller, 04/17/2026	Western Municipal Water District	15d
Isaac Bravo, 04/17/2026	City of Murrieta	15d
Joe McDermott, 04/17/2026	Las Virgenes Municipal Water District	15d
Danielle Navarro, 04/17/2026	City of Oakley	15d
Joey Hejnowicz, 04/17/2026	City of Lakeport	15d
Charlotte Holifield, 04/17/2026	Calleguas Municipal Water District	15d
Afshin Oskoui, City Manager, 04/17/2026	City of Belmont	15d
Michael Grisso, 04/17/2026	City of Tustin	15d
Greg Bundesen, 04/17/2026	Sacramento Suburban Water District	15d
Damien Arrula, 04/17/2026	City of Upland	15d
Tenille Otero, 04/17/2026	Otay Water District	15d
Michael Chandler, 04/17/2026	City of Martinez	15d
Helen Tran, 04/17/2026	City of San Bernardino	15d
Jorge Orozco, 04/17/2026	City of La Mirada	15d
Mary Rogren, 04/17/2026	Coastside County Water District	15d
Jim Pruett, 04/17/2026	San Mateo County Harbor District - Board of Harbor Commissioners	15d
Justin Lovell, 04/17/2026	West County Wastewater District	15d
Curtis Paxton, 04/17/2026	Las Gallinas Valley Sanitary District	15d
Jason Maruca, 04/17/2026	Burbank Water and Power	15d

Commenter, Date	Affiliation	Commentor Code
Thomas Anderson, 04/17/2026	City of San Ramon - Solid Waste	15d
Han Kang, 04/17/2026	City of San Jose	15d
Robert Hilton, 04/17/2026	West Valley Solid Waste Management Authority	15d
Veronica Cazares, 04/17/2026	Selma-Kingsburg-Fowler County Sanitation District	15d
Roxana Ramirez, 04/17/2026	Metropolitan Water District of Southern California	15d
Tim Hepburn, 04/17/2026	City of La Verne	15d
Peter Bonkrude, 04/17/2026	Marin-Sonoma Mosquito and Vector Control District	15d
Art Kiesel, 04/17/2026	City of Foster City	15d
Tom Greene, 04/17/2026	Rancho California Water District	15d
Christina Leard, 04/17/2026	City of El Cerrito	15d
Kenneth Piguet, 04/17/2026	Orange County Fire Authority	15d
Ann Baldrige, 04/17/2026	Resource Conservation District of Greater San Diego County	15d
James Emmons, 04/17/2026	De Luz Community Services District	15d
Gabrielle de Farcy, 04/17/2026	City of Rocklin	15d
Lindsay Leahy, 04/17/2026	Valley Center Municipal Water District	15d
Amanda Roa, 04/17/2026	Fairfield-Suisun Sewer District	15d
Julie Ryan, 04/17/2026	Town of Apple Valley	15d
Mayor Karen Goh, 04/17/2026	City of Bakersfield	15d
Jim Schaad, 04/17/2026	City of Marysville	15d
Jōvan Grogan, 04/17/2026	City of Santa Clara	15d
Wendy Bucknum, 04/17/2026	City of Mission Viejo	15d
Patricia Davy, 04/17/2026	Sacramento Municipal Utility District	15d
Abigail Gomez, 04/17/2026	City of Jurupa Valley	15d
Teresa Penunuri, 04/17/2026	Santa Fe Irrigation District	15d
Nader Heydari, 04/17/2026	City of Thousand Oaks	15d
Liam Garland, 04/17/2026	City of Oakland	15d
Chuck Duffy, 04/17/2026	Rancho Santa Fe Community Services District	15d
Carolina Herrera, 04/17/2026	County of Riverside	15d
Arman Tarzi, 04/17/2026	Jurupa Community Services District	15d
Carolyn Burke, 04/17/2026	Santa Cruz County - Department of Community Development and Infrastructure	15d
Brett Taylor, 04/17/2026	City of Visalia	15d
Andrew Antwih, 04/17/2026	City of Los Angeles	15d
Laura Lynne Wyatt, 04/15/2026	Stallion Springs Community Services District	15d
Jeff Stock, 04/15/2026	Stallion Springs Community Services District	15d
Drew Bessinger, 04/15/2026	City of Clovis	15d
Ben Dewell, 04/15/2026	Stallion Springs Community Service District	15d
Mayor Connor Traut , 04/15/2026	City of Buena Park	15d
Tom Walker, 04/15/2026	Tehama County Board Of Supervisors	15d
David Shawver, 04/16/2026	City of Stanton	15d
Kristin Griffith, 04/16/2026	City of Brea	15d
Jesus Garcia, 04/16/2026	City of Pico Rivera	15d
Janet Jernigan , 04/16/2026	City of Needles	15d
T. Jarb Thaipejr, 04/16/2026	City of Loma Linda	15d
Frank Navarro, 04/16/2026	City of Colton	15d

Commenter, Date	Affiliation	Commentor Code
Kristina Owens, 04/17/2026	Town of Windsor	15d
Chris Tavaréz, 04/17/2026	City of Hanford	15d
Newell Arnerich, 04/17/2026	Tri-Valley Cities Coalition - Danville, Dublin, Livermore, Pleasanton, and San Ramon	15d
Steve Renten, 04/17/2026	Coffee Creek Volunteer Fire Protection District	15d
Jon Davis, 04/17/2026	Town of Windsor	15d
Craig Corman, 04/17/2026	City of Beverly Hills	15d
Jason Cole, 04/06/2026	Ed Staub and Sons Petroleum	15d
PW Henderson, 04/15/2026	Individual	15d
Sydney Simonson, 04/17/26	Sonoma Garbage Collectors	15d
Benjamin Kling, 04/17/2026	Beta Analytic LLC	15d
Christine Wolfe, 04/17/2026	Waste Management of California, Inc.	15d
Juan Andres Garza, 04/17/2026	Symbio North America Corporation	15d
John Lane, 04/17/2026	Teichert Construction	15d
Ryan Kenny, 04/17/2026	Clean Energy, Agriculture Energy Consumers Association (AECA), California Bioenergy LLC, California Compost Coalition, The Transport Project, American Biogas Council, Bioenergy Association of California, Resource Recovery Coalition of California, Hexagon Agility, California Renewable Transportation Alliance, Renewable Natural Gas Coalition	15d
Nicolas Cardella, 04/17/2026	Western States Trucking Association (WSTA) - Wanger Jones Helsley PC	15d
Alex Braicovich, 04/17/2026	CR&R Environmental Services	15d
Scott Gordon, 04/17/2026	Consolidated Disposal Service, L.L.C., Allied Waste Systems, Inc., and Republic Waste Services of Southern California, LLC - Scott W. Gordon	15d

Table 5. Emails Received Outside of the Comment Docket During the First 15-Day Comment Period

Electronic mail (email) communications were received during the first 15-Day Comment Period, which raised points or questions related to the proposed ACF amendments but were not submitted to the official comment docket. For public transparency and completeness, responses were provided to the emails identified as containing topics within the scope of the proposed ACF amendments and submitted during the first 15-Day Comment Period.

Commenter, Date	Affiliation	Commentor Code
Mark Wing, 04/03/2026 and 04/7/2026	Efleets.com	15d-E
Caitlin Barboza, 04/06/2026 and 04/09/2026	HF&H Consultants	15d-E
Noam Elroi, 04/08/2026	Environmental & Energy Consulting	15d-E
Harmony Gates, 04/09/2026	TRC Companies	15d-E
Betty Winholtz, 04/15/2026	SBC Global	15d-E
Ryan Jacobs, 04/16/2026	Capital CNG	15d-E
Cecile Buncio, 04/17/2026	LA City	15d-E

Table 6. Written Comments Received During the Second 15-Day Comment Period

Written comments were received in response to the Second 15-Day Notice and modified regulatory language that were posted on June 1, 2026, for public review and comment through

June 16, 2026. Listed below are the affiliations and individuals that submitted comments during the Second 15-day comment period:

Commenter, Date	Affiliation	Commentor Code
Sophie Helpard, 06/01/2026	County of Marin	15d2
Abby Parcon, 06/03/2026	Tuolumne Utilities District	15d2
Andy Lawler, 06/03/2026	San Miguel Consolidated Fire Protection District	15d2
Thai Thao, 06/03/2026	Delano Mosquito Abatement District	15d2
Brett Hodgkiss, 06/04/2026	Vista Irrigation District	15d2
Jack Bebee, 06/08/2026	Fallbrook Public Utility District	15d2
Brian Macy, 06/09/2026	Mission Springs Water District	15d2
Paul Bushee, 06/09/2026	Leucadia Wastewater District	15d2
Jodi Holeman, 06/10/2026	Consolidated Mosquito Abatement District	15d2
Kimberly Thorner, 06/10/2026	Olivenhain Municipal Water District	15d2
Shelly Thomsen, 06/11/2026	South Tahoe Public Utility District	15d2
Damon Conklin, 06/11/2026	League of California Cities	15d2
Alyson Piguee, 06/11/2026	Santa Margarita Water District	15d2
Isam Hireish, 06/11/2026	City of Encinitas	15d2
Chris Robbins, 06/11/2026	Vallecitos Water District	15d2
Jason Cole, 06/12/2026	Individual	15d2
Alisa Nichols, 06/12/2026	Valley Center Municipal Water District	15d2
Daniel Hernandez, 06/12/2026	City of Glendale, Public Works Department	15d2
Tom Trott, 06/12/2026	Twain Harte Community Services District (THCSD)	15d2
Jason Martin, 06/12/2026	Rancho California Water District	15d2
Jon Curry, 06/12/2026	Tehachapi-Cummings County Water District	15d2
Kyle Swanson, 06/12/2026	Padre Dam Municipal Water District	15d2
John Kinsey, 06/12/2026	Western States Trucking Association	15d2
Jeff Umbrasas, 06/15/2026	Rincon del Diablo Municipal Water District	15d2
Charlotte Gallock, 06/15/2026	Kings River Conservation District	15d2
Austin Avery, 06/15/2026	Turlock Irrigation District	15d2
Scott Ammon, 06/15/2026	San Francisco Public Utilities Commission	15d2
Gebriel Saleh, 06/15/2026	California Fuels and Convenience Alliance	15d2
Melanie Schumacher, 06/15/2026	Soquel Creek Water District	15d2
Hilary Hobbs, 06/15/2026	Town of Truckee	15d2
Brittney Barsotti, 06/15/2026	The California Special Districts Association (CSDA) League of California Cities (CalCities) California Association of Recreation and Parks Districts (CARPD) Rural County Representatives of California (RCRC) California State Association of Counties (CSAC)	15d2
Anthony Firenzi, 06/15/2026	Placer County Water Agency	15d2
Carol Mahoney, 06/15/2026	Zone 7 Water Agency (Alameda County)	15d2
Carmen Zambrano, 06/15/2026	City of Artesia	15d2
Curtis Paxton, 06/16/2026	Las Gallinas Valley Sanitary District	15d2
Scott McClelland, 06/16/2026	Encina Wastewater Authority	15d2
Amy Reeh, 06/16/2026	Yuima Municipal Water District	15d2
David Rothbart (1), 06/16/2026	Clean Water SoCal	15d2
Joe Mouawad, 06/16/2026	Eastern Municipal Water District	15d2
David Rothbart (2), 06/16/2026	Clean Water SoCal	15d2
Acquanetta Warren, 06/16/2026	Fontana Mayor and City Council	15d2
Veronica Pardo, 06/16/2026	Resource Recovery Coalition of California	15d2
Jason Maruca, 06/16/2026	Burbank Water and Power	15d2
Sarah Deslauriers, 06/16/2026	California Association of Sanitation Agencies	15d2
Rosario Cortés, 06/16/2026	Sacramento Area Sewer District	15d2
Erin Sasse, 06/16/2026	Elsinore Valley Municipal Water District	15d2

Commenter, Date	Affiliation	Commentor Code
Benjamin Lu, 06/16/2026	The American Lung Association	15d2
James Emmons, 06/16/2026	De Luz Community Service District	15d2
Tenille Otero, 06/16/2026	Otay Water District	15d2
Nick Blair, 06/16/2026	Association of California Water Agencies	15d2
David Pedersen, 06/16/2026	Las Virgenes Municipal Water District	15d2
Consuelo Hernandez, 06/16/2026	City of Sacramento	15d2
Damon Wyckoff, 06/16/2026	Calaveras County Water District	15d2
Eva Plajzer, 06/16/2026	San Diego County Water Authority	15d2
Roxana Ramirez, 06/16/2026	Metropolitan Water District of Southern California	15d2
Hannah Abdoo, 06/16/2026	City of Long Beach Fleet Services Bureau	15d2
Cesar Rangel, 06/16/2026	City of Stanton	15d2
Clayton Miller, 06/16/2026	Southern California Contractors Association	15d2
Andrea Villarin, 06/16/2026	Los Angeles Department of Water and Power	15d2
Sara Tom, 06/16/2026	Dublin San Ramon Services District	15d2
Noelle Mattock, 06/16/2026	City of Roseville	15d2
Michael Lewis, 06/16/2026	Construction Industry Air Quality Coalition	15d2
Eric Grubb, 06/16/2026	Cucamonga Valley Water District (CVWD)	15d2
Rangarajan Sampath, 06/16/2026	Alameda County Water District	15d2
David Renschler, 06/16/2026	City of Fairfield	15d2
Bill Magavern, 06/16/2026	Natural Resources Defense Council (NRDC) Coalition for Clean Air (CCA) Union of Concerned Scientists (UCS) Environmental Defense Fund (EDF) Earthjustice	15d2
Jennifer Harrington, 06/16/2026	Vallejo Flood and Wastewater District	15d2
Katie Vassalli, 06/16/2026	The Transport Project	15d2
Nicholas Armstrong, 06/16/2026	Teichert	15d2
Suzanne Seivright-Sutherland, 06/16/2026	CalCIMA	15d2
Nicole Looney, 06/16/2026	Sacramento Municipal Utility District	15d2
Kirk M. Sander, 06/16/2026	National Waste & Recycling Association	15d2
Justin Caporusso, 06/16/2026	Mountain Counties Water Resources Association	15d2
Amanda Roa, 06/16/2026	Fairfield-Suisun Sewer District	15d2
Christine Wolfe, 06/16/2026	Waste Management of California	15d2
Ryan Kenny, 06/16/2026	Clean Energy	15d2
Paolo Beltran, 06/16/2026	City of Lakewood	15d2
Joe Sturges, 06/16/2026	Inland Empire Utilities Agency	15d2
Greg Hurner, 06/16/2026	Miller Industries, Hurner Government Relations and Advocacy	15d2
James Lee, 06/16/2026	Crescenta Valley Water District	15d2
Julia Mangin, 06/16/2026	Recology	15d2
Dan Sunseri, 06/16/2026	Individual	15d2
Derek Dolfie, 06/16/2026	California Municipal Utilities Association (CMUA) Southern California Public Power Authority (SCPPA) Northern California Power Agency (NCPA)	15d2
Tresten Keys, 06/16/2026	Associated General Contractors of California	15d2
LII D, 06/16/2026	Individual	15d2
David Lawrence, 06/17/2026	Big Bear Area Regional Wastewater Agency	15d2
Tim Carmichael, 06/19/2026	California Council for Environmental and Economic Balance (CCEEB)	OCP

Table 7. Emails Received Outside of the Comment Docket During the Second 15-Day Comment Period

Electronic mail (email) communications were received during the second 15-Day Comment Period, which raised points or questions related to the proposed ACF amendments but were not

submitted to the official comment docket. For public transparency and completeness, responses were provided to the emails identified as containing topics within the scope of the proposed ACF amendments and submitted during the second 15-Day Comment Period.

Commenter, Date	Affiliation	Commentor Code
Brittney Barsotti, 06/02/2026	CA Special District Association	2-15d-E
Carol Kaufman, 06/04/2026	Metro Water District SoCal	2-15d-E
David Worthington, 06/03/2026	Santa Clara County	2-15d-E
David Renschler, 06/04/2026	City of Fairfield	2-15d-E
Greg Hurner, 06/02/2026	Hurner Government Relations and Advocacy	2-15d-E
Liz Hernandez, 06/02/2026	City of Long Beach	2-15d-E
Mike Lewis, 06/03/2026	Individual	2-15d-E
Ron Matsuoka, 06/02/2026	LA County Public Works	2-15d-E
William Whitten, 06/02/2026	Mission Springs Water District	2-15d-E
Katharine Larson, 06/02/2026	SMUD	2-15d-E
Shea Eccleston, 06/08/2026, 06/09/2026, and 06/10/2026	City of Glendale	2-15d-E
Chris Hentz, 06/15/2026	AGM	2-15d-E
Matt Zerga, 06/11/2026	TerraVerde Energy	2-15d-E
Sevada Hambarsumian, 06/16/2026	City of Glendale	2-15d-E

Table 8. Comments Received Outside of Comment Period

Listed below are the affiliations and individuals that CARB has identified as having submitted comments outside the public comment periods (OCP). Because these comments were received outside the comment period, CARB does not have any obligation under the APA to respond to these untimely comments. CARB may respond to some comments at its discretion.

Commenter, Date	Affiliation	Commentor Code
Julia Levin, 04/09/2026	Bioenergy Association of California	OCP
David Rothbart 2, 04/09/2026	Individual (Retired LA County Sanitation Districts)	OCP
Steve Jepsen, 04/09/2026	Clean Water SoCal	OCP
Sarah Deslauriers 2, 04/09/2026	California Association of Sanitation Agencies (CASA)	OCP
Tannehill, Neuburger, Conklin, 10/07/2025	October 7 th Letter and Attachment (CSDA)	OCP
Craig K. Murray 04/23 through 04/24/2026 (CARB Study Session)	LGVSD	OCP
Stephanie Klopfenstein, 04/21/2026	City of Garden Grove	OCP
Justin M. Hopkins, 04/27/2026	Stockton East Water District	OCP
Eric Lucan, 05/29/2026	Marin County Board of Supervisors	OCP
Dan Jagers, 04/08/2026	Beaumont-Cherry Valley Water District	OCP
The following commenters provided oral testimony and no response is required because their testimony was untimely.		
Sarah Deslauriers, 06/25/2026	California Association of Sanitation Agencies	OCP
Noelle Mattock, 06/25/2026	City of Roseville	OCP
Jennifer Capitolo, 06/25/2026	Olivenhain Municipal Water District	OCP

Commenter, Date	Affiliation	Commentor Code
Baltazar Cornejo, 06/25/2026	Otay Water District	OCP
Charles Watson, 06/25/2026	West Valley Water District	OCP
Brenda Bass, 06/25/2026	Indian Wells Valley Water District	OCP
Evan Edgar, 06/25/2026	Haulers	OCP
Ryan Kenny, 06/25/2026	Clean Energy	OCP
Natalia Alarcon, 04/27/2026	City of Carpinteria	OCP

A. 45-Day Comment Period and Board Hearing Public Comments with Agency Responses

1. Low Carbon Fuels in Transportation

a) Low Carbon Fuels in Transportation—Lifecycle Emissions

- Comment:** Commenter states that there is a need to shift these programs' vehicle and engine standards over to objective performance-based standards based on life-cycle emissions. (Julia Levin – OT)

Agency Response: This is a general comment on the ACF regulation that was addressed by CARB and is part of the original rulemaking record. As discussed in the original rulemaking, the ACF regulation works in conjunction with the LCFS Regulation to drive emissions reductions from both vehicles and fuel, and both are needed to meet the State's air quality and climate change goals. Both ACF and LCFS are performance-based standards. The LCFS Regulation requires fuel companies meet a statewide declining benchmark on the carbon intensity of transportation fuels. LCFS uses a "well-to-wheel" fuel lifecycle emissions assessment to calculate the carbon intensity of a fuel's available energy used to power a transportation ecosystem. The ACF regulation results in criteria emissions reductions and GHG reductions with a zero-emission phase-in requirement, that BEV, PHEV, and FCEV technologies have demonstrated they can meet. The ACF regulation does not need to quantify any other emissions beyond exhaust because the LCFS Regulation quantifies "well-to-wheel" fuel lifecycle emissions and incentivizes GHG reductions from the fuel's lifecycle.

b) Low Carbon Fuels in Transportation—Renewable Diesel in Combustion Trucks

- Comment:** Commenter requests the use of renewable diesel as an alternative compliance option. (Angela Constantino – 45d)

Agency Response: This is a general comment on the ACF regulation that was addressed by CARB and is part of the original rulemaking record. Renewable fuels, including renewable diesel, are already widely used in California due to the LCFS regulation. As discussed in the original rulemaking, the objectives of the ACF regulation are to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act), among others. Also, diesel combusted in ICE vehicles emits toxic pollution that causes cancer, premature death, and has other adverse health impacts.^{12,13} ZEVs, by definition, produce no exhaust emissions.

¹² Environmental Science & Technology, *Ambient and Emission Trends of Toxic Air Contaminants in California*, 2015 (web link: <https://pubs.acs.org/doi/full/10.1021/acs.est.5b02766>, last accessed May 2026).

¹³ California Air Resources Board, *Overview: Diesel Exhaust & Health* | California Air Resources Board, (web link: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>, last accessed May 2026).

In the long term, California's climate and air quality commitments from transportation require a shift to ZEVs where feasible and the use of low-carbon fuels for where ZE technology is not suitable. ZEVs using low-carbon electricity and hydrogen, are one of the most effective way to reduce criteria and toxic emissions from the transportation sector and meet long-term climate commitments. This alternative was rejected because it would not meet the objectives of the ACF regulation.

c) Low Carbon Fuels in Transportation—Natural gas Engines are Cleaner than Diesel

3. **Comment:** Commenter states it is clear that ultra-low or low-NOx natural gas trucks that are running on low-carbon or carbon negative biomethane would provide far greater benefits for air quality and the climate than diesel trucks, which also emit toxic air contaminants and particulate matter. (Julia Levin – OT)

Agency Response: This is a general comment on the ACF regulation that was addressed by CARB and is part of the original rulemaking record. The Board directed CARB to make changes that provide a longer offramp for low-NOx vehicles in captive waste and wastewater fleets that utilize their own biomethane. This narrow change was made in response to the waste and wastewater sectors' concerns that they will need to flare excess biogas in response to accepting landfill-diverted organic waste.

In the First 15-Day Changes, the performance-based definition for a "low-NOx vehicle" was defined as any ICE vehicle legally sold into California equipped with an engine certified to a NOx emissions standard below the lowest applicable NOx engine standard for the 2026 or subsequent model years. The definition is necessary because NG engines do not and will not have lower NOx emissions if certified to the same standard as all other engines like they were in 2024 and 2025. However, a ZEV is certified to emit zero exhaust emissions of any criteria (or precursor pollutant) or GHG under any possible operational modes or conditions. Displacing a ZEV with a "low-NOx vehicle" results in more exhaust emissions and higher particulate matter from brake wear than would otherwise occur. As discussed in the original rulemaking, the objectives of the ACF regulation are to support Executive Order N-79-20, AB 617 (C. Garcia, Chapter 136, Statutes of 2017), and AB 1279 (the California Climate Crisis Act, Chapter 337, Statutes of 2022), among others. This alternative would not meet the objectives of the ACF regulation.

d) Low Carbon Fuels in Transportation—Renewable Biomethane and Hydrogen in Combustion Trucks as Alternative Compliance Option

4. **Comment:** Commenter states CARB should allow hydrogen internal combustion engines (H2ICE) as a compliance option under ACF as a commercially available, near-zero-emission technology. (Tim McRae – 45d)
5. **Comment:** Commenter states that the amendments do not accommodate utilities that deliver methane and GHG reductions today with wastewater-derived RNG paired with low-NOx engines. Commenter requests that CARB explore 15-Day modifications that create a practical interim pathway. (Noelle Mattock – OT)
6. **Comment:** Commenter supports RNG vehicles as an on-ramp until ZEV technology is better. This non-fossil carbon-negative fuel should be used productively rather than wasted in flares. Allowing low-NOx RNG trucks until zero-emission technology for this biofuel becomes commercially available would at minimum reduce GHG emissions and provide the reliability needed by the wastewater sector. (David Rothbart – OT).

7. **Comment:** Commenter supports the use of RNG and NZEV vehicles, as RNG is a carbon negative fuel that is readily available with a robust infrastructure network and can be an effective part of the climate strategy. (Peter Okurowski – OT)

Agency Response: This is a general comment on the ACF regulation that was addressed by CARB and is part of the original rulemaking record. As mentioned previously, the ACF regulation is a zero-emission phase-in requirement, which both BEV and FCEV technologies have demonstrated they can meet. Allowing low-NOx RNG trucks until renewable hydrogen can be demonstrated in FCEVs undermines this performance-based standard. The amendments provide a more gradual phase-in schedule for ZEVs, allowing fleet owners increased flexibility, including the ability to purchase more ICE vehicles when exemptions apply.

However, CARB acknowledges that flaring biogas should be minimized whenever possible, which is why the Board directed CARB to include a provision that gives more time to direct excess biogas toward “low-NOx vehicles.” The Board directed CARB to make changes that provide a longer offramp for low-NOx vehicles in captive waste and wastewater fleets that utilize their own biofuel on-site. The “Captive Biofuel Use Exemption” would allow a fleet owner to continue to purchase and use “low-NOx vehicles” that run off the excess biofuel produced at the waste or wastewater facility to help prevent unnecessary flaring. If the facility produces renewable hydrogen, then any low-NOx H2ICE, if they were available, could theoretically qualify for this exemption as well. CARB acknowledges that the commenter states that there is a robust network of RNG infrastructure. According to the Transportation Project, California has 310 natural gas fueling stations (the highest in the nation) and the sector expects a 2% growth rate in the coming years.¹⁴ The natural gas dispensed at these fueling stations is already primarily from renewable sources due to the LCFS Regulation. ZEV infrastructure development growth rate far outpaces that of natural gas fueling. In fact, there are 20,093 charging and hydrogen fueling points for medium- and heavy-duty ZEV across the state, and in just seven months (February to September 2025), California added over 3,700 charging and hydrogen points specifically for medium- and heavy-duty ZEVs—this is a 23% increase.¹⁵ Allowing this alternative does not meet the objectives of the ACF regulation and simply maintains status quo. Making additional modifications would be unnecessary and would undermine the emissions reductions of the regulation.

e) Low Carbon Fuels in Transportation—Senate Bill 1383

8. **Comment:** Commenter states that adding a pathway for RNG heavy-duty vehicles to the ACF Regulation can achieve immediate affordable emissions reductions and encourage food waste diversion projects, a classic circular economy, and a bridge while reliable zero-emission heavy-duty vehicles are developed. (Steve Jepsen – OT)
9. **Comment:** Commenter strongly supports SB 1383 compliance and the use of RNG. (Noam Elroi – 45d)
10. **Comment:** Commenter requests flexibility in the use of RNG/biogas in the ACF rules to help meet SB 1383 and local reuse goals. (Craig K. Murray – OCP)
11. **Comment:** Commenter states the best utilization of biogas as both a transportation fuel and as an on-site electricity generation fuel should also be thoughtfully considered, as this is

¹⁴ Gage, D. December 15, 2025. Close to 1,400 Natural Gas Stations Set to Service Clean Transport Industry in 2026. (web link: <https://transportproject.org/2025/12/15/close-to-1400-natural-gas-stations-set-to-service-clean-transport-industry-in-2026>, last accessed May 2026).

¹⁵ California Energy Commission. Sept. 24, 2025. Press Release California Exceeds 200,000 Electric Vehicle Chargers. (web link: <https://www.energy.ca.gov/news/2025-09/california-exceeds-200000-electric-vehicle-chargers>, last accessed May 2026).

essentially a free fuel for some public agencies, and under SB 1383, California will produce even more biogas in the future. (Tony Pastore-WT) (Tony Pastore – OT)

12. Comment: Commenter states that their wastewater agency members remain concerned that ACF continues to impose regulatory uncertainty for the beneficial use of biomethane. (Alison Torres – OT)

13. Comment: Commenter states the exemptions and extensions in ACF do not provide a pathway for biomethane and do not address the need for market certainty for capital investments, especially if they're only year-to-year. Commenter states that their wastewater agency members are unable to use the existing waste fleet provisions because they are extremely limiting. (Alison Torres – OT)

14. Comment: Commenter states that they do not want their existing investment in RNG infrastructure to be wasted or become a stranded asset with no future. (Noelle Mattock- – 45d)

Agency Response: Changes were made in response to these comments. The Board directed CARB to make changes that provide a longer offramp for low-NOx vehicles in captive waste and wastewater fleets that utilize their own biomethane. The First 15-Day Changes allow a waste or wastewater fleet owner to continue to purchase and use low-NOx vehicles to utilize excess biogas produced on-site up until 2035, which, due to the useful life provisions in ACF, means any new ICE vehicle purchased by 2035 could still be in service mid-century.

One of the long-term beneficial uses for biomethane is to produce electricity and as a feedstock for hydrogen to fuel ZEVs. There are other opportunities to shift biomethane from use in ICE vehicles to production of electricity to charge BEVs, and as a feedstock to produce hydrogen.

The following are a few recent examples of projects that are shifting biomethane to power ZEVs:

- On November 17, Raven SR Inc. sent out a press release stating that the Bay Area Air District awarded them an Air Permit and Authority to Construct for a waste-to-hydrogen facility that will process up to 99 wet tons of organic waste per day, enough to fuel at least 164 Class 8 FCEV trucks a year.¹⁶
- Linear generators have also been permitted by local air districts and can be a source of power for BEVs. For example, Napa Sanitation District and NextEra Energy Resources have signed an agreement for the construction and installation of a new Mainspring Linear Generator that can generate 230 kilowatts of renewable electricity, enough to power at least 7 BEV trash trucks that charge at night and also be a reliable power source during grid outages.¹⁷

Utilization of biogas as a transportation fuel is not “essentially a free fuel;” there are costs associated with biogas treatment and upgrades needed to turn biomethane into a useable fuel. Combusting biomethane into electricity, whether to serve the power sector or deliver to BEV customers, is often cheaper to produce than RNG and has additional GHG savings due

¹⁶ November 17, 2025, Raven SR Press Release. Raven SR Awarded Authority to Construct World's First Organic Waste-to-Hydrogen Facility in Richmond, CA (web link: <https://ravensr.com/raven-sr-awarded-authority-to-construct-worlds-first-organic-waste-to-hydrogen-facility-in-richmond-ca/>, last accessed May 2026).

¹⁷ Mainspring Energy, Inc.; NapaSan; NextEra Energy. June 20, 2023. NapaSan Teams With NextEra Energy Resources for New Biofuel Mainspring Linear Generator. (weblink: <https://www.prnewswire.com/news-releases/napasan-teams-with-nextera-energy-resources-for-new-biofuel-mainspring-linear-generator-301853809.html>, last accessed 2/25/26).

to fewer treatment steps required and the avoidance of fugitive methane release during biogas upgrading.¹⁸

There is some cross-over between FCEV and natural gas fueling infrastructure, so some investments and upgrades to accept landfill diverted organic waste like food waste receiving stations and de-packaging units could still be used even if compressed natural gas (CNG) fuel dispensers were no longer being used.

f) Low Carbon Fuels in Transportation—Captive Biofuel Use Exemption is Not Enough

15. Comment: Commenter states that while [ICE] vehicle purchases have been extended over the next four years, other proposed revisions do not support the RNG markets needed for wastewater utilities to justify investment in RNG to fuel available 24/7 mission-capable vehicles needed to meet their current requirements, while working to demonstrate RNG to zero-emission technologies. (Sarah Deslauriers – OT).

Agency Response: Changes were made in response to this comment. The Board directed CARB to provide a longer offramp for low-NOx vehicles in captive waste and wastewater fleets that utilize their own biomethane. The Board asked CARB to engage with waste and wastewater agencies about adjusting their original timeline as part of the existing Waste and Wastewater Fleet Option under the ZEV Milestones Option. CARB met with waste and wastewater entities over 15 times after the September Board Hearing, and as part of the 15-Day change proposal, added the “Captive Biofuel Use Exemption.” This compliance option is available to the same fleet owners that have access to the Waste and Wastewater Fleet Option under the ZEV Milestones Option, as directed by the Board. The new Captive Biofuel Use Exemption will give fleet owners complying with the mandates of SB 1383 the option to purchase as many ICE vehicles as the excess renewable biofuel capacity can support, and any vehicle purchase made through this exemption is guaranteed its full useful life. Qualifying waste and wastewater fleet owners can make new ICE vehicle purchases up to 2035, and since these vehicles are guaranteed their full useful life, they could still be in service mid-century.

g) Low Carbon Fuels in Transportation—Near-term Emissions Reductions

16. Comment: Commenter states natural gas trucks powered by RNG can provide substantial environmental and near-term emissions reductions that can keep California on track to achieve its emissions reduction goals, which will lead to better public health outcomes sooner than later. (Nicole Rice – OT)

Agency Response: This is a general comment on the ACF regulation and no changes are being requested. Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017) guarantees any new vehicle will get a full useful life, which means a vehicle sold today can be operational until 2044 or longer. In 2024 and 2025 natural gas engines were certified to the same NOx standards as diesel engines. In addition, even if they were certified to lower emissions levels, original engine manufacturer (OEM) credit trading schemes would most likely take advantage of the lower emissions to sell more engines with higher emissions meaning any emissions reductions gained by deploying lower emitting vehicles than otherwise required

¹⁸ International Council on Clean Technology. May 2023. 2030 California Renewable Natural Gas Outlook: Resources Assessment, Market Opportunities, and Environmental Performance. (web link: <https://theicct.org/wp-content/uploads/2023/05/california-rng-outlook-2030-may23.pdf>, last accessed May 2026).

would yield no net change.¹⁹ Any ICE vehicle has exhaust emissions while a ZEV does not. Additionally, the GHG benefits from the use of low-carbon fuels like renewable natural gas and renewable diesel in ICE vehicles are already being realized in California as a result of the LCFS regulation already reflected in the baseline emissions inventory and would not result in any emissions reductions. ZEVs using low-carbon fuels are the most effective way to reduce criteria and toxic emissions from the transportation sector and meet long-term climate commitments. Allowing this alternative does not meet the objectives of the ACF regulation. Making additional modifications would be unnecessary and would undermine the emissions reductions of the regulation.

2. Zero-Emission Vehicle Technology

a) Availability—Concerns about Manufacturer Solvency and Part Availability

17. Comment: Commenter expresses concerns about ZEV manufacturer solvency and limited parts availability. (Alwin Acua – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the ZEV Purchase Exemption was updated to include a new criteria that a manufacturer must have received an Executive Order to certify a ZEV for at least three of the previous five years and not be undergoing bankruptcy proceedings for their vehicles to be considered available. This criteria was added to address stakeholder concerns regarding manufacturer reliability and vehicle support.

b) Availability—Viable Zero-emission and Near-zero-emission Vehicles that Meet Operational Needs do not Exist

18. Comment: Commenter states current Clean Fleet rules require Class 2b or larger vehicles to be ZEV/NZEV, but no viable models exist that meet operational needs. Commenter states that downsizing is not feasible due to equipment size and towing requirements. (Erica Smith – 45d)

19. Comment: The commenter states that ZEV availability remains limited across required weight classes, configurations, and duty cycles, and that existing vehicles do not consistently meet fleet operational needs related to range, reliability, and geographic conditions. The commenter asserts that recent federal regulatory changes have weakened market signals, reducing ZEV supply and placing disproportionate compliance responsibility on SLG fleets. (Michael Taylor – 45d)

20. Comment: Commenter states that if public agencies are forced to comply with the requirements before viable vehicle replacements exists, they will be left with the untenable choice of either violating state mandates or relying on diesel generators to power electric vehicles in the field—undermining the intended emissions benefits of the regulation. (Alyson Piguee – 45d)

21. Comment: Commenter states that there are no commercially available zero-emission alternatives that meet the operational capabilities of the trucks they use to continuously prevent sewer overflows. (Joe Sturges – OT)

22. Comment: Commenter states that ACF needs to reflect the limited market availability of ZEVs. (Nick Blair – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase

¹⁹ American Trucking Association. February 17, 2026 Letter to US EPA. (web link: <https://www.trucking.org/sites/default/files/2026-02/ATA%20Letter%20to%20EPA%20HD%20Standards%202.17.26.pdf>, last accessed May 2026).

Schedule was delayed until January 1, 2030. These changes better aligned with the current and expected state of the ZEV market and provide more flexibility to deploy ZEVs where they are most suitable and ICE vehicles in other applications.

Fleet owners can alternatively comply with the ZEV Milestones Option, which allows fleet owners to phase in portions of their fleet as ZEVs regardless of vehicle age or mileage. The ZEV Milestones Option was designed to give a longer phase-in for Group 2 vehicles: work trucks, day cab tractors, pickup trucks, buses with three axles; and Group 3 vehicles: sleeper cab tractors and specialty vehicles. The 100% phase-in targets for Group 2 and Group 3 ICE vehicles do not occur until 2039 and 2042, respectively.

Further, the regulation includes several flexibilities in the form of extensions and exemptions that are designed to help a fleet comply in situations where certain vehicle types are not available to meet the primary functions or operational needs of a fleet. Specifically, the Daily Usage Exemption allows fleet owners to purchase a new ICE vehicle if currently available BEVs cannot meet the mileage or operational requirements of the original vehicle. In addition, the ZEV Purchase Exemption allows fleet owners to purchase a new ICE vehicle if a ZEV or NZEV is not available in the configuration needed to meet the primary intended function of the fleet. The Fleet Resiliency Exemption also permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. Finally, ZEV technology is expected to continue to improve and fleet owners will have several decades before most vehicles in the fleet will need to be ZEVs. Therefore, fleet owners do not have to replace their entire fleet all at once and they simply need to begin deployment of ZEVs if they are available and can meet their operational needs.

c) Availability—Advanced Clean Fleets Needs to be Able to Account for Market Fluctuations and Varying Fleet Configurations

23. Comment: Commenter states that ACF needs to be flexible enough to account for fluctuations in the ZEV market and a wide variety of fleet configurations. (Laura Renger – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, changes were made to more gradually phase-in ZEVs and improve access to exemptions. The 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE and to place ZEVs where best suited. The change means that small fleets with 10 or fewer vehicles and those in designated counties would not start purchasing ZEV until 2030 or later because the ZEV Purchase Schedule does not require any vehicles to be retired or replaced. These changes better align the regulation's requirements with the current and expected state of the ZEV market while providing fleet owners the flexibility to better manage any functionality, operational, and availability concerns before exemptions are even considered.

The ACF regulation also includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleet owners to continue acquiring ICE vehicles where necessary to ensure operational reliability. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%. The Fleet Resiliency Exemption was also expanded to apply to all body types and give the fleet owner considerable discretion as to how to best address their resiliency needs and which vehicles they select to use exemption.

The Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The Daily Usage Exemption addresses ZEV usage concerns based on a fleet's historical data which allows for ICE purchases and addresses the usage concerns raised by the commenters.

The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. Together, the added flexibility and improved exemptions further account for fluctuations in the ZEV market and a wide variety of fleet configurations. Making additional changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

d) Availability—Advanced Clean Fleets Needs to Address Manufacturer's Role

24. Comment: Commenter states that CARB should shift greater accountability onto manufacturers by designing ACF to ensure that manufacturers cannot continue to saturate the market with diesel and other combustion vehicles in the name of "ACF compliance." Commenter states that if manufacturers are not required to produce viable vehicles in sufficient quantities, then enforcement of ACF requirements will fall unfairly on fleets that want to comply, but are structurally unable to do so. Commenter requests that CARB subsequently hold manufacturers directly accountable for producing viable ZEVs. (William Mancilla – WT).

Agency Response: Changes were made in response to this comment. As part of the First 15-Day Changes, the ZEV Purchase Exemption was modified to exclude ZEVs from manufacturers that have not received a CARB ZEV certification Executive Order for one or more chassis or complete vehicles for at least three model years of the previous five model years. Also as part of the First 15-Day Changes, a manufacturer may not be in bankruptcy or bankruptcy proceedings for a vehicle that they offer to be considered available. These criteria were added to address stakeholder concerns regarding manufacturer experience or reliability. In addition, numerous other changes were made that reduce the ZEV purchases needed to comply. As part of the First 15-Day Changes, changes were made to gradually phase-in ZEVs and improve access to exemptions. The 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE and to place ZEVs where best suited. The change means that small fleets with 10 or fewer vehicles and those in designated counties would not start purchasing ZEV until 2030 or later because the ZEV Purchase Schedule does not require any vehicles to be retired or replaced. These changes better align the regulation's requirements with the current and expected state of the ZEV market while providing fleet owners the flexibility to better manage any functionality, operational, and availability concerns before exemptions are even considered.

e) Availability—Market Uncertainty has Made it Difficult to Replace Vehicles

25. Comment: Commenter states that the changes and uncertainty in the vehicle market have made it extremely difficult to purchase and replace vehicles with reliable counterparts to maintain their operations. (Ellis Chiu – OT)

26. Comment: Commenter states that with EVs being discontinued before beginning production, they are simply unable to comply with the ACF purchasing requirements.

Commenter states that while they appreciate the extension of purchasing requirements, it is still not enough to navigate the volatile EV market. (Jesus Martinez Ramirez – 15d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and provides more flexibility to prioritize which vehicles are purchased as ICE or as ZEVs.

The ACF regulation was structured to provide flexibility to fleet owners on where to deploy ZEVs and ICE vehicles when making purchase decisions. Specifically, the ZEV Milestones Option schedule provides a longer phase-in for specialty vehicles and fleet owners flexibility in how ZEVs are introduced to their fleet so long as the ZEV threshold is met. The ZEV Purchase Exemption addresses situations in which a ZEV is not available in the needed configuration. The Fleet Resiliency Exemption permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. NZEVs may also be counted the same as ZEVs until the 2035 model year, which offers flexibility to fleets that have duty cycles with extended range, high auxiliary power, or minimal refueling downtime for which ZEVs may not be entirely suitable for in the early stages of the regulation. Lastly, early and excess ZEV purchase credits permit fleet owners to replace an existing ICE vehicle at any time with another ICE vehicle.

f) Technology—Zero-emission Vehicle Charging Concerns

- 27. Comment:** Commenter states they are concerned about current ZEV limitation of charging time. (Angela Constantino – 45d)
- 28. Comment:** Commenter is concerned about the charging downtime needed by ZEVs and how that will disproportionally affect their small fleet. (Shanita Tillman – 45d)
- 29. Comment:** Commenter states they are concerned about the limitations of the current ZEV technology, especially their charging times. (Eric Grubb – 45d)
- 30. Comment:** Commenter states they are concerned about BEV charging downtime because ZEVs require hours for recharging/refueling. (Alwin Acua – 45d)
- 31. Comment:** Commenter states that current ZEV technology does not yet fully meet fleet operational needs due to charging infrastructure constraints. (Michael Taylor – 45d)

Agency Response: Changes were made in response to these comments. CARB recognizes that charging time and infrastructure availability are important operational considerations. However, data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles return to base overnight and 81% travel less than 100 miles per day, with another 11% that drive up to 150 miles per day. For these vehicles, overnight depot charging is sufficient to meet daily operational needs under typical duty cycles.

The regulation phases in ZEV purchase requirements over an extended timeline, meaning a substantial portion of fleet vehicles will remain combustion-powered over the next decade. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage their concerns with ZEV technology until 2030. Fleet owners will subsequently have a greater ability to deploy ZEVs where most suitable.

In addition, the regulation includes multiple compliance flexibilities to address operational constraints. Where a ZEV or NZEV is not available in a configuration that meets a fleet's operational needs, including where charging time or infrastructure limitations prevent effective deployment, fleets may rely on the ZEV Purchase Exemption to continue acquiring ICE vehicles. Where operational demands, including energy usage patterns, cannot be met under actual usage conditions, the Daily Usage Exemption provides a compliance pathway based on demonstrated fleet needs and would exclude BEVs that cannot meet those needs on a single charge. The Fleet Resiliency Exemption also allows eligible fleet owners with mutual aid agreements to purchase ICE vehicles for a portion of the fleet to ensure operational resiliency. The ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for up to five years. Fleet owners may apply for the exemption before the next applicable ZEV Milestones compliance deadline specified in section 2013.6. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time. Additionally, the exemption delays ZEV purchases which allows fleets to closely align their ZEV deployments with the actual rollout of infrastructure. Together, these provisions provide fleet owners with time and flexibility to manage charging-related constraints while the ZEV market and supporting infrastructure continue to develop.

g) Technology—Zero-emission Vehicle Range Concerns

- 32. Comment:** Commenter states that many current zero-emission vehicles don't have the range or power for 24/7 operations, which could lead to service disruptions and slower response times. (Mary Elise Conzelmann – OT)
- 33. Comment:** Commenter states they are concerned about current ZEV limitation of range. (Angela Constantino – 45d)
- 34. Comment:** Commenter states they are concerned about the limitations of the current ZEV technology, especially their range. (Eric Grubb – 45d)
- 35. Comment:** Commenter states they are concerned about current ZEV technological limitations including limited driving range. (Alwin Acua – 45d)
- 36. Comment:** Commenter states that current ZEV technology does not yet fully meet fleet operational needs due to range constraints. (Michael Taylor – 45d)

Agency Response: Changes were made in response to these comments. CARB acknowledges that vehicle range is an important operational consideration for many fleet applications. However, data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles travel relatively short distances on a daily basis, with the majority operating well within the range capabilities of currently available ZEVs. For these vehicles, existing ZEV range is sufficient to meet typical daily operational needs.

The regulation phases in zero-emission vehicle purchase requirements over an extended timeline, allowing fleet owners to gradually incorporate ZEVs while a substantial portion of vehicles remain combustion-powered. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage concerns related to ZEV technology until 2030.

In addition, the Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The Regulation also includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleets to continue acquiring ICE vehicles where necessary to ensure operational reliability. Together, these

provisions ensure fleet owners are not required to deploy vehicles that cannot meet their operational range requirements while supporting a gradual phase-in as ZEV technology continues to improve.

h) Technology—Zero-emission Vehicle Duty Cycle Concerns

37. Comment: Commenter states that current ZEV technology does not yet fully meet fleet operational needs due to duty cycle constraints. (Michael Taylor – 45d)

Agency Response: Changes were made in response to this comment. CARB recognizes that duty cycle demands vary across fleet operations and may present challenges for certain applications. Data collected through Large Entity Reporting (LER) and analyzed in the staff report indicate that most public fleet vehicles operate within relatively short daily distances: approximately 81% travel fewer than 100 miles per day, with another 11% that drive up to 150 miles per day. For these vehicles, the range and operational capabilities of currently available ZEVs are sufficient to meet daily duty cycle needs.

The regulation phases in zero-emission vehicle purchase requirements over several decades, allowing fleet owners to gradually deploy ZEVs while a substantial portion of vehicles remain ICE-powered. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030, and several compliance flexibilities and exemptions were expanded to provide fleet owners additional options for meeting operational needs.

These flexibilities include the Daily Usage Exemption, which allows fleet owners to purchase a new ICE vehicle if an available ZEV cannot meet the demonstrated duty cycle or operational requirements of an existing vehicle; the ZEV Purchase Exemption, which permits acquisition of an ICE vehicle if a ZEV or NZEV is not available in the configuration necessary to perform the fleet's primary intended function; and the Fleet Resiliency Exemption, which allows fleets to purchase or designate an ICE vehicle to address any operational or resiliency concerns. Together, these provisions, along with the phased implementation schedule, ensure fleet owners can manage duty cycle constraints without compromising operations while supporting a gradual phase-in to zero-emission vehicles as technology and market availability continue to improve.

i) Technology—Zero-emission Vehicle Payload Concerns

38. Comment: Commenter states that a realistic assessment of impacts must account for the fact that ZEV waste collection trucks do not have comparable payload capacity; they have been found to be significantly heavier than state-of-the-art internal combustion units. (James Leonard – 45d)

Agency Response: No changes were made in response to this comment. CARB recognizes that payload capacity and vehicle weight are important operational considerations, particularly for refuse and other heavy-duty applications. To address these concerns, the regulation provides multiple compliance flexibilities. The Daily Usage Exemption allows fleet owners to purchase a new ICE vehicle if a ZEV cannot meet demonstrated daily operational needs, including when operating at or near maximum payload. Similarly, the ZEV Purchase Exemption permits the acquisition of a new ICE vehicle if a ZEV is not available in a configuration necessary to perform the fleet's primary intended functions. These provisions ensure fleet owners are not required to deploy vehicles that cannot meet operational requirements while supporting a gradual phase-in to ZEVs. Where a ZEV in a higher weight class is capable of equivalently performing the primary intended function of a vehicle configuration, the regulation considers that ZEV to be available, and no exemption is necessary. Weight classes are separated by small

increments, typically one pound, which is not considered a significant difference in vehicle capability. This approach allows fleet owners to address higher payload requirements without relying on exemptions. CARB also acknowledges that some ZEVs may have higher curb weights than their ICE counterparts, and selecting a next higher weight class can similarly mitigate payload limitations. Together, these provisions, along with the regulation's phased implementation schedule, provide fleet owners discretion to plan ZEV deployments in a manner that maintains operational reliability and meets payload needs while gradually phasing-in to zero-emission technologies.

j) Technology—Zero-emission Vehicle Performance in Extreme Heat

39. Comment: Commenter states they are concerned about current ZEV technological limitations including: BZEVs performance in extreme heat. (Alwin Acua – 45d)

Agency Response: No changes were made in response to this comment. The commenter did not provide specific information or evidence demonstrating that BEVs are unable to operate in extreme heat conditions or otherwise fail to meet operational requirements due to high temperatures. Absent supporting evidence, the comment does not establish that the regulation requires modification. To the extent that extreme heat conditions affect vehicle performance or energy usage, the Regulation provides compliance flexibilities. The Daily Usage Exemption allows fleet owners to demonstrate that available ZEVs cannot meet documented daily operational or energy requirements under actual usage conditions. In addition, where a ZEV or NZEV is not available in the configuration necessary to meet a fleet's needs, including conditions that may limit performance, fleet owners may rely on the ZEV Purchase Exemption to continue acquiring ICE vehicles. These provisions ensure fleet owners are not required to deploy vehicles that cannot meet operational requirements under specific environmental or duty conditions.

k) Technology—Limited Zero-emission Vehicle Maintenance Capability Concerns

40. Comment: Commenter states they are concerned about current ZEV technological limitations including limited ZEV maintenance capabilities. (Alwin Acua – 45d)

Agency Response: Changes were made in response to this comment. CARB recognizes that maintenance capacity, workforce training, and parts availability are important considerations for deploying zero-emission vehicles.

The regulation includes a phased implementation schedule, and in the First 15-Day Changes CARB extended the 100% ZEV purchase requirement to 2030, providing fleet owners additional time to plan for facility upgrades, workforce development, and service infrastructure. In addition, where a ZEV or NZEV is not available in the necessary configuration to support a fleet's operations, including where maintenance support or service capability is not yet sufficient, fleet owners may rely on the ZEV Purchase Exemption to continue acquiring ICE vehicles.

The regulation also includes the Fleet Resiliency Exemption, which allows fleet owners with mutual aid responsibilities to retain a portion of ICE vehicles to ensure operational readiness during emergency response or high-demand scenarios. This provision further supports fleet owners in maintaining reliable operations where maintenance capacity or service availability for ZEVs may be limited. Together, these provisions provide fleet owners with both time and operational flexibility to build maintenance capacity, train personnel, and ensure adequate service support before deploying ZEVs at scale, thereby avoiding operational disruptions during the phase-in period.

l) Technology—Zero-emission Vehicle Off-road Performance Concerns

41. Comment: Commenter states they are concerned about current ZEV technological limitations including uncertain off-road performance. (Alwin Acua – 45d)

Agency Response: No changes were made in response to this comment. CARB acknowledges that certain fleet operations involve off-road or specialized performance requirements, including the need for all-wheel drive (AWD) capability. Under the regulation, fleet owners may specify operational requirements such as AWD or four-wheel drive. At this time, there are no commercially available ZEVs in Class 3 or higher weight classes equipped with AWD capability. Where a ZEV or NZEV is not available in the necessary configuration to meet these requirements, fleet owners may rely on the ZEV Purchase Exemption to continue acquiring ICE vehicles. In addition, where off-road conditions or terrain result in increased energy demands such that available ZEVs cannot meet a fleet owner's documented operational needs, the Daily Usage Exemption provides a compliance pathway based on actual usage conditions. The Regulation also includes the Fleet Resiliency Exemption, which allows fleet owners with mutual aid responsibilities to retain a portion of ICE vehicles to ensure operational readiness in demanding or emergency conditions. Together, these provisions provide multiple compliance flexibilities to ensure fleet owners are not required to deploy vehicles that cannot meet off-road performance requirements while the ZEV market continues to develop.

m) Technology—Current Zero-emission Vehicle Technology is Inadequate or Does not Meet Operational Needs

42. Comment: Commenter states they are concerned that current ZEV technology is inadequate. (Drew Bessinger – OT)

43. Comment: Commenter states that limited zero-emission vehicle options meet their operational needs as some units in their fleet accumulate very low mileage or serve unique vocational purposes, making full zero-emission vehicle replacement impractical. Commenter states that many of the specialty vehicles needed to perform water main work can't be electrified. (Mary Elise Conzelmann – OT)

44. Comment: Commenter states that no manufacturer makes an animal housing unit that fits in an electrical vehicle that would be usable, so there currently aren't options for a safe way to house animals that may have to ride in the back of a truck for hours. (Karen Lange – OT)

45. Comment: Commenter states current ZEV vehicles on the market have not been reliably proven to meet their operational needs. (Warisa Niizawa – OT)

Agency Response: Changes were made in response to these comments. Unique, low-utilization, and highly specialized vehicles have flexibilities under the regulation, including the ZEV Purchase Exemption, the Daily Usage Exemption, and the Fleet Resiliency Exemption. These provisions are specifically intended to address situations where zero-emission vehicles are not available in the necessary configuration or cannot perform required vocational or operational functions.

In addition, because the ZEV Purchase Schedule does not require fleet owners to replace existing vehicles, fleet owners may retain their current ICE vehicles indefinitely. Further, in the First 15-Day Changes, CARB extended the 100% ZEV purchase requirement to 2030. This change better aligns the regulation's requirements with the current and expected state of the ZEV market and provides fleet owners additional flexibility to address limitations in ZEV technology during the phase-in period. Fleet owners will have greater ability to deploy ZEVs where feasible and continue using ICE vehicles where necessary to meet operational needs. CARB will continue to monitor market development and vehicle performance as

implementation proceeds. Lastly, CARB is aware of upfitters that will equip ZEVs with the same animal housing body as is commonly used for animal control vehicles.

n) Technology – Zero-Emission Vehicles Cannot Operate for Extended Periods of Time

46. Comment: Commenter states that many of the electric version of specialty vehicles needed to perform water main work don't have the capacity to operate for extended periods of time. (Mary Elise Conzelmann – OT)

Agency Response: Changes were made in response to this comment. The regulation is designed to provide compliance flexibility that consider operational realities and infrastructure readiness. The ACF regulation includes multiple compliance flexibilities, delayed phase-in timelines, and exemptions designed to align ZEV deployment with market development and infrastructure buildout. These provisions ensure that fleet owners are not required to deploy vehicles that cannot meet their operational needs. In addition, CARB's First 15-Day Changes further streamline and clarify the Daily Usage Exemption, making it more accessible for fleet owners to utilize where appropriate. Specifically, the Daily Usage Exemption provides a compliance pathway in cases where a BEV is unable to perform the equivalent daily work as the ICE vehicle it would replace. This exemption allows a fleet owner to demonstrate that available zero-emission vehicles cannot meet required daily mileage, energy demand, or duty-cycle requirements necessary to perform essential functions, including extended-duration specialty operations, thereby ensuring that operational reliability and public service obligations are maintained while the ZEV market and supporting infrastructure continue to mature.

o) Technology—Current Zero-Emission Battery Technology is Unsafe

47. Comment: Commenter states they are concerned about the implications of using lithium-ion battery-powered tractors in the event of a fire or accident that could lead to a runaway reaction for their trucks transporting gaseous chlorine to their facilities. Commenter states accidents involving BEVs transporting gaseous chlorine may pose a significant risk to human health and therefore ZEV or NZEV tractors may not meet the operational needs of their fleet. (Roxana Ramirez – 45d)

Agency Response: No changes were made in response to this comment. If a fleet owner can show that operating ZEVs may violate safety standards that they are subject to, the fleet owner may apply for an exemption under the ZEV Purchase Exemption provision, such as if there is a restriction on what type of vehicle is allowed to haul hazardous materials. CARB is not currently aware of any additional safety risks during the operation of electric trucks versus conventional trucks. Safety standards and BEV accident response protocols are improving along with battery and ZEV technology, any organization that works with BEVs or hazardous materials must always be responsible with maintaining their safety protocols. If safety becomes an issue during the implementation of the ACF regulation, necessary action will be taken to ensure the safety of operators and the public.

p) Technology—Emergency Response and Service Reliability

48. Comment: The commenter states the importance of maintaining affordable and reliable wastewater services, especially during emergencies and extreme weather events. Commenter states that the pressure to transition to ZEVs is potentially compromising service reliability. (Sarah Deslauriers – 45d)

- 49. Comment:** Commenter states that there are several circumstances in which they believe reliance on an EV fleet would compromise their ability to maintain and/or restore critical public services. (Elizabeth Leeper – 45d)
- 50. Comment:** Commenter states that applying the ACF mandate to public utility fleets will degrade emergency response and operational capability, particularly for medium- and heavy-duty vehicles used for critical infrastructure and disaster response. (James Takehara – 45d)
- 51. Comment:** Commenter states the ACF regulation, as proposed, would hinder their ability to respond to emergencies and maintain continuous water and power operations due to vehicle availability, operational constraints, and emergency duty requirements. Commenter states that the ACF rule does not allow for the effective evaluation and integration of ZEVs, which will impact their ability to provide safe and reliable water and power and perform time and life-critical restoration duties. (Ellis Chiu – 45d, Ellis Chiu – OT)
- 52. Comment:** Commenter states that forcing premature transition to ZEVs jeopardizes both compliance and public safety. Commenter states that they need solutions tailored to agencies operating at high hazard fire zones, across vast terrain, and under constant threats from inclement weather and recurring public safety power shutoff events. (Justin Caporusso – OT)
- 53. Comment:** Commenter expresses concerns that ACF could jeopardize their ability to restore essential power and water services by restricting the availability and utilization of vehicles in their fleet. (Antonio Ortega – OT)
- 54. Comment:** Commenter states that their location experiences frequent outages and should they be required to meet the ACF goals, their ability to respond to these outages or other emergencies will be limited. (Nicholas Schneider – OT)
- 55. Comment:** Commenter expresses concerns about threats to public safety that are very likely to arise as a result of the current language in the ACF regulation. (Mary Elise Conzelmann- – OT)
- 56. Comment:** Commenter states that their fleet consists of specialized vehicles required for emergency response, wildfire mitigation, and water system maintenance, and asserts that currently available ZEV options do not meet reliability, range, and durability needs for these functions, particularly in rural and high fire hazard areas. Commenter states that limited charging infrastructure, grid reliability issues, routine Public Safety Power Shutoffs, and the time and cost of facility upgrades create major barriers to fleet electrification and could compromise emergency readiness, and that battery-electric or hydrogen vehicles have not yet proven sufficient reliability, range, or durability for these demanding roles. (Chris Bozir – 45d)
- 57. Comment:** Commenter states they are concerned about delays to emergency response and maintenance activities due to charging downtime. (Alwin Acua – 45d)
- 58. Comment:** Commenter states the public sector doesn't object to zero-emission technology, but those that are responsible for providing essential public services must have reliable and resilient trucks 24 hours a day, seven days a week. (David Rothbart – OT)
- 59. Comment:** Commenter states that uncertainty in federal policy and manufacturer commitments raises concern that public agencies may be forced to purchase ZEV technologies that are not capable of meeting emergency response and essential service requirements, potentially placing public health, safety, and the environment at risk. (Curtis Paxton – 45d)
- 60. Comment:** Commenter states that current EV technology cannot yet meet the demands of rugged, all-hour and extended duration emergency operations. (Kimberly Thorner – 45d)
- 61. Comment:** Commenter states that current ZEVs lack the range and charging infrastructure to meet mutual aid and emergency response requirements, particularly in rural areas. Commenter states that during an emergency event, crews worked around the clock with

trucks remaining in the field and that requiring vehicles to return for charging would have compromised safety and delayed critical repairs by several days. (Jason Maruca – 45d)

62. Comment: Commenter states that ZEVs cannot currently provide extended mutual aid and emergency response for days when the power is shut off. (Kimberly Thorner – OT)

63. Comment: Commenter states that due to the terrain and emergency response requirements, it is uncertain an alternative will ever be developed in the near future. (Nicholas Schneider – OT)

64. Comment: Commenter states that ZEVs cannot operate effectively during emergencies. (Jesus Martinez – OT)

65. Comment: Commenter states current zero-emission vehicle options cannot meet 24-hour emergency demands and charging downtime is not feasible when public health and environmental protection are at stake. (Anthony Budicin – OT)

66. Comment: Commenter states current ZEV technology does not yet provide the operational range, or rapid refueling and recharging to meet the emergency demands they assist with. (Charles Watson – OT)

67. Comment: Commenter states that current ZEV technology cannot meet emergency operational needs because their vehicles often operate 10—12 hours per day and cover more than 125 miles during emergency events, requiring a near 100% duty cycle. Commenter further states that ZEVs lack sufficient range, rapid refueling or recharging capability, and supporting infrastructure, which could hinder reliable emergency response. (Lily Mackay – 45d)

68. Comment: Commenter states that current ZEVs have limited range and long recharge times, making them unsuitable for 24/7 emergency response, jeopardizing public health and safety. Commenter states that the limited duty cycle and extended recharging time of ZEVs, along with the lack of a reliable network of charging infrastructure, would severely constrain the ability to provide mutual aid. (Eric Grubb – WT)

69. Comment: Commenter states that while technology in the ZEV truck market is rapidly evolving, there are still gaps between the ability of specialized ZEV trucks to meet certain duty cycles and auxiliary functions required in the field and emergency response situations. (Laura Renger – OT)

70. Comment: Commenter states that they cannot be limited by range, grid reliability, or how many ZEVs are currently in their fleet when responding to emergencies. (Kimberly Thorner – OT)

71. Comment: Commenter requests that CARB focus its efforts on ZEV adoption where it is technologically and economically feasible, while not compromising emergency response or the safety and reliability of essential utility services to Californians. (Laura Renger – OT)

72. Comment: Commenter states it is vital that the regulations do not compromise emergency response, public safety, or the reliability of essential utility services. (Priscilla Quiroz – OT)

73. Comment: Commenter states that they need a regulation that allows utilities to respond to emergencies, maintain reliability, and respond to mutual aid requests. (Jason Maruca – OT)

74. Comment: Commenter suggests extended power outages may render an EV fleet inoperable which poses a threat to their emergency response. (Carolyn Burke – 15d)

75. Comment: Commenter states that they currently face infrastructure and accessibility challenges as they lack sufficient charging stations at their fleet yards and across the service area. Commenter states that extended fueled operations leave little room for downtime to recharge, risking delayed response times. (Mary Elisoe Conzelmann – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, a number of amendments were made to provide more time and flexibility to deploy ZEVs. Specifically, the 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles

as ICE where best suited. This 100% delay means that ZEV purchases for small fleets in designated counties do not start until 2030. These changes better align the regulations requirements with the current and expected state of the ZEV market while providing fleet owners the flexibility to better manage any functionality, operational, and availability concerns. Fleet owners can focus their ZEV purchases on best-fit applications and ICE vehicle purchases in applications currently less ideal for a ZEV. In addition, because the ZEV Purchase Schedule does not require fleet owners to replace existing vehicles, fleet owners may retain their current ICE vehicles indefinitely.

Also part of the First 15-Day Changes, the ZEV Purchase Exemption was modified to provide more flexibility and the Daily Usage Exemption calculations were modified. These changes are specifically intended to address situations where ZEVs are not available in the necessary configuration or cannot perform the required vocational or operational functions, such as utility emergency response, rapid refueling, or extended operational range needs so that fleet owners may purchase ICE vehicles where needed.

In the First 15-Day Changes, the Fleet Resiliency Exemption's entry threshold was also lowered from an increasing amount starting at 25% of ZEVs within a fleet to a flat rate of 5% of ZEVs in a fleet for them to access the exemption, allowing fleet owners to claim up to 25% of their fleet as exempt ICE vehicles for more difficult tasks, such as utility emergency response purposes. The Fleet Resiliency Exemption was also expanded to apply to all body types. It is at the discretion of the fleet operator as to how to best address their resiliency needs and which vehicles they choose to exempt.

Other flexibilities have been added to the ACF regulation in the First 15-Day Changes that grant fleet owners more ability to prioritize vehicle purchases as ZEV or ICE. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations. These provisions and exemptions ensure that fleet owners are not required to deploy vehicles that would compromise emergency response capabilities.

q) Infrastructure—Limitations with Existing Charging Infrastructure

- 76. Comment:** Commenter states they are concerned about the limited existing charging infrastructure of ZEVs. (Eric Grubb – 45d)
- 77. Comment:** Commenter states charging infrastructure is limited and too slow, the downtime for charging (1.5-5 hours) is not logistically or economically feasible for time-sensitive freight operations. (Angela Constantino – 45d)
- 78. Comment:** Commenter states that mobile ZEV charging is currently not reliable as (1) many ZEVs are unable to achieve an 80% charge within an hour, impacting the ability to respond to emergencies, (2) communication protocol incompatibility issues have been observed between Electric Vehicle chargers and the ZEV manufacturers, and (3) newer ZEVs are equipped with higher battery voltages (V) (e.g., 600V, 800V, etc., as opposed to the previously common 400V systems), making them incompatible. (Ellis Chiu – 45d)
- 79. Comment:** Commenter states some electricity providers shared they cannot support additional demand for charging public agency medium and heavy-duty vehicles. (Sarah Deslauriers 2 – OCP)
- 80. Comment:** Commenter states regulating only a small portion of fleets (public fleets) will limit charging infrastructure development needed for public services. (David Rothbart 2 – OCP)
- 81. Comment:** Commenter expresses concerns regarding charging, including lack of access to their chargers during yard evacuations, portable chargers not being sufficient charging

alternatives during evacuations due to their support being needed for other infrastructure, and public charging being ineffective as it does not accommodate the size of utility vehicles. (Jesus Martinez – OT)

- 82. Comment:** Commenter states that insufficient charging infrastructure, combined with facility limitations, required capital, space constraints, grid reliability issues, power supply limitations, and routine Public Safety Power Shutoffs, create significant barriers to fleet electrification and jeopardizes operational readiness and emergency response. (Chris Boziri – 45d)

Agency Response: Changes were made in response to these comments. As ZEVs gradually phase into fleets over time, charging infrastructure is expected to gradually improve at the same time to meet the needs of ZEV technology and fleet customers. Data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles return to base overnight and travel fewer than 100 miles per day. For these vehicles, overnight depot charging is sufficient to meet daily operational needs under typical duty cycles.

To address the comment claiming mobile fueling being unable to achieve an 80% charge within an hour, the Fleet Resiliency Exemption directly addresses this concern. CARB will not consider mobile fueling to be available unless the mobile fueling option is compatible with the available ZEV's charging or hydrogen fueling connector and capable of refueling the ZEV from 10% to 80% of its rated energy capacity within one hour.

Additionally, CARB has not seen communication protocol incapability issues to be a major concern within the medium-duty and heavy-duty sector. In conversations with stakeholders, it was explained that this is due to how much more integrated depot charging design is than public charging.

Furthermore, newer ZEVs that are equipped with high battery voltages such as 800V capability does not necessarily preclude it from charging on a 400V charger. Instead, this just means that the vehicle is more capable than the charger and there are existing hardware and communications on the market intended to address such situations.

Other flexibility has been added to the ACF regulation in the First 15-Day Changes that grant fleet owners more ability to prioritize vehicle purchases as ZEV or ICE. The 100% ZEV purchase requirement under the ZEV Purchase Schedule, which was extended to January 1, 2030 as part of the First 15-Day Changes, provides fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. In addition, the threshold to access the Fleet Resiliency Exemption has been lowered from 25% ZEVs to 5% which will quickly allow fleet owners to maintain specific ICE vehicles where needed. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations.

To address the comment regarding the lack of existing charging ZEV infrastructure, the California Energy Commission (CEC) reports that, as of September 16, 2025, there were a total of 20,093 electric charging and hydrogen fueling positions for medium- and heavy-duty vehicles in California. This includes both public and private installations. The CEC's Clean Transportation Program co-funds the development of electric charging and hydrogen fueling infrastructure for all vehicle classes and has allocated \$950 million for medium- and heavy-

duty infrastructure during the period between fiscal years 2021/22 and 2024/25.²⁰ The 2025 - 2026 Investment Plan update allocates an additional \$103 million for additional medium- and heavy-duty infrastructure development during fiscal years 2025/26 through 2027/28 and notes that as of December 2025.²¹

In addition, the CEC administers federal funds that California receives from the Infrastructure Investment and Jobs Act, including the National Electric Vehicle Infrastructure (NEVI) program. In early 2026, the CEC announced the availability of \$148.5 million^{22, 23} rounds of NEVI solicitations, which focus on medium- and heavy-duty charging infrastructure. These solicitations require all applications to include a total of at least 3MW in new charging capability, install chargers that supply at least 150kW each, include at least eight chargers (for an average of 375kW supplied per charger), and install conduit, switchgear, and pad enabling the future installation of at least one 1MW charger. The Megawatt Charging Standard (MCS) is a new, high-speed charging standard that is increasingly becoming available to the fleet. MCS chargers are currently entering California's infrastructure network; charging station operators like Forum Mobility, WattEV, and others have installed MCS chargers across the state. The CEC also recently closed the application period for a \$10 million solicitation on charging station development focused on MCS.²⁴ The existing infrastructure combined with detour infrastructure expected to come offline will address the commenter's concerns regarding infrastructure.

The ACF regulation recognizes that rural parts of California face unique challenges when it comes to accessing charging infrastructure or having sufficient grid capacity to adequately supply power to charging infrastructure and therefore are exempted from meeting the requirements until 2030. The existing ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for up to five years. Fleet owners may apply for the exemption before the next applicable ZEV Milestones compliance deadline specified in section 2013.6. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time. Additionally, within the purchase schedule compliance pathway, the exemption delays ZEV purchases which allows fleets to closely align their ZEV deployments with the actual rollout of infrastructure.

For concerns regarding reliability, many fleets with installed charging infrastructure have opted to also install backup power such as generators or battery energy storage on-site to support charging in the event of a planned or unplanned power outage.

²⁰ California Energy Commission 2024, California Energy Commission MDHD ZEV Station Development in California, February 23, 2024 (web link: <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/mdhd-zev>, last accessed May 2026)

²¹ California Energy Commission, 2025-2026 Investment Plan Update for the Clean Transportation Program, December 29, 2025 (web link: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=268050&DocumentContentId=105063>, last accessed May 2026)

²² California Energy Commission, GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4, January 21, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

²³ California Energy Commission, GFO-25-606 - California's National Electric Vehicle Infrastructure Formula Program - Solicitation 5 (South), February 5, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-02/gfo-25-606-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

²⁴ EnergiIZE Commercial Vehicles Project, Funding, (web link: [https://energiize.org/funding/#MegawattChargingSystem\(MCS\)](https://energiize.org/funding/#MegawattChargingSystem(MCS)), last accessed May 2026)

r) Infrastructure—Emergency Response Concerns

- 83. Comment:** Commenter states that ZEV charging would not be possible during an emergency as access to their yards can be lost or impacted and suppliers and mobile vendors do not want to operate during emergencies. Commenter states that at-home charging would not be possible during emergencies either as their staff also lose power at home. (Jesus Martinez Ramirez – 45d)
- 84. Comment:** Commenter states that remote sites lack the charging infrastructure necessary to maintain interruption-free emergency response. (Joe Sturges – OT)
- 85. Comment:** Commenter states that mobile recharging is not effective during emergent situations as vendors do not want to make propane deliveries during fires due to safety concerns for their staff. (Jesus Martinez – OT)
- 86. Comment:** Commenter states current charging infrastructure does not yet meet the emergency demands they assist with. (Charles Watson – OT)

Agency Response: Changes were made in response to these comments. The Fleet Resiliency Exemption was expanded to allow fleet owners to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle as exempted from the ZEV Milestones Option, to address cases where certain vehicles cannot rely on existing infrastructure. Furthermore, this flexibility allows fleets to keep vehicles that may have infrastructure issues as ICE vehicles to ensure fleet resiliency.

As part of the First 15-Day Changes the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This change is going to slow down the rate of added ZEVs into fleets and therefore allow fleet owners to rely on ICE vehicles for longer periods of time. Furthermore, this change is necessary because it gives more time for public ZEV infrastructure to be built, which may be necessary for some fleets who elect not to install their own infrastructure, and for fleets in rural areas who deploy ZEVs for multiple days without coming back to their fleet facility to fuel at night.

Additionally, the Fleet Resiliency Exemption was expanded to allow fleet owners to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle as exempted from the ZEV Milestones Option, to address any fleet resiliency concerns such as emergency response support, towing, or range limitations. Moreover, the Fleet Resiliency Exemption gives fleet owners flexibility in managing and planning for their public agency emergency response support and recovery due to increasingly frequent catastrophic severe weather events and natural disasters caused by climate change.

While CARB understands that some fleets may be composed of predominately combustion-powered vehicles for the foreseeable future, the existing Fleet Resiliency Exemption is directly intended to be a viable option to allow fleets to keep needed vehicles as combustion powered while maintaining the same level of emergency response over time. Finally, there are existing mobile fueling options on the market currently and CARB expect more options to become available in the future.

s) Infrastructure—Coordination with Sister Agencies

- 87. Comment:** Commenter states that developing charging and electrical infrastructure requires extensive coordination among local governments, utilities, and CARB, which increases project complexity, costs, and project timelines. The commenter contends that streamlined permitting, dedicated funding, technical assistance, and more flexible timelines would improve municipalities' ability to comply with ACF requirements. (Kayla Warmbrodt – 45d)
- 88. Comment:** Commenter states they would appreciate State mandated utility coordination on installation of infrastructure. (Andy Haussler – OT)

89. Comment: Commenter requests for CARB to mandate State coordination with utility providers. (Drew Bessinger – OT)

Agency Response: No changes were made to address these comments. CARB coordinates with several state agencies involved with the development of charging and hydrogen fueling infrastructure, including the CEC, CPUC, Department of Transportation, and others. Much of this collaboration aims to meet the goals of the California ZEV Market Development Strategy, which is written and coordinated by the Governor’s Office of Business and Economic Development, or GO-Biz. The strategy includes actions for multiple state agencies to ensure development of the four market pillars: vehicles, infrastructure, end users, and workforce. Actions taken within the infrastructure pillar address concerns related to development timelines, complexity, and funding.

As part of the market development strategy, GO-Biz also closely coordinates with local governments across the state to ensure statewide-requirements on permit processing deadlines and streamlining are met. GO-Biz also publishes the Electric Vehicle Charging Station Permitting Guidebook to help station developers and local permitting agencies navigate the permitting process with common understanding. The guidebook also tracks compliance with AB 1236 (2015) and AB 970 (2021), which require local permitting agencies to implement streamlined processes for charging installations. The Office of the Attorney General has also issued notices to remind municipalities of the permit streamlining laws. GO-Biz hosts a plug-in readiness webpage with additional permitting and technical resources to assist charging station development.

GO-Biz also offers similar resources for developing hydrogen fueling stations on its hydrogen webpage, including a hydrogen permitting guidebook and information on SB 1291 (2022) and SB 1418 (2024), which set similar permit streamlining requirements for hydrogen fueling stations.

t) Infrastructure—Grid Readiness

90. Comment: Commenter states they are concerned that their current electrification infrastructure cannot accommodate the transition to charging ZEVs. (Drew Bessinger – OT)

Agency Response: Changes were made in response to this comment. The existing ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for up to five years. Fleet owners may apply for the exemption before the next applicable ZEV Milestones compliance deadline specified in section 2013.6. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time. Additionally, the exemption delays ZEV purchases which allows fleets to closely align their ZEV deployments with the actual rollout of infrastructure.

Whether or not the grid infrastructure is ready to accommodate the phase-in of zero-emission technology is very location specific. There are instances, especially in grid-constrained areas, where a utility needs to make significant distribution systems upgrades before they can support a fleet’s transportation electrification, adding several years to a charging infrastructure project. Recent California Public Utilities Commission (CPUC) decisions and actions have been made to expedite the charging infrastructure energization process for electrical utility customers in the three largest investor-owned utility (IOU) territories: Pacific Gas & Electric (PG&E), Southern SCE, and San Diego Gas & Electric.

First, in fall of 2024, CPUC established new energization targets and maximum timelines for completing steps in the energization and capacity upgrade processes that they control (i.e., utility side of the meter) to provide greater transparency for customers. Timelines were established for distribution and service line extensions, connection to and energization of the

customer site, panel upgrades, new or upgraded circuits, substation upgrades and new substations. By meeting these targets and timelines, IOUs could reduce maximum timelines for grid connections by up to 49% according to CPUC's fact sheet on this decision.

Next, as a result of a CPUC resolution approved on December 18, 2025, IOUs are now able to use pending loads to inform their distribution planning for general rate cases. This means that a fleet customer with a facility located within a major IOU territory can engage with utility customer representatives about a charging infrastructure project long before they submit an actual service request. From this early, proactive and regular engagement with the fleet customer, the utility can gauge the level of certainty on whether and when the fleet customer is likely to commit to the project and submit a service request. Based on these early proactive interactions, the utility will see approval from the CPUC through annual distribution planning and general rate case proceedings to make grid upgrades needed to meet the fleet customers power needs.

Finally, a December 2025 proposed decision²⁵, which was approved by CPUC on February 5, 2026, directed PG&E and SCE to establish an optional Flexible Service Connection agreement for customers affected by distribution capacity constraints. These agreements enable a utility customer to connect to the grid before their full requested load is available 24/7, provided they agree to not draw full power during specified peak periods when that load is not available. Flexible Service Connections are now one of many options provided by the IOUs to fleet customers as part of their transportation advisory services.

As part of the First 15-Day Changes, CARB delayed the 100% ZEV purchase requirement to 2030 which gives fleets time to initiate early utility engagement, even before they are ready to submit a service request. Each IOU has a Transportation Electrification Advisory Services (TEAS)²⁶ program with staff knowledgeable of the above programs, with access to site and fleet evaluation tools and knowledge of funding programs to assist fleet customers throughout their electrification journey. While the larger IOUs' TEAS programs are set to discontinue by December 31, 2026, these services will be wrapped into a broader Technical Assistance program administered by every IOU in California, large and small. As of this writing, IOUs are providing input to CPUC on statewide guidelines for Transportation Electrification Technical Assistance services that will ultimately provide a level of consistency customer advisory services²⁷. CPUC anticipates the guidelines being in place and Technical Assistance programs launched at each IOU before the end of 2026.

u) Infrastructure—Potential Violations Due to Lack of Infrastructure Readiness

91. Comment: Commenter states that if public agencies are forced to comply with the requirements before viable infrastructure exists, they will be left with the untenable choice of either violating state mandates or relying on diesel generators to power electric vehicles in the field—undermining the intended emissions benefits of the regulation. (Alyson Piguee – 45d)

²⁵ California Public Utilities Commission, California State Portal, December 24, 2025 (web link: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M591/K699/591699367.PDF>, last accessed May 2026)

²⁶ 2026 Pacific Gas and Electric Company, EV Advisory Services, (web link: <https://cloud.sce.com/teas>, last accessed May 2026) <https://www.pge.com/en/clean-energy/electric-vehicles/ev-fleet-program/advisory-services-program.html> <https://teas.sdge.com/>, last accessed May 2026)

²⁷ California Public Utilities Commission, California State Portal, December 5, 2025 (web link: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M590/K042/590042662.PDF>, last accessed May 2026)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This change directly gives more time for public ZEV infrastructure to be built. In addition, mobile charging technologies are emerging that can support vehicle operations in circumstances where vehicles operate away from a depot or permanent charging locations, remote or temporary work sites. These solutions include portable or trailer-mounted charging platforms with battery-based mobile charging systems and hydrogen fuel cell mobile technology that can support vehicle charging at remote locations; provide additional operational flexibility for fleets operating at multiple sites while permanent charging infrastructure continues to be deployed in coordination with electric utilities and grid infrastructure development. Notably, rural parts of California are also exempted from meeting the requirements until 2030 as the existing ACF regulation recognizes that rural parts of California face unique challenges when it comes to accessing charging infrastructure.

Additionally, the ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption up to two years ahead of time before the next applicable ZEV Milestones compliance date specified in section 2013.6. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time.

v) Infrastructure—Balance Environmental Goals with Various Factors

92. Comment: Commenter states it's critical to balance ambitious environmental goals with the operational realities of fleet operators and the need for adequate infrastructure. (John Cortes – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. These amendments attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions.

w) Infrastructure—Build More Charging Infrastructure

93. Comment: Commenter suggests that charging infrastructure should be focused at freight hubs such as seaports, rail yards, and warehouses. (Sam Wilson – 45d)

94. Comment: Commenter states that CARB should pursue infrastructure deployment on an accelerated timeline, particularly high-capacity charging for drayage trucks around freight hubs, to assist in compensating for the loss of emissions reductions from the repeal of the rule's high priority and federal fleet and drayage portions. (Sam Wilson – OT)

95. Comment: Commenter states that CARB must expand investments into ZEV infrastructure to continue the trajectory towards a zero-emission transportation future. (Guillermo Ortiz – 45d)

96. Comment: Commenter requests continued focus on infrastructure buildout to compensate for the loss of emissions reductions from the repeal of the rule's high priority and federal fleet and drayage portions. (Gracya Mohabir – OT)

Agency Response: No changes were made in response to these comments. CARB is not the agency generally responsible for infrastructure investments; however, CARB is working with the relevant state agencies to ensure that infrastructure investments are informed by CARB's ZEV regulatory and incentive programs. The CEC is the state's leading agency for distributing funds for the development of electric charging and hydrogen fueling infrastructure. The CEC's Clean Transportation Program provides infrastructure funding for

several use cases and across vehicle classes. The goals and allocations of each year's investment plan are driven by public process. CARB provided input on the annual drafting of investment plans, and the CEC encourages members of the public to take an active role in helping to guide Clean Transportation Program funds to the areas and applications where they are needed most.

Since its inception, the Clean Transportation Program has invested more than \$2.4 billion in alternative fuel production, fueling and charging infrastructure, and alternative fuel vehicles. Furthermore, the CEC's Clean Transportation Program co-funds the development of electric charging and hydrogen fueling infrastructure for all vehicle classes and has allocated \$950 million for medium- and heavy-duty infrastructure during the period between fiscal years 2021/22 and 2024/25.²⁸ The 2025-2026 Investment Plan update allocates an additional \$103 million for additional medium- and heavy-duty infrastructure development during fiscal years 2025/26 through 2027/28 and notes that as of December 2025, a total of \$120 million was available in open solicitations for medium- and heavy-duty infrastructure.²⁹

In addition, the CEC administers federal funds that California receives from the Infrastructure Investment and Jobs Act, including the NEVI program. In early 2026, the CEC announced the availability of \$148.5 million in the fourth³⁰ and fifth³¹ rounds of NEVI solicitations, which focus on medium- and heavy-duty charging infrastructure.

Furthermore, the prioritization of the build out and funding of electric vehicle charging and hydrogen infrastructure along major corridors was one of the recommendations made by agencies in response to EO N-27-25.³²

As ZEVs slowly phase into fleets over time, CARB expects the improvements to charging infrastructures be gradually made alongside this process. Reducing emissions and achieving clean air in the State remains a priority, so it is important that fleets work with their utility, permitting officials, and contractors to schedule infrastructure development and energization work to align with delivery of zero-emission vehicles.

3. Definitions and General Requirements

a) Definitions and General Requirements—Add “4-wheel, 6-wheel, and all-wheel drive systems” Definitions

97. Comment: Commenter requests that CARB include definitions for 4-wheel, 6-wheel, and all-wheel drive systems as outlined in the Society of Automotive Engineers Standard J1952. (Priscilla Quiroz – 45d)

²⁸ California Energy Commission 2024, California Energy Commission MDHD ZEV Station Development in California, February 23, 2024 (web link: <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/mdhd-zev>, last accessed May 2026)

²⁹ California Energy Commission, 2025-2026 Investment Plan Update for the Clean Transportation Program, December 29, 2025 (web link: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=268050&DocumentContentId=105063>, last accessed May 2026)

³⁰ California Energy Commission, GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4, January 21, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

³¹ California Energy Commission, GFO-25-606 - California's National Electric Vehicle Infrastructure Formula Program - Solicitation 5 (South), February 5, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-02/gfo-25-606-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

³² California Air Resources Board, Report to Governor on Executive Order N-27-25 on Zero Emissions Vehicle Deployment, (web link: <https://ww2.arb.ca.gov/resources/documents/report-governor-executive-order-n-27-25-zero-emissions-vehicle-deployment>, last accessed May 2026)

Agency Response: No changes were made in response to this comment. The commenter is requesting a definition for “all-wheel drive” since it is identified as a criteria in determining whether a ZEV is available in the needed configuration when evaluating eligibility for the ZEV Purchase Exemption. The term AWD is a general and commonly understood term that includes four-wheel drive and six-wheel drive vehicles therefore separate definitions for these terms is unnecessary.

b) Definitions and General Requirements—Add New Definitions to Support Biomethane in Transportation

- 98. Comment:** Commenter requests to provide additional definitions to support RNG vehicles: “Biomethane” means methane derived from biogas, or synthetic natural gas derived from renewable resources, including the organic portion of municipal solid waste, which has been upgraded to meet standards for injection to a natural gas common carrier pipeline, or for use in natural gas vehicles, natural gas equipment, or production of renewable hydrogen. Biomethane contains all of the environmental attributes associated with biogas and can also be referred to as renewable natural gas. “Renewable Natural Gas (RNG)” is an alternate term for “biomethane.” (Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 7, Section 95481).” (Noelle Mattock – 45d, Sarah Deslauriers – 45d)

Agency Response: No changes were made in response to this comment. The “Captive Biofuel Use Exemption” is not limited to biomethane; any renewable biofuel produced in excess at a waste or wastewater facility can qualify for this exemption. Biofuel specifications required to meet a definition of biomethane or any other type of renewable biofuel are not necessary and would unnecessarily limit this exemption to biomethane.

c) Definitions and General Requirements—Add Near-zero Emissions Vehicle Definition, Align with Heavy-Duty Omnibus Standard

- 99. Comment:** Commenter wants to provide additional definitions to support RNG vehicles, “Low Oxides of Nitrogen (Low-NOx) vehicle” refers to a heavy-duty internal combustion engine vehicle that is certified at 50%, 75%, or 90% below the 0.20 g/bhp-hr NOx emissions standard. (Noelle Mattock – 45d, Sarah Deslauriers – 45d)
- 100. Comment:** Commenter requests that the NZEV definition be expanded to include clean combustion vehicles that meet the 50 mg NOx standard under the Heavy-Duty Engine and Vehicle Omnibus regulation to ensure that traditional diesel does not become the default option for combustion during this time of regulatory uncertainty and/or when zero-emission vehicles and trucks are not available. (Nicole Rice – OT)
- 101. Comment:** Commenter requests that CARB include a low-NOx RNG-fueled vehicle that meets 2027 certified engine standards as an NZEV option. (Sarah Deslauriers – OT)

Agency Response: Changes were made in response to this comment. The First 15-Day Changes included a definition for “low-NOx vehicle.” However, the definition intentionally does not reference an emissions limit number because of the high level of uncertainty regarding future model year engine standards caused by recent federal actions. However, if the applicable engine certification standard for a given model year was 35 milligrams NOx per brake horsepower-hour then an engine certified to an optional 20 milligrams NOx standard per brake horsepower-hour would be designated by the Executive Officer as a “low-NOx vehicle” and then be eligible to apply for the Captive Biofuel Use Exemption. Vehicles or engines certified to the 2027 engine standards are subject to the same engine standard whether operated on diesel, gasoline, or alternative fuels and would not result in any new emissions reductions and would result in higher emissions when compared to ZEVs.

d) Definitions and General Requirements—Expand “Declared Emergency” Definition

102. Comment: Commenter requests that the definition of declared emergency be expanded to include interruptions to water, wastewater, and electricity services where fleet deployment is requirement to protect or restore public health and safety. (James Gumpel – 45d)

Agency Response: No changes were made in response to this comment. Because these codes are statutes, they require a bill to be passed by the State Legislature and signed by the Governor to be changed.

e) Definitions and General Requirements—Expand “Emergency Operation” Definition

103. Comment: The commenter requests expansion of the “emergency operation” definition to include local emergencies, events declared by other governing bodies, and responses necessary to protect public health and safety. (Alison Torres – 45d)

104. Comment: Commenter requests that the definition of “emergency operation” be modified to include non-declared events and reflect the language CARB published in the ACT Large Entity Reporting requirement for emergency response, which reads “to support an emergency operation such as repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism or other infrequent act of nature.” (Jennifer Goodsell – 45d)

Agency Response: No changes were made in response to these comments. The suggested edits are unnecessary as they would not have any impact on the ZEV purchase requirements, and could create a loophole. The ACF regulation allows a fleet to designate backup vehicles which are excluded from the ZEV purchase requirement as long as the vehicle is operated less than 1,000 miles per year excluding any mileage travelled while performing emergency operations in support of a declared emergency event. The “emergency operation” definition explicitly states that routine operation to prevent public health risks does not constitute an emergency operation. This guardrail prevents a public entity whose primary responsibility is protecting public health and safety to designate their entire fleet as backup vehicles and then claim all the mileage used to support routine operation to prevent public health risks as “performing emergency operations.”

f) Definitions and General Requirements—Keep “Fleet Owner” Definition for Year or Longer Rental or Lease Agreements

105. Comment: Commenter requests that local municipalities be permitted to use long-term rentals of ZEVs to assist with offsetting time periods when renting and using a ZEV as refueling infrastructure is being constructed. (Damon Conklin – OT)

106. Comment: Commenter requests that fleet owners with long-term rental agreements not be considered the owners of rental vehicles because they do not maintain, repair, or perform mandatory regulatory inspections for these vehicles. (Ellis Chiu – 45d)

107. Comment: Commenter requests modification of the “fleet owner” definition and allow a rental entity to be presumed the owner unless the agreement explicitly assigns compliance responsibility to the operator for rentals of one year or longer. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. The commenter is requesting to keep the original definition of “fleet owner” which allowed businesses with a vehicle lease agreement of 1 year or longer to assume compliance responsibility. However, due to the repeal of the High Priority Fleet requirements, private rental and lease companies are no longer subject to the regulation and are no longer required to assume compliance

responsibility. The revisions to the fleet owner definition are necessary to ensure a consistent interpretation between State or local government agencies that operate their own fleet or portions of their fleet using vehicle lease or rental agreements of one year or longer. Changes were made to make sure the amendments would not be retroactive and would only apply to new vehicle lease or rental agreements of 1 year or longer that are signed on or after January 1, 2027. Lastly, whether or not a “fleet owner” maintains, repairs, or performs mandatory regulatory inspections on their vehicles is irrelevant. In the proposed definition of a “fleet owner,” ACF compliance responsibility for a lease or rental vehicle is only based on the contract terms.

g) Definitions and General Requirements—Near-zero Emissions Vehicle Definition, Expand to Include Low-NOx Vehicle Fueled by Renewable Fuels

- 108. Comment:** Commenter supports the inclusion of RNG vehicles in the NZEV definition to change the following: “Near-zero-emission vehicle” or “NZEV” means one of the following: (A) An on-road plug-in hybrid electric vehicle which has the same definition as that in 40 CFR section 86.1803-01, amended on July 1, 2011, incorporated by reference herein, that achieves all-electric range as defined in section 1963(c); or (B) An on-road hybrid electric vehicle that has the capability to charge the battery from an off-vehicle conductive or inductive electric source and achieves all-electric range as defined in section 1963(c); or; or (C) An on-road low-NOx vehicle fueled by biomethane (or RNG) fuel. (Noelle Mattock – 45d)
- 109. Comment:** Commenter urges CARB to go back to the drawing board on the definition of near-zero-emission trucks and include low-NOx natural gas trucks with a requirement to partner them with biomethane, and more generally to go to more performance-based objective lifecycle based standards across the Board’s vehicle and engine standards. (Julia Levin – OT)
- 110. Comment:** Commenter supports adding the following to the definition of NZEV: (C) An on-road low-NOx vehicle fueled by biomethane (or RNG) or hydrogen fuel. (Sarah Deslauriers – 45d)
- 111. Comment:** Commenter requests that CARB amend the definition of NZEV to provide a third option for an on-road low-NOx vehicle fueled by biomethane RNG or hydrogen fuel. (Claire Sullivan – OT)
- 112. Comment:** Commenter states CARB should modify the NZEV definition and exemption framework to recognize RNG-fueled low-NOx vehicles and specialized utility vehicles where ZEV options are unavailable, to achieve emissions reductions while protecting public health and community resilience. (Curtis Paxton – 45d)
- 113. Comment:** The commenter supports revising the NZEV definition to include on-road low-NOx vehicles fueled by renewable natural gas. The commenter states this change would support near-term emissions reduction, improve community resilience, and align with recommendations submitted by sanitation agencies and fleet operators. (Alison Torres – 45d)
- 114. Comment:** Commenter states the proposed near-zero emissions vehicle (NZEV) definition is overly restrictive and relies on ZEV technologies that may not be available or capable of meeting daily operational needs. They recommend expanding the definition to include low-NOx vehicles fueled by RNG to achieve emissions reductions while maintaining fleet reliability. (Craig Miller – 45d)
- 115. Comment:** Commenter requests that expansion of the NZEV definition to incorporate alternative fuels with low carbon intensities. (Priscilla Quiroz – 45d)
- 116. Comment:** Commenter requests that CARB add a compliance pathway for an on-road low-NOx vehicle fueled by biomethane either by modifying the definition of NZEV or by adding a

new definition and also remove or extend the sunset of NZEVs until zero-emission technologies are commercially available. (Alison Torres – OT)

- 117. Comment:** Commenter requests that the NZEV definition be modified to include RNG fueled low-NOx vehicles. (Joe Sturges – OT)
- 118. Comment:** Commenter requests that CARB modify the definition of NZEVs to provide an option of an on-road low-NOx vehicle fueled by non-fossil biomethane or hydrogen fuel. (Curtis Paxton – OT)
- 119. Comment:** Commenter requests that the NZEV definition be expanded to allow for the use of low-NOx RNG-fueled vehicles. (Randa AbuShaban – OT)
- 120. Comment:** Commenter requests that CARB provide a compliance pathway for an on-road low- NOx vehicle fueled by renewable natural gas either by modifying the definition of near-zero emissions vehicles to provide a third option or by adding a new definition. (Anthony Budicin – OT)
- 121. Comment:** Commenter urges CARB to direct staff to modify the definition of NZEV to include waste-derived RNG as a pathway until reliable options for ZEVs are commercially available. (Warisa Niizawa – OT)
- 122. Comment:** Commenter requests that CARB modify the definition of NZEV to provide a third option for on-road low-NOx vehicles fueled by biomethane RNG hydrogen fuel. (Sean Bigley – OT)
- 123. Comment:** Commenter supports the inclusions of RNG in CARB's NZEV definition. (John McNamara – OT)
- 124. Comment:** Commenter states that expanding the NZEV definition to include wastewater biogas-powered low-NOx engine vehicles would be a simple way to align regulatory implementation and affordably maximize methane emissions reduction. (Assemblymember Juan Carillo – WT)

Agency Response: Changes were made in response to this comment. In the ACF regulation, NZEVs count as ZEVs until the 2035 model year. Changing the definition of “NZEV” to allow for an ICE engine that does not meet the minimum all electric range (AER) requirement would displace ZEVs and vehicles that operate partially as ZEV which would result in higher NOx, PM and GHG emissions. However, the Board adopted changes for ICE vehicles in captive waste and wastewater fleets that produce and dispense biofuels into vehicles certified to a NOx engine standard lower than what is otherwise required. In the First 15-Day Changes, a definition was added for a “low-NOx vehicle” as any ICE vehicle legally sold into California equipped with an engine certified to a NOx emissions standard below the lowest applicable NOx engine standard for the 2026 or subsequent model year. This definition is the same regardless of what type of fuel is combusted. Another 15-Day change was made in response to this comment that gives a “captive fleet” more time to combust biomethane produced on-site to fuel their “low-NOx vehicles.” This is functionally similar to the stakeholders request to change the definition of NZEV definition to include wastewater biogas-powered low-NOx engine because the “Captive Biofuel Use Exemption” allows a fleet to purchase a “low-NOx vehicle” and add it to the fleet until January 1, 2035, as long as the waste or wastewater derived biogas is dispensed into the vehicle where it is produced.

h) Definitions and General Requirements—H2ICE

- 125. Comment:** Commenter states H2ICE should be treated consistently with other near-zero emissions technologies already recognized by CARB, such as renewable natural gas and plug-in hybrid vehicles. (Tim McRae – 45d)

Agency Response: No changes were made in response to this comment. Renewable natural gas and other low carbon fuels are widely used in California as a result of the LCFS

regulation. The commenter also implies that H2ICE engines have lower emissions than other engines without providing any supporting documentation and to date, no H2ICE have been certified to existing engine standards. However, plug-in hybrid vehicles can meet the definition of NZEV depending on whether it meets the minimum all-electric range (AER) requirement. In the long term, California's climate and air quality commitments from transportation require using ZEVs where feasible and the use of low-carbon fuels for where ZE technology is not suitable. ZEVs using low-carbon electricity and hydrogen, is one of the most effective ways to reduce criteria and toxic emissions from the transportation sector and meet long-term climate commitments. This alternative was rejected because it would not meet the objectives of the ACF regulation.

i) Definitions and General Requirements—Near-zero Emissions Vehicle Definition, Lack of Available Near-zero Emissions Vehicles

126. Comment: Commenter states inclusion of cleaner engines under the NZEV definition would tell fleets to buy cleaner trucks, not the dirtiest diesels to meet their fleet needs due to the lack of availability of hybrid electric trucks on the market that can meet and deliver a 40-mile all- electric range as stated in the NZEV definition. (Ryan Kenny – OT)

Agency Response: No changes were made in response to this comment. The commenter is correct there currently is a lack of available NZEVs on the market but that is not a reason to include vehicles that are not capable of zero emissions operation in the definition. Similarly, there is currently a lack of Low-NOx engines except for one propane engine. Starting in 2027, the engine standards for NOx decrease for all fuel types and it is not clear whether any engines will be certified below the applicable standard. However, if an engine is available to meet the "low-NOx vehicle" definition, it would be eligible for the "Captive Biofuel Use Exemption," provided the biofuel is produced exclusively from waste or wastewater biogas and dispensed into the vehicle at the same site.

j) Definitions and General Requirements—Near-zero Emissions Vehicle Definition, Request to Include Electric Power Take-off

127. Comment: Commenter requests that CARB expand the scope of the definition of NZEV to include hybrid vehicles (diesel with electric power take-off), natural gas, etc., since no NZEVs currently exist. (Ellis Chiu – 45d)

128. Comment: Commenter requests including vehicles equipped with electric power take-off (ePTO) systems that perform stationary work without engaging the diesel engine, as significant emissions reduction can be realized by equipping vehicles that primarily do stationary work with ePTO systems as part of the NZEV definition. (Priscilla Quiroz – 45d)

129. Comment: Commenter suggests expanding NZEVs to include vehicles that use electric power take-off to perform work while stationary, like an aerial with an electric bucket. (Katherine Larson – OT)

Agency Response: No changes were made in response to this comment. Making this change would only displace emissions from the stationary work and would not reduce any tailpipe emissions during mobile work. Also, the reduced non-exhaust emissions from a ZEV's regenerative braking would not occur. Lastly, the definition of NZEV includes a minimum AER requirement. Making the change to the AER to account for a NZEV for an ePTO capability would require a test method to quantify the minimum amount of work done by the ePTO to reach the same emissions reduction potential achieved by the mileage thresholds used in the AER requirement. Developing this new test method would need to

happen outside of this rulemaking since there is not enough time to complete the process before the end of this rulemaking.

k) Definitions and General Requirements—Public Agency Utility Definition

- 130. Comment:** Commenter requests that CARB define a “public agency utility” to mean a local publicly owned electric, water, or wastewater utility, but some of these agencies also provide gas services, which are not referenced in CARB’s proposed definition for “traditional utility-specialized vehicle.” (Priscilla Quiroz – 45d)
- 131. Comment:** Commenter requests that CARB define that general municipal service vehicles, such as public works pickups and code enforcement cars, are not public agency utility vehicles. (Shanita Tillman – 45d)

Agency Response: No changes were made in response to these comments. The Board directed CARB to extend the AB 1594 flexibilities to all fleets and vehicle types which means a definition for “public agency utility” and “public agency utility vehicle” is no longer necessary. The First 15-Day Changes deleted the “public agency utility” definition entirely.

l) Definitions and General Requirements—Traditional Utility-Specialized Vehicle Definition

- 132. Comment:** Commenter supports the addition of the definition of traditional utility-specialized vehicles. (Ellis Chiu – 45d)
- 133. Comment:** The commenter recommends expanding the definition of Traditional Utility-Specialized Vehicles (TUSVs) to allow certain Class 2b ICE vehicles to qualify as Traditional Utility-Specialized Vehicle until 2035. The commenter states this would provide public agency utilities with appropriate access to exemption pathways for mission-critical vehicles that currently lack viable ZEV alternatives. (Scott Petersen – 45d)
- 134. Comment:** Commenter requests that CARB add the following examples of Class 2b vehicles to the traditional utility specialized vehicle definition: (1) CCTV vehicles, (2) vehicles towing a trailer that operate for an extended period of time and in extreme weather conditions, (3) service truck with a crane, and (4) traffic control truck. (Craig Miller – 45d)
- 135. Comment:** Commenter requests that CARB add the following examples of Class 3-8 vehicles to the traditional utility specialized vehicle definition: valve truck, service truck with crane, traffic control truck, and combination vacuum-jetter truck. (Craig Miller – 45d)
- 136. Comment:** Commenter requests that, under the definition of traditional utility specialized vehicles, it be clarified that “cargo” does not refer to tools and equipment needed to support crew operations, and that vehicles must be equipped either with power takeoff equipment, 4- or 6-wheel drive, or specific payload or towing needs. (Nicole Looney – 45d)
- 137. Comment:** Commenter supports expansion of the definition of “Traditional Utility-Specialized Vehicle” (TUSV) to provide agencies with greater flexibility on when to replace vehicles. (Jesus Martinez Ramirez – 45d)
- 138. Comment:** Commenter requests expansion of the TUSV definition/early-access framework to account for service network maturity. Commenter states that eligibility should consider whether manufacturers and authorized dealers provide sufficient regional parts availability, warranty support, and technicians trained for high-voltage powertrains and PTO systems. (Tenille Otero – 45d)
- 139. Comment:** Commenter requests that the definition for traditional utility specialized vehicles be updated to rely solely on the criteria as listed in (A)-(D) to properly identify those vehicles that are being operated to maintain reliable public utility services. (Priscilla Quiroz – 45d)
- 140. Comment:** Commenter states ACWA supports adding the Traditional Utility Specialty Vehicle (TUSV) definition to ACF because it acknowledges mission-critical vehicles for

public agency utilities, removes the 13-year requirement for exemptions, and allows fleets to include top three usage days in exemption requests to reflect worst-case scenarios for essential water and wastewater operations. (Nick Blair – 45d)

- 141. Comment:** Commenter requests that CARB create a traditional utility—Specialized Vehicles (TUSV) list that includes vehicles that meet the existing definition and are verified to satisfy existing performance requirements of their ICE equivalent. Commenter states that such a list would streamline the compliance process and reduce administrative burden. (Alwin Acuna – 45d)
- 142. Comment:** Commenter requests CARB revise the proposed definition of TUSV in Section 2013(b) to permit internal combustion engine (ICE) Class 2b vehicles weighing less than 10,000 lbs. and under 13 years old to qualify as TUSVs until 2035, provided they satisfy the other criteria specified in the definition. (Roxana Ramirez – 45d)
- 143. Comment:** Commenter has proposed a new definition for a Traditional Utility-Specialized Vehicle, which is... “an ICE vehicle owned and operated by a public agency utility that meets all the following criteria: (A) Has a Gross Vehicle Weight Rating (GVWR) >10,000 lbs; (B) Has a body configuration that is not designed to primarily carry cargo or passengers; (C) Has maximum limits for tongue weight, axle loading, and a gross combination weight rating; (D) Is operated >50% of the time to maintain reliable public utility services as defined in Section 224.3 of the Public Utilities Code, Section 116275 of the Health and Safety Code, Section 20200 of the Water Code, and Section 116773.2 of the Health and Safety Code; and (E) Is either: 1. Equipped with a power take-off device that draws power directly from the engine or transmission, or 2. Equipped with four-wheel drive or six-wheel drive capable of providing torque and power to all wheels simultaneously.” (Sarah Deslauriers – 45d)
- 144. Comment:** Commenter states CARB should expand and clarify the definition of Traditional Utility-Specialized Vehicles, including certain Class 2B vehicles and wastewater-specific configurations, to reflect real-world fleet operations. (Curtis Paxton – 45d)

Agency Response: No changes were made in response to these comments. The Board directed CARB to extend the AB 1594 flexibilities to all fleets which means a definition for TUSV is no longer necessary. The First 15-Day Changes delete this definition entirely.

m) Definitions and General Requirements—“ZEV” or “Near-zero Emissions Vehicle” Definition Count Retrofits

- 145. Comment:** Commenter requests the use of phased retrofit vehicles as an alternative compliance option. (Angela Constantino – 45d)
- 146. Comment:** Commenter requests the use of hybrid models as an alternative compliance option. (Angela Constantino – 45d)

Agency Response: No changes were made in response to these comments. CARB interprets phased retrofit vehicles to mean keeping the vehicle’s body, base chassis, frame rails, cross members, and engine mount remain intact and the engine is either replaced entirely or retrofit with an all-electric engine. The ACF regulation already considers a truck retrofit with an all-electric drivetrain to count as a ZEV. Truck retrofits with hybrid engines that meet the NZEV definition would also be considered a ZEV until 2035 model year of the original engine.

n) Definitions and General Requirements—Reconsider ZEV Requirement

- 147. Comment:** Commenter urges CARB to reconsider the Advanced Clean Fleets regulation for public fleets, stating that a one-size-fits-all mandate could degrade emergency response capabilities, increase risks to critical infrastructure, and is not appropriate at this time given cost, geography, and wildfire risk. (James Takehara – 45d)

Agency Response: Changes were made in response to this comment. Due to inaction at the federal level and to resolve several pending legal challenges, CARB repealed significant portions of the ACF regulation as part of the initial proposal for the ACF Amendments that was approved by the Board.

The ACF regulation contains different compliance options that reflect the operational need for fleets, including ZEV Milestones Option and ZEV Purchase Schedule, and it has multiple exemptions and extensions to address fleet specific situations. Therefore, it is not accurate to consider the ACF regulation a one-size-fits-all mandate.

However, other changes were made to provide additional flexibilities for fleets to phase-in ZE technologies which help resolve the Commenter's concern. As part of the First 15-Day Changes, changes were made to reduce the number of ZEVs required. For example, the 100% ZEV purchase requirement was delayed from 2027 to 2030 and the minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5% and the provision was expanded to all truck types. When fleets phase-in ZEV technology, they are also allowed to switch between ZEV Milestones Option and ZEV Purchase Schedule without limitation until January 1, 2030.

o) Definitions and General Requirements—ZEV Milestones Option Flexibility

- 148. Comment:** Commenter recommends allowing fleets to switch between the ZEV Milestones Option and the ZEV Purchase Schedule, provided the fleet remains compliant, to increase flexibility and account for evolving ZEV market conditions. (Nicole Looney – 45d)
- 149. Comment:** Commenter requests that fleets be permitted to switch between the ZEV Milestones Option and the ZEV Purchase Schedule, provided the fleet is compliant with their chosen option in the prior calendar year and will meet the requirements of the new option in the current year. (Priscilla Quiroz – 45d)
- 150. Comment:** Commenter requests the ability to switch between compliance options. (Katherine Larson – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, fleet owners may now switch between the ZEV Milestones Option of section 2013.6 and the ZEV Purchase Schedule of section 2013.1 until January 1, 2030, provided their California fleet was compliant with the current option in the prior calendar year, and their California fleet complies with the new option in the current year. Additionally, fleet owners are required to report their decision to change compliance options during the annual reporting period specified in section 2013.3(b). These changes will offer fleets greater flexibility to choose the compliance pathway that best aligns with their specific needs and to meet compliance with no significant impact on emissions.

p) Definitions and General Requirements—Near-zero Emission Vehicle Flexibility

- 151. Comment:** Commenter requests extending the sunset of NZEV compliance. (Claire Sullivan – OT)
- 152. Comment:** Commenter requests that CARB remove or extend the near-zero emissions vehicle sunset until wastewater derived hydrogen becomes commercially viable. (Anthony Budicin – OT)
- 153. Comment:** Commenter requests that CARB remove, or at least extend, the sunset for NZEVs while the wastewater sector demonstrates generation of low- and zero-emission technologies. (Sean Bigley – OT)

Agency Response: No changes were made in response to these comments. Changing this sunset date now is unnecessary and would not meet the objectives of the regulation. As discussed in the original rulemaking the objectives of the ACF regulation are to support Executive Order N-79-20, AB 617 and AB 1279 the California Climate Crisis Act, which seek to phase in ZEVs over the next two decades.

q) Definitions and General Requirements—Redefine Emergency Vehicle

- 154. Comment:** Commenter requests that animal control agencies be defined in statute as public safety to access the exemptions. (Karen Lange – OT)

Agency Response: No changes were made in response to this comment. Making additional changes to exclude a broad category of “public safety vehicles” would be unnecessary, difficult to enforce and would undermine the emissions reduction goals of the regulation. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

4. Zero-Emission Vehicle Purchase Schedule and Regulation Timeline

a) Zero-Emission Vehicle Purchase Schedule—Extend Requirements Until 2030

- 155. Comment:** Commenter requests the extension of the 50/50 purchase offset rule to 2030. (Tom Greene – OT)
- 156. Comment:** Commenter requests that CARB defer the 100% ZEV purchase requirement for public fleets until 2030. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation’s requirements with the current and expected state of the ZEV market. This change extends the 50% ZEV purchase requirement and delays the 100% ZEV purchase requirement for larger fleets. This change provides fleets with flexibility until 2030 to deploy ZEVs where most suitable and ICE vehicles where most needed. This change also delays the start date for small fleets and those in designated low population counties by three years.

b) Zero-Emission Vehicle Purchase Schedule—Delay Requests for Zero-Emission Vehicle Purchase Schedule

- 157. Comment:** Commenter requests that CARB amend the ZEV purchase schedule by extending the time period for purchase requirements. (Damon Conklin – OT)
- 158. Comment:** Commenter states they want a realistic compliance timeline that reflects the current limits of electric truck technology, battery range, charging availability, and grid readiness. Commenter wants the regulation to have enough lead time, stability in requirements, and no last-minute changes that make it impossible for businesses to plan ahead. (Angela Constantino – 45d)
- 159. Comment:** Commenter states that they want the regulation to set a realistic timeline that protects air quality without sacrificing small and mid-sized businesses. (Stan Ellis – 45d)
- 160. Comment:** Commenter urges CARB to adopt a more realistic implementation timeline that aligns with the current maturity of the ZEV industry and enables the delivery of viable heavy-duty options suitable for public agency fleets. (Vong Mouanoutoua – 45d)
- 161. Comment:** Commenter states they are concerned about the timeline they are supposed to follow. (Vong Mouanoutoua – 45d)

- 162. Comment:** Commenter states small and rural municipalities need longer compliance timelines because infrastructure planning, engineering, and construction extend well beyond current ACF deadlines. (Kayla Warmbrodt – 45d)
- 163. Comment:** Commenter states that ACF compliance deadlines do not adequately account for infrastructure constraints or the limited availability of ZEVs capable of performing highly specialized public utility functions. (Scott Petersen – 45d)
- 164. Comment:** Commenter requests that CARB consider phased compliance timelines and considerations for public agencies in terms of location and operational logistics as the current implementation timeline is causing significant financial burdens due to the cost of current ZEVs and the needed charging infrastructure. (Alwin Acuna – 45d)
- 165. Comment:** Commenter states that realistic timelines will need to reflect actual technology readiness in order for public fleets to succeed in complying with the requirements. (Andy Haussler – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement for 2027 was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This change extends the 50% ZEV purchase requirement and delays the 100% ZEV purchase requirement for larger fleets. This change also delays the start date for small fleets and those in designated low population counties by three years.

Further, several flexibilities currently exist in the ACF regulation that considers ZEV market fluctuations and a wide variety of fleet configurations. Specifically, the Daily Usage and ZEV Purchase Exemptions permit a fleet to purchase a new ICE vehicle should an existing ZEV not meet operational needs or the primary functions of the fleet, respectively.

c) Zero-Emission Vehicle Purchase Schedule—Delay the Zero-Emission Vehicle Purchase Schedule Past 2030

- 166. Comment:** Commenter requests a five-year delay in ACF implementation for public agency heavy-duty vehicle fleets. (Eric Grubb – WT)
- 167. Comment:** Commenter requests that CARB delay ACF implementation for public agency fleets by at least five years as if they are forced to comply prematurely, utilities like them would face untenable choices or violate mandates. (Joe Sturges – OT)
- 168. Comment:** Commenter requests that CARB delay ACF implementation for public agency fleets by at least five years as if they are forced to comply prematurely, utilities like them would rely on diesel generators to power electric trucks, thereby undermining emissions goals. (Joe Sturges – OT)
- 169. Comment:** Commenter requests that CARB delay implementation of ACF requirements for public agency heavy-duty vehicle fleets by a minimum of five years. (Alyson Piguee – 45d)
- 170. Comment:** Commenter requests a more flexible timeline past 2030 that reflects the ZEV HDV technology and charging infrastructure. (Drew Bessinger – OT)
- 171. Comment:** Commenter requests that the extension of the 2030 delay apply to their large fleet and urban colleagues. (Damon Wyckoff – OT)
- 172. Comment:** The commenter requests a delayed enforcement for essential public safety and utility fleets. (Chris Bozir – 45d)
- 173. Comment:** Commenter requests that the 50% annual purchase requirement be extended through 2030 and the 100% purchase requirement be deferred until January 1, 2031. (Nicole Looney – 5d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This delays the start date for small fleets and those in designated low

population counties by three years. This allows fleets flexibility until 2030 to deploy ZEVs where most suitable and ICE vehicles where most needed. However, delaying the ZEV purchase requirement past 2030 is not necessary as the amended ACF regulation includes flexibility that will allow fleets to continue to operate ICE vehicles if there are no ZEVs that meet operational needs. As a result of inaction at the federal level, CARB repealed significant portions of the ACF regulation and CARB is only implementing the SLG elements of the ACF regulation. That repeal does not change the emissions reduction commitments made in the State Implementation Plan nor does it eliminate California's obligation to realize those emissions reductions. Retaining the anticipated emissions reductions from the state and local elements of the ACF regulation has become even more critical. Therefore, delaying the ZEV purchase requirement past 2030 would be unreasonable as it prevents the State from obtaining emissions benefits one year earlier.

d) Zero-Emission Vehicle Purchase Schedule—100% Zero-emission Vehicle Purchase Requirement Clarification

- 174. Comment:** Commenter requests clarification to whom the 100% purchase requirement delay will apply to and when it will take effect. (Harmony Gates – OT)

Agency Response: Changes were made in response to this comment. This comment was stated at the September Board hearing before the First 15-Day Changes were published. In section 2013.1(a)(1)(B), as part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This change extends the 50% ZEV purchase requirement and delays the 100% ZEV purchase requirement for larger fleets. This change also delays the start date for small fleets and those in designated low population counties by three years.

e) Zero-Emission Vehicle Purchase Schedule—100% Zero-emission Vehicle Purchase Requirement to be Paused Indefinitely

- 175. Comment:** Commenters request that the 100% purchase requirement be paused as it imposes an aggressive timeline for public fleets to comply and does not consider public budgets and funding methods for capital projects. (Mina Mikhael – 45d, Paschal Owaka – 45d, Eleanor Granflor – 45d, Steve Sudduth – 45d, Duc Luu – 45d, Damon Conklin – 45d, Sean Sabo – 45d)
- 176. Comment:** Commenter states that ACF continues to impose aggressive timelines for public fleets to comply and does not consider public budgets and funding methods for capital projects. Commenter states that requiring 100% of all new purchases to start January 1, 2027 is unattainable. Commenter subsequently states that local governments need the 100% requirement to be paused. (David Shawver – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This allows fleets flexibility until 2030 to deploy ZEVs where most suitable and ICE vehicles where most needed.

The existence of the SLG fleet requirements within the ACF regulation are crucial to ensure emissions reductions are achieved. Due to inaction at the federal level and to resolve several pending legal challenges, CARB repealed significant portions of the ACF regulation and CARB is only implementing the SLG elements of the ACF regulation. That repeal does not change the emissions reduction commitments made in the SIP nor does it eliminate

California's obligation to realize those emissions reductions. Retaining the anticipated emissions reductions from the state and local elements of the ACF regulation has become even more critical. Having the state government lead by example helps establish a foothold for ZEV technologies and continue market momentum for zero-emission trucks in this sector. Therefore, the existence of the SLG fleet requirements is crucial to meeting the State's air quality and climate change goals and pausing the 100% purchase requirement is not necessary.

In calendar year 2037, which is the 70-part per billion ozone attainment year for extreme areas, CARB estimates the SLG elements of the ACF regulation will achieve 1.4 tons per year of NOx emissions reductions statewide. This is significant, considering the emissions reduction shortfall we are facing due to the collective federal actions over the last year. In fact, CARB estimates that the aggregated emissions reduction losses for the on-road heavy-duty sector will be 60 tpd NOx in 2037.

f) Regulation Timeline—Avoid Burdens on Small Cities

- 177. Comment:** Commenter recommends that CARB recognize the minimal operational and emissions footprint of low-annual-mileage municipal fleets, so greenhouse gas reduction goals can be achieved without imposing disproportionate burdens on small cities. (Shanita Tillman – 45d)

Agency Response: Changes were made in response to this comment. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. This allows fleets flexibility until 2030 to deploy ZEVs where most suitable and ICE vehicles where most needed.

The ACF regulation currently has several additional provisions which provide flexibility to small fleets. Under the ZEV Purchase Schedule, there is no requirement to retire existing vehicles, so low-mileage vehicles which do not see significant usage can be held on to indefinitely. Under the ZEV Milestones Option, vehicles traveling less than 1,000 miles a year can be considered backup vehicles and would be exempt from meeting the milestones. And lastly, if a fleet has 10 vehicles or less, they do not have ZEV purchase requirements under the ZEV Purchase Schedule, but would still be expected to report.

The ACF regulation is a key measure in the federally mandated 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy) where CARB committed to achieving significant reductions in the amount of NOx and reactive organic gas emissions from medium- and heavy-duty vehicles. The repeal does not change the emissions reduction commitments made in the SIP nor does it eliminate California's need for emissions reductions. Retaining ACF for the SLG fleet has become even more critical considering the 60 tons per day NOx emissions shortfall projected for 2037. For these reasons, the SLG requirements remain critical to achieving the emissions reduction goals and exempting smaller cities from the regulation is unnecessary.

g) Regulation Timeline—Adjust Timeline Based on Infrastructure Readiness

- 178. Comment:** Commenter requests that deadlines be tied to demonstrated infrastructure readiness. (Joe Sturges – OT)

Agency Response: No changes were made in response to these comments. Adjusting compliance requirements to be based on infrastructure readiness is not necessary as the existing phased-in timeline and the ZEV Infrastructure Delay Extension directly addresses these concerns. Specifically, the ZEV Infrastructure Delay Extension delays ZEV purchases

for up to five years, which allows fleets to closely align their ZEV deployments with the actual rollout of infrastructure. Furthermore, SLG fleets are expected to install their own infrastructure and existing rule addresses delays beyond fleet owners' control.

h) Regulation Timeline—Early or Excess Zero-emission Vehicle Purchases

- 179. Comment:** Commenter states that fleet owners should be given the opportunity to decide when to count early ZEV purchases towards their future purchases. (Ellis Chiu – 45d)

Agency Response: No changes were made in response to this comment. The Early or Excess ZEV Purchases provision automatically counts any early or excess ZEV purchases towards future compliance obligations so there is only one compliance result. By allowing a fleet owner to exclude early or excess ZEV purchases from their compliance calculations, it would add an unnecessary variable and complexity in determining compliance and would also create a loophole to allow fleets to artificially exclude compliant vehicles for the sole purpose of requesting exemptions that would otherwise be unnecessary.

i) Regulation Timeline—Extend Compliance Timelines

- 180. Comment:** Commenter requests that CARB exempt or extend compliance deadlines for special districts with essential public safety and utility responsibilities. (Chris Bozir – 45d)

Agency Response: Changes were made in response to this comment. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030 for all fleets and vehicle types to better align the regulation's requirements with the current and expected state of the ZEV market. This allows fleets flexibility until 2030 to deploy ZEVs where most suitable and ICE vehicles where most needed. CARB has expanded the ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption broadly to grant fleets additional flexibilities. As part of the First 15-Day Changes, changes were made to the ZEV Purchase Exemption to allow fleet owners to use the exemption in section 2013.2(d)(1) or request the exemption in section 2013.2(d)(2) to purchase a new ICE vehicle exempt from the ZEV purchase requirements of section 2013.1(a). Additionally, the Daily Usage Exemption allows fleet owners to request an exemption from the ZEV purchase requirements of section 2013.1(a) to purchase a new ICE vehicle of the same weight class and vehicle configuration as a vehicle for which the fleet has data to submit per section 2013.2(b). Lastly, as part of the First 15-Day Changes, vehicle type restrictions were removed from the Fleet Resiliency Exemption. This change grants fleet owners greater flexibility to receive exemptions for any chosen vehicles under this exemption. The Fleet Resiliency Exemption allows fleet owners to exclude another 25% of the fleet from the ZEV purchase requirement.

5. Exemptions—General

a) General—Allow for Fleet Expansion

- 181. Comment:** Commenter states that the current regulation does not address fleet expansions for new vehicle purchases that are not replacements and that limiting exemptions to replacement vehicles could hinder the ability of growing communities to meet service and infrastructure demands. Commenter requests expanding exemption eligibility to include new vehicle purchases associated with fleet growth. (Alison Torres – 45d)
- 182. Comment:** Commenter states ZEV exemptions for Traditional Utility-Specialized Vehicles operated by PAUs should not be limited to vehicle replacements. (Peter Okurowski – 45d)

- 183. Comment:** Commenter stated that with mounting challenges and a disrupted ZEV marketplace, they request CARB remove ZEV purchase requirements in order to be eligible to request any waivers or extensions. (Brett Hodgkiss – 45d)
- 184. Comment:** Commenter requests modifications to the vehicle removal requirement to allow additional time for vehicle upfitting, sale, and transfer of ownership following placement of a replacement vehicle into service. (Curtis Paxton – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, all exemptions were adjusted to no longer require replacement of a vehicle and can now be used for any vehicle purchase whether it is a vehicle replacement or fleet expansion. In addition, the amendments delete the language that refers to the removal of ICE vehicle being replaced.

In addition, several changes were made which provide additional flexibility to fleets. In the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners full flexibility to make 50% of their vehicle purchases as ICE for an additional three years. In addition, the threshold to access the Fleet Resiliency Exemption has been lowered from 25% ZEVs to 5% which will quickly allow fleet owners to maintain specific ICE vehicles where needed. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations. These changes ensure that public agency utilities can obtain necessary exemptions for any expanded fleet operations including for TUSVs.

b) General—Accessing Exemptions

- 185. Comment:** Commenter states exemptions must be more accessible by recognizing the realities of the present market, the functionality of these new vehicles, and the supporting infrastructure. (Anthony Tannehill – OT)
- 186. Comment:** Commenter states that the exemptions are largely inaccessible to their members and requests that they be revised and simplified. (Priscilla Quiroz – OT)
- 187. Comment:** Commenter states they would appreciate meaningful exemptions for specialized equipment. (Andy Haussler – OT)
- 188. Comment:** Commenter requests improvements in the ZEV Purchase, Mutual Aid, and Daily Use exemptions; and would appreciate rules that are straightforward and easy to apply. (Jason Maruca – OT)

Agency Response: Changes have been made in response to these comments. The First 15-Day Changes provide additional flexibilities, relax criteria for accessing exemptions, and delay certain requirements. The 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners full flexibility to make 50% of their vehicle purchases as ICE for an additional three years and delays the first ZEV purchase requirements to 2030 for small fleets and those in designated low-population counties. The threshold to access the Fleet Resiliency Exemption (formerly Mutual Aid Exemption) has been lowered from 25% ZEVs to 5% which will quickly allow fleet owners to maintain specific ICE vehicles where needed. Adjustments to the Daily Usage Exemption and ZEV Purchase Exemption reflect current market conditions and address functionality concerns. Other changes were made to simplify and streamline the application process. The ACF regulation includes robust exemptions for scenarios in which specific vehicle configurations are unavailable or do not meet fleet needs, ensuring that compliance remains feasible for fleets while still achieving significant emissions reduction.

c) General—Early Access for Traditional Utility-specialized Vehicles

- 189. Comment:** Commenter supports inclusion of Pathway 2 under the Traditional Utility- Specialized Vehicle early access provision in section 2013.1(g), which allows public agencies to access the Daily Usage and ZEV Purchase Exemptions based on established vehicle replacement plans. (Curtis Paxton – 45d)
- 190. Comment:** Commenter states CARB should allow all cities to replace traditional utility- specialized vehicles at the end of their life, providing flexibility to maintain reliable service and respond to major events while complying with the ACF. (David Shawver – 45d)
- 191. Comment:** Commenter states the proposed early access pathway in Section 2013.1(g) for Traditional Utility-Specialized Vehicles is necessary, but that Pathway 1 is largely ineffective because many such vehicles do not reach mileage or engine-hour thresholds before aging out under the 13-year requirement. Commenter states Pathway 2 is essential because it allows public agencies to rely on established vehicle replacement plans that account for age, usage, and cost considerations, ensuring responsible investment of ratepayer funds while maintaining reliable service. (Craig Miller – 45d)

Agency Response: Changes were made in response to these comments. The Board directed CARB to extend the AB 1594 flexibilities to all fleets which means Pathways 1 and 2 were removed entirely and any vehicle, regardless of vehicle age or configuration, used by any SLG agency is eligible to apply for exemptions as needed. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners full flexibility to make 50% of their vehicle purchases as ICE for an additional three years and delays the initial ZEV requirements for small fleets and agencies in designated low population counties. This change ensures that ZEVs can be deployed where most suitable and ICE vehicles where most needed. In addition, the threshold to access the Fleet Resiliency Exemption has been lowered from 25% ZEVs to 5% which will quickly allow fleet owners to maintain specific ICE vehicles where needed. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations.

d) General—Exemptions Do Not Align with Real-world Procurement Cycles

- 192. Comment:** Commenter states that statewide demand and vocational upfitting lead times can extend delivery of ZEVs well beyond one year and requests exemption windows and order-to-delivery timelines be aligned with realistic procurement cycles, so agencies are not deemed out of compliance due to factors outside of their control. (Tenille Otero – 45d)

Agency Response: No changes were made in response to these comments. Upfitting lead time applies to all vehicle types and is not unique to ZEVs. There is no need for a change to the exemption windows because the existing exemption process is designed to demonstrate that a ZEV is either not available or not suitable to purchase in that calendar year. The date of delivery for a ZEV does not impact compliance as the only requirement is that the purchase order must be placed within a year.

e) Exempt—Refuse Fleets

193. Comment: Commenter suggests that CARB consider public solid waste and recycling collection fleets to be a special case and avoid subjecting them to the ACF rule. (James Leonard – 45d)

Agency Response: Changes were made in response to these comments. Blanket exemptions for all solid waste and recycling collection fleets are neither necessary nor consistent with achieving the emissions reduction goals of the ACF regulation. The regulation already includes provisions that provide compliance flexibility. Specifically, the phased-in ZEV purchase requirement allows fleets to continue adding and maintaining ICE vehicles where operational needs warrant. The ZEV Milestones option has later compliance dates for more specialized vehicles. Further, the regulation already has provisions for waste and wastewater fleets that defer compliance obligations for fleets supporting SB 1383 implementation until 2030. As part of the First 15-Day Changes, CARB has introduced a Captive Biofuel Use Exemption, which permits fleet owners to request an exemption for a low-NOx ICE vehicle, such as refuse trucks, that utilizes surplus renewable biofuel capacity at the fleet owner's waste or wastewater treatment facility. Additionally, the regulation includes ZEV Purchase and Daily Usage Exemptions to address circumstances where specific vehicle configurations are unavailable or do not meet fleet requirements.

These existing provisions, combined with the newly added Captive Biofuel Use Exemption, ensure that compliance requirements remain feasible for refuse trucks while continuing to deliver meaningful emissions reduction.

f) Exempt—Animal Control

194. Comment: Commenter petitions CARB to exempt Animal Control Officer and Humane Law Enforcement Officer vehicles from Clean Fleet regulations, similar to other law enforcement and emergency response vehicles. Without exemption, agencies may need multiple vehicles and extra staff to maintain current capabilities, reducing emergency response effectiveness and increasing costs. (Erica Smith – 45d)

Agency Response: Changes were made in response to these comments. The Daily Usage Exemption addresses ZEV usage concerns based on a fleet's historical data which allows for ICE purchases and addresses the usage concerns raised by the commenter. Blanket exemptions are not necessary and would not achieve the goals of the ACF regulation. To ensure clarity and maintain alignment with existing statutory language, the regulation uses the definition of "emergency vehicle" as set forth in CVC section 165. As part of the First 15-Day Changes, flexibilities have been added to the ACF regulation that grant fleet owners more ability to prioritize vehicle purchases as ZEV or ICE. The 50% ZEV purchase requirement under the ZEV Purchase Schedule has been extended to January 1, 2030, providing fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. In addition, the threshold to access the Fleet Resiliency Exemption has been lowered from 25% ZEVs to 5% which will allow fleet owners to maintain specific ICE vehicles where needed. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations.

CARB notes that although the commenter expressed that the signatory groups to the submitted comment letter "petitions" CARB to make the changes commenter suggested, CARB does not consider this comment letter a rulemaking petition pursuant to Government Code section 11340.6, particularly because it did not reference the authority of the state

agency to take the action requested. Thus, no action is required under Government Code section 11340.6 to provide a detailed petition response.

g) Exempt—Emergency Response and Public Service

- 195. Comment:** Commenter requests that CARB provide additional flexibility for public agencies that must prioritize emergency response and public health and have unique operational requirements. (Charles Watson – OT)
- 196. Comment:** Commenter requests exemptions for vehicles essential to public health and safety functions, including utility service vehicles (electricity, water, wastewater), park and fire mitigation vehicles, mosquito abatement vehicles, and vehicles operated under emergency response contracts. (Anthony Tannehill – 45d)
- 197. Comment:** Commenter requests that the emergency exemptions be expanded to include mutual aid vehicles. (Joe Sturges – OT)
- 198. Comment:** Commenter states that the exemptions must accommodate the type of specialty vehicles utilities needed for emergency events out in the field. (Antonio Ortega – OT)
- 199. Comment:** Commenter requests that CARB exempt fleets that support critical water and wastewater services as they are concerned that ACF could jeopardize their ability to maintain essential public services, particularly in times of winter storms, natural disasters, and power outages. Commenter states that a similar exemption provided for vehicles specified in California Vehicle Code (CVC) section 165 would be appropriate. Commenter states that the existing exemptions are too narrow as currently defined as "emergency operations" and "emergency support vehicle" are limited to vehicles specified in California Vehicle Code section 165, which does not include vehicles used for the repairing or servicing of water or wastewater infrastructure. (Elizabeth Leeper – 45d)
- 200. Comment:** Commenter states that CARB should exempt or provide flexibility for public fleet vehicles primarily serving High or Very High Fire Hazard Severity Zones, as identified by Cal Fire, because these areas require rapid, sustained response and should not be used as proving grounds for emerging technologies. (James Takehara – 45d)
- 201. Comment:** Commenter requests CARB to update and expand the emergency vehicle exemption, to exclude from the regulations, those vehicles that respond to and support critical operations related to emergencies and disasters, often under austere conditions, to continue to protect their community. (Brett Hodgkiss – 45d)
- 202. Comment:** Commenter requests that CARB provide a standing exemption for vehicles designated for mutual aid and/or emergency operations—without conditioning eligibility on fleet-wide ZEV share thresholds or excluding common workhorses (e.g., pickups and vans). (Tenille Otero – 45d)
- 203. Comment:** Commenter requests that CARB exclude vehicles that respond to and support critical operations related to emergencies and disasters in austere conditions to protect the public, frontline workers, and the communities they serve that rely on vehicles capable of doing the job that the emergency dictates, even when the power is out. (Anthony Tannehill – 45d, Anthony Tannehill – OT)
- 204. Comment:** Commenter requests exemptions or flexibility for essential utility fleets to ensure uninterrupted emergency response and mutual aid capabilities during disasters and power shutoff events. (Chris Bozir – 45d)
- 205. Comment:** Commenter states additional exemptions or flexibility should be allowed for emergency response and responder vehicles due to their specialized use, high durability, and critical public safety role. (Jennifer Goodsell – 45d)
- 206. Comment:** Commenter requests that CARB create a clearly defined exemption for vehicles engaged in public health protection, environmental compliance, and emergency operations that explicitly includes mutual aid deployments. (Alyson Piguee – 45d)

- 207. Comment:** Commenter requests that CARB adopt a specific measure for emergency vehicles across all vehicle classes to be mandated to be either Hybrids or PHEVs. Commenter requests that CARB include regulatory language requiring that all newly purchased emergency vehicles, while exempt from full ZEV requirements, must at minimum be hybrid-electric or plug-in hybrid-electric vehicle. (William Mancilla – WT)
- 208. Comment:** Commenter states the ACF amendments must provide sufficient flexibility, including early access to exemptions for specialized wastewater and sanitation vehicles, to ensure reliable emergency response and continued operation during extreme events. (Curtis Paxton – 45d)
- 209. Comment:** Commenter requests that any vehicle used for Mutual Aid or emergency response purposes is exempt from ZEV purchase requirements, regardless of prior ZEV acquisitions by the agency. (James Gumpel – 45d)
- 210. Comment:** Commenter requests CARB update and expand the Emergency Vehicle Exemption to vehicles that respond to and support critical operations related to all types of emergencies and disasters, such as city front-line worker's vehicles that can restore severed utilities. (Damon Conklin – 45d)
- 211. Comment:** Commenter requests that any vehicle used for mutual aid or emergency response purposes be exempt from the proposed regulations such as those listed under California Vehicle Code section 165. (Kimberly Thorner – 45d)
- 212. Comment:** Commenter requests expansion of the Emergency Vehicle Exemption to exclude vehicles that respond to and support critical operations related to emergencies and disasters, often under austere conditions to continue to allow counties to continue to protect their communities. (Mark Neuburger – OT)
- 213. Comment:** Commenter requests that CARB exempt or extend compliance deadlines for special districts with essential public safety and utility responsibilities and requests fleet-specific waivers for essential public safety and utility fleets. (Chris Bozir – 45d)
- 214. Comment:** The commenter requests that CARB expand the scope of amendments to better facilitate successful implementation of the regulation for public agency utilities. (Scott Petersen – 45d)

Agency Response: Changes were made in response to these comments. The ACF regulation aligns with the Emergency Vehicle definition in CVC 165 by excluding these vehicles from the regulation. Creating a separate, broader definition would be inconsistent with current legislative direction, would significantly expand the scope beyond what the legislature approved in AB 1594, and would create unnecessary confusion and inconsistencies. CARB recognizes the critical role public agencies play in emergency response. The regulation already includes provisions that provide compliance flexibility that allows fleets to prioritize ZEV and ICE purchases. ACF includes a blanket exemption allowing for any vehicle to be used to support a declared emergency. The Fleet Resiliency exemption allows fleet owners complete flexibility in deciding which vehicles in the fleet can be purchased as ICE to address any resiliency concerns and to address circumstances where specific vehicle configurations are unavailable or do not meet fleet requirements.

As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed till 2030, which allows fleets flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change better aligns the regulations requirements with the current and expected state of the ZEV market while providing fleets the flexibility to better manage any functionality and availability concerns. Fleets use flexibility to focus their ZEV purchases on best-fit applications and to use ICE vehicles in other applications.

The First 15-Day Changes addressed the ZEV Purchase Exemption in the following ways:

- removing the 13-year threshold,
- expanding the exemption to all vehicle purchases not just replacement vehicles,
- adding additional criteria to determine if a ZEV is considered “available,”
- expanding the streamlined exemption list to include Class 2b/3 pickups, and
- relaxed documentation requirements for the application process.

The First 15-Day Changes addressed the Fleet Resiliency Exemption (previously the Mutual Aid Exemption) in the following ways:

- earlier access to the exemption by reducing the access threshold from 25% down to 5% ZEVs in the fleet,
- removing vehicle type restrictions giving fleet owners complete discretion on which vehicles to remain as ICE vehicles, and
- delaying the fast-fueling requirements until 2030.

The First 15-Day Changes addressed the Daily Usage Exemption in the following ways:

- removing the 13-year threshold,
- allowing fleets to use existing data already collected,
- allowing for periodic data collection,
- ability to use real-world test data instead of default mileage factors, and
- a streamlined application process.

The regulation has numerous additional exemptions. These existing provisions, combined with the newly added changes, ensure that compliance requirements remain feasible for fleets with emergency response vehicles while continuing to deliver meaningful emissions reduction.

h) Criteria—Full-service Life Exemption for Emergency Vehicles

215. Comment: Commenter states that ICE vehicle purchases under a granted emergency exemption should be treated as compliant for their full-service life. (Tenille Otero – 45d)

Agency Response: No changes were made in response to these comments. Vehicles granted an exemption under the ZEV Purchase Schedule can remain in the fleet indefinitely. Fleets granted an exemption under the ZEV Milestones Schedule are exempt from the requirements for the full useful life of the vehicle as defined by SB 1.

i) Criteria—Zero-emission Vehicle Availability Criteria

216. Comment: Commenter requests the creation of a more meaningful exemption process when no specific specialized ZEV vehicle is available. (Drew Bessinger – OT)

Agency Response: Changes were made in response to this comment. The ACF regulation has existing process to address commenters concern. The ZEV Purchase and Daily Usage Exemption give meaningful options to get an exemption when a specialized ZEV is not available or does not meet daily usage needs. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners full flexibility to make 50% of their vehicle purchases as ICE for an additional three years, and delays requirements for small fleets and designated low population areas until 2030. In addition, the Fleet Resiliency Exemption previously required that the fleet consist of at least 25% ZEVs to access the exemption. CARB modified this provision to allow for earlier access by lowering the ZEV threshold to 5%, allowing fleets to designate any specialized vehicle as exempt to meet resiliency concerns. Finally, the ZEV Purchase Exemption Streamlined list provides a list of

vehicle weight class and configurations of medium- and heavy-duty vehicles that fleets can purchase without requesting an exemption.

j) Criteria—Weather and Natural Disasters

- 217. Comment:** Commenter states that to maintain reliable service and respond to major unforeseeable events like severe weather, wildfires, and natural disasters, exemptions to the regulation must be provided. (Greg Bundesen – OT)

Agency Response: Changes were made in response to these comments. The regulation gradually phases-in ZEVs over several decades and provides flexibility for fleet owners to decide which vehicles to purchase as ZEV or ICE vehicles. The ACF regulation already has exemptions in place, such as the Fleet Resiliency Exemption (previously the Mutual Aid Exemption), that can be utilized by fleet owners to make ICE vehicle purchases to address fleet resiliency concern as more ZEVs are deployed. As part of the First 15-Day Changes, the threshold to access the Fleet Resiliency Exemption has been lowered from 25% ZEVs to 5% which will provide earlier access to the exemption and allow fleet owners to maintain specific ICE vehicles where needed. Other flexibilities have been added to the ACF regulation in the First 15-Day Changes that grant fleet owners more ability to prioritize vehicle purchases as ZEV or ICE. The 100% ZEV purchase requirement under the ZEV Purchase Schedule was extended to January 1, 2030, as part of the First 15-Day Changes and provides fleet owners more flexibility to determine which vehicles to purchase as ICE or ZE.

k) Criteria—Vehicle Performance and Reliability

- 218. Comment:** Commenter requests that the exemptions include additional criteria regarding vehicle performance and reliability. (Ellis Chiu – OT)

Agency Response: Changes were made in response to these comments. The regulation includes flexibility for fleet owners to decide which vehicles are purchased as ZEV or as ICE vehicles. The First 15-Day Changes expanded that flexibility by delaying the 100% ZEV purchase requirement until 2030 and improving access to a number of exemptions giving fleet owners more flexibility in making their vehicle purchase decisions. The First 15-Day Changes also added the requirement that a manufacturer have a certified chassis for three of the past five years and has a warranty to be deemed “available” when determining eligibility for the ZEV Purchase Exemption. This provision also helps to address concerns on reliability and availability.

l) Criteria—General Improvements

- 219. Comment:** Commenter states in their written comments, they feel that there remains substantial work to be done beyond the 45-day changes to improve these exemption pathways, such as mutual aid, ZEV purchase and daily usage. (Nick Blair – OT)
- 220. Comment:** Commenter states that, as written, the 45-day package does not meet Publicly Owned Utilities (POU) needs. (Elisabeth de Jong – OT)
- 221. Comment:** Commenter states that the Proposed Amendments do not meet their needs and give them few options for compliance. (Laura Rodarte – OT)
- 222. Comment:** Commenter states they supported AB 1594 and asks CARB to make these regulations workable for public agency utilities so that additional legislation is not necessary. (Dave Cortese – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed till 2030, allowing fleets flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This

change better aligns the regulation's requirements with the current and expected state of the ZEV market while providing fleets the flexibility to better manage any functionality and availability concerns. The First 15-Day Changes address the ZEV Purchase Exemption by removing the 13-year threshold, expanding the exemption to all vehicles purchases not just replacement vehicles, adding additional criteria to determine if a ZEV is considered "available," expanding the streamlined exemption list to include more common vehicles such as Class 2b/3 pickups, and relaxed documentation requirements for the application process. The Fleet Resiliency Exemption (previously the Mutual Aid Exemption) gives fleets earlier access to the exemption, reducing the access threshold from 25% down to 5% ZEVs in the fleet, removing vehicle type restrictions and delaying the fast-fueling requirements until 2030. Further, the Daily Usage Exemption removed the 13-year threshold, allows fleets to use existing data already collected, allows for periodic data collection, ability to use real-world test data instead of default mileage factors and a streamlined application process.

m) Criteria—Payload and Aerial Height

223. Comment: Commenter requests that the amendments include specific transparent criteria like payload and aerial height to determine if a ZEV can meet a fleet's needs. (Katherine Larson – OT)

Agency Response: Changes were made in response to these comments. The ACF regulation has existing exemptions available, such as ZEV Purchase Exemption, to address when a ZEV configuration does not meet the primary intended function of the fleet based on vehicle configuration. For other variable characteristics that are not defined by the body configuration, there are other ways to address it. The Daily Usage Exemption allows fleet owners to purchase a new ICE vehicle if a ZEV cannot meet demonstrated daily usage needs. Several flexibilities have also been expanded in the First 15-Day Changes that grant fleet owners more ability to prioritize which vehicles are purchased as ZEV or ICE. The 50% ZEV purchase requirement under the ZEV Purchase Schedule, which was extended to January 1, 2030, as part of the First 15-Day Changes, provides fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. In addition, the threshold to access the Fleet Resiliency Exemption has been lowered from 25% ZEVs to 5% which will quickly allow fleet owners to maintain specific ICE vehicles where needed. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations.

n) Criteria—Reflect Specialized Vehicle Functions and Performance

224. Comment: Commenter states the existing ZEV Purchase, and the Daily Usage exemptions do not adequately account for specialized utility vehicles with full duty cycle and operational requirements. Commenter requests improvements to the exemption process to ensure specialized vehicle functions and performance needs are appropriately considered. Commenter expresses concern that reliance on vendor documentation lacks standardized criteria for verifying ZEV vehicle capability and performance. (Alison Torres – 45d)

225. Comment: Commenter states that exemption criteria must explicitly account for range, duty cycle, and geographic limitations so that fleets are not compelled to procure vehicles that cannot reliably perform required daily operations. (Michael Taylor – 45d)

Agency Response: Changes were made in response to these comments. The First 15-Day Changes expand the criteria that can be used when applying for the Daily Usage Exemption. Fleets now have improved ability to use previously collected data and more

flexibility in using real-world test data instead of default mileage factors. These changes were made to address concerns on duty-cycle, range, geographical limitations and operational needs. The 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners full flexibility to make 50% of their vehicle purchases as ICE for an additional three years and delays the purchase requirements on small fleets and fleets in designated low population areas until 2030. Additionally, the ACF regulation includes AWD as a key characteristic under the ZEV Purchase Exemption when determining availability. Therefore, if a fleet owner needs a four-wheel drive vehicle in a given configuration and none is available as a ZEV, the fleet owner would be able to use the ZEV Purchase Exemption to purchase a four-wheel drive ICE vehicle instead. The ZEV Purchase and Daily Usage Exemptions already help fleet owners comply if available ZEV technology is not capable of meeting the primary functions and operational needs of the fleet.

o) Thresholds—Mileage Threshold to Access Exemptions

226. Comment: Commenter requests amending Section 2013.1(g)(1) of the 45-Day Rulemaking Package and having CARB set a single mileage threshold of 70,000 miles for all vehicle classes as lowering the mileage threshold to 70,000 miles will allow public fleets to easily access the Daily Usage or ZEV Purchase Exemption pathways. (Roxana Ramirez – 45d)

Agency Response: Changes were made in response to this comment. As part of the First 15-Day Changes, the vehicle age and mileage threshold to access the ZEV Purchase and Daily Usage Exemptions were completely removed, giving fleet owners full discretion on when to replace vehicles and apply for exemptions that they qualify for.

p) Thresholds—Remove Purchase Requirements

227. Comment: Commenter requests that CARB remove ZEV purchase requirements to be eligible to request any waivers or extensions to help avert the costly acquisition of ZEVs before it is possible to install the infrastructure required to use them. (Mina Mikhael – 45d, Paschal Owaka – 45d, Eleanor Granflor – 45d, Steve Sudduth – 45d, Duc Luu – 45d, Damon Conklin – 45d)

228. Comment: Commenter requests expanded flexibility to seek waivers and extensions prior to ZEV purchase, stating that agencies should not be required to acquire vehicles before charging or fueling infrastructure is available or operable. (Anthony Tannehill – 45d)

229. Comment: Commenter requests that CARB remove ZEV purchase requirements in order for fleets to be eligible to request any waivers or extensions. Commenter states that this change will help cities avert the costly acquisition of ZEVs before it is possible to install the infrastructure required to use them. (David Shawver – 45d)

230. Comment: Commenter requests that the requirement to purchase or attempt to purchase a ZEV prior to requesting a waiver or extension be removed from the regulation. Commenter states that, as written, the regulation could compel public agencies to settle for a ZEV that does not fully meet the functional, operational, or performance requirements of the ICE vehicle it is intended to replace. (Alwin Acuna – 45d)

231. Comment: Commenter requests that CARB remove ZEV purchase requirements in order to be eligible to request any waivers or extensions. (Sean Sabo – 45d)

232. Comment: Commenter states pre-purchase requirements of ZEVs must be removed as a prerequisite to any waiver or extension, whether for an infrastructure delay or mutual aid vehicles. (Anthony Tannehill – OT)

233. Comment: Commenter requests that CARB remove the prohibition on requesting a waiver or extension before purchasing a ZEV as this will help local agencies avert the costly acquisition of unusable ZEVs before it's possible to install the infrastructure required to deploy them. (Mark Neuburger – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB has made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed till 2030, allowing fleets the flexibility to continue purchasing 50% of their vehicles as ICE where best suited and delays the purchase requirements on small fleets and fleets in designated low population areas until 2030. This change better aligns the ACF regulation requirements with the current and expected state of the ZEV market while providing fleets the flexibility to better manage any functionality and availability concerns. In addition, CARB reduced the threshold for the Fleet Resiliency Exemption from 25% to 5%, which also allows for fleets to focus their ZEV purchases on best-fit applications and ICE vehicle purchases to address resiliency or other concerns. The regulation provides sufficient flexibilities with the numerous exemptions that will allow for SLG fleets to fully comply.

q) Thresholds—Remove 13-year Retirement Threshold

- 234. Comment:** Commenter requests the removal of the 13-year retirement threshold criteria when determining exemption eligibility. Commenter states the 13-year threshold for vehicle retirement is arbitrary and may not reflect actual vehicle conditions. Commenter emphasizes flexibility for vehicles nearing end-of-life but still operational. (Jennifer Goodsell – 45d)
- 235. Comment:** Commenter states that exemptions and extensions tied to a vehicle reaching 13 years of age should be available earlier for public-safety-critical assets when infrastructure or technology is not yet ready or when the vehicle is no longer cost-effective to maintain. (Tenille Otero – 45d)

Agency Response: Changes were made in response to these comments. The First 15-Day Changes remove 13-year threshold criteria from the ZEV Purchase and Daily Usage Exemption. This change gives fleet owners full discretion on when to replace vehicles and to apply for an exemption if they otherwise qualify.

r) Thresholds—Traditional Utility Specialized Vehicle

- 236. Comment:** Commenter recommends that CARB create a list of vehicles that meet the weight, body configuration and drivetrain requirements in the Traditional Utility Specialized Vehicle definition that utilities can purchase without having to submit any information or requests to CARB. (Roxana Ramirez – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, flexibilities originally proposed for TUSV were expanded to apply to all State and local government vehicles. CARB has an existing list published on the department website of general vehicle weight class and configurations of medium- and heavy-duty vehicles powered by new internal combustion engines (ICE) that fleets can purchase without requesting and submitting a zero-emission vehicle (ZEV) Purchase Exemption application. This Streamlined ZEV Purchase Exemption list identifies vehicle configurations where no zero-emission vehicles or near-zero emissions vehicles (NZEV) are available for purchase in the identified general weight class and configuration categories.

s) Develop New Exemption—Unforeseen Circumstances

- 237. Comment:** Commenter requests a separate exemption process to address unforeseen circumstances that are outside the fleet's control but are not contemplated by the regulation. (Nicole Looney – 45d)
- 238. Comment:** Commenter states that where fully zero-emissions platforms cannot yet satisfy payload, PTO, range, or rapid-refuel needs, purchase of CARB-certified hybrid near-zero or, if not available, traditional ICE vehicles for specific mission-critical assignments, with

sunsetting aligned to infrastructure readiness and market availability milestones should be permitted. (Tenille Otero – 45d)

Agency Response: Changes were made in response to these comments. The existing exemptions and extensions have been reasonably modified to provide additional clarity, flexibility, objectivity, and to address scenarios stakeholders have raised during the public process. The 100% ZEV Purchase requirement has been delayed till 2030, allowing fleets the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. The ZEV Purchase Exemption removed the 13-year threshold, expanding the exemption to all vehicles purchases not just replacement vehicles. The Fleet Resiliency Exemption gives fleets earlier access to the exemption, reducing the access threshold from 25% down to 5% ZEVs in the fleet and fleet owners can designate vehicles to use the exemption to address any operational resiliency concern. CARB declined to create a separate exemption process for unforeseen circumstances generally, but determined that such an exemption would be unnecessary with the changes made in the First 15-Day Changes.

t) Develop New Exemption—Full Waiver for Extreme Conditions

239. Comment: Commenter states that there is a need to expand the exemptions to grant a full waiver of the requirements where there is simply no feasible means to comply with ACF, specifically for extreme outliers due to location, size, or other factors. (Syrus Devers – OT)

Agency Response: Changes were made in response to these comments. The regulation has provisions and exemptions in place that provide flexibility for fleets to comply with ACF. The 100% ZEV purchase requirement has been delayed till 2030, allowing fleets flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change better aligns the ACF regulation requirements with the current and expected state of the ZEV market while providing fleets the flexibility to better manage any functionality and availability concerns. In addition, CARB reduced the threshold for the Fleet Resiliency Exemption from 25% to 5%, which also allows fleets to focus their ZEV purchases on best-fit applications and ICE vehicle purchases in less ideal applications. Additionally, the Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. The ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if the needed configuration is not available as a ZEV. The ZEV Infrastructure Delay Extension allows a fleet owner to count an existing ICE vehicle as a ZEV under the ZEV Milestones Option or continue to use an ICE vehicle under the ZEV Purchase Schedule. As such, the suggested change for a full waiver is not necessary given the flexibility in the ACF regulation.

u) Develop New Exemption—Cost-limitation

- 240. Comment:** Commenter requests affordability safeguards if ZEV prices and total cost of ownership (TCO) do not decline as projected, stating that many local agencies face significant cost premiums for heavier-duty or specialized vehicles. Commenter suggests consideration of cost caps or limits on the price differential between ZEVs and ICE vehicles. (Anthony Tannehill – 45d)
- 241. Comment:** Commenter states that the ACF rule lacks necessary cost-limitation provisions, that ACF-compliant vehicles cost two to three times more than conventional equipment, and that these costs will be borne by a largely disadvantaged community, making the mandate financially unjustified. Commenter states that cost limitations are sorely needed, and CARB should introduce such provisions in ACF. (James Takehara – 45d)

- 242. Comment:** Commenter suggests further revisions to ACF that support a workable compliance mechanism in a manner that safeguards ratepayer affordability. (Antonio Ortega – OT)
- 243. Comment:** Commenter states that it is critical for CARB to provide a path for public agency utilities to seek relief on the grounds of affordability impacts in order to protect utility customers. Commenter states that each public agency utility's local governing board could adopt a plan for medium- and heavy-duty (MHD) vehicle purchases that prioritizes ZEV purchases with cost limitation safeguards that would protect ratepayers if there is a clear affordability risk. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. Vehicle costs of all types fluctuate for a wide range of reasons, making individual vehicle cost as an exemption criteria difficult to assess and implement in a uniform and objective manner. Further, both ICE vehicles and ZEVs vary widely in price depending on the requested specifications unique to each fleet. The incremental upfront cost between ZEVs and ICE vehicles and TCO of ZEVs are both expected to decrease. ZEVs generally have a higher upfront cost but reduced operational costs. CARB's incentive programs can assist in early adopter purchases by reducing incremental costs and supporting vehicle cost reductions over time. Cost concerns are expected to decrease as the ZEV market develops and expands as well. As part of the 15-day package, the 100% ZEV Purchase requirement has been delayed till 2030, allowing fleets the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change better aligns the ACF regulations requirements with the current and expected state of the ZEV market while providing fleets flexibility to better manage cost concerns. Fleets can focus their ZEV purchases on best-fit applications and internal combustion engine purchases in less ideal applications. CARB declined to create a cost-limitation exemption process because it determined that such an exemption would be unnecessary with the changes made in the First 15-Day Changes to address cost concerns.

v) Reporting—Request to Change the Exemption Reporting Requirement

- 244. Comment:** Commenter requests that in section 2013.3(c)(2)(N), the language “ZEV Purchase” be replaced with “Exemption,” “ZEV Purchase Exemption” be replaced with “exemptions,” and “section 2013.1(d)” be replaced with “sections 2013.2(b) and (d).” Commenter requests that the language “within 30 calendar days of purchasing a vehicle pursuant to these exemptions and must remove the identified vehicle from the TRUCRS system and the California fleet within 30 calendar days of” be added. Commenter requests that the language receiving” be replaced with “planning,” and the language “the replacement vehicle in service” be added. (Sarah Deslauriers – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, section 2013.3(c)(2)(N) was removed entirely to allow for vehicle additions (or fleet expansions) to be eligible for exemptions instead of limiting to vehicle replacements. The exact textual changes requested by the commenter were not made because they are not necessary after the removal of 2013.3(c)(2)(N).

6. Zero-Emission Vehicle Purchase Exemption

a) General—Permit Fleets to Evaluate Whether Zero-emission Vehicles Meet Operational Needs

- 245. Comment:** Commenter requests revising the exemption to allow fleets to evaluate whether ZEVs meet operational needs based on factors such as towing capacity, payload, off-road capability, auxiliary functions, and vendor reliability. (Nick Blair – 45d)
- 246. Comment:** Commenter states that under the ZEV Purchase Exemption, CARB should allow utilities to demonstrate when available trucks do not meet their specific operational needs, including the need for towing capacity and 4x4 capability for medium- and heavy-duty vehicles to safely and effectively perform infrastructure and emergency response work. (Jason Maruca – 45d)
- 247. Comment:** Commenter states that beyond whether vehicles are technically “for sale” in the market, the ZEV Purchase Exemption should also address situations in which vehicles do not meet the necessary core specifications. Commenter requests that fleets be permitted to provide documentation of core specifications, either as part of a bid or other purchasing mechanism. Commenter states that, alternatively, if formal bid documentation is not practical, fleets should be able to submit an attestation explaining the purpose and necessity of each core specification. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. The added flexibility included in the First 15-Day Changes gives fleet owners more flexibility in deciding which vehicles to deploy as ZEV or ICE vehicles. The 100% ZEV purchase requirement was delayed until 2030, and a number of exemptions were expanded providing more time for fleets to continue deploying ICE vehicles where needed. The ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration to meet the primary intended function of the vehicle, which considers key specifications such as whether the vehicle has AWD capability (which includes four-wheel drive capability). Additionally, the Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. The Fleet Resiliency Exemption was modified to provide earlier access and expanded to give fleets complete discretion on which vehicles use the exemption to address any fleet resiliency concerns such as emergency response support, towing, or range limitations for a significant portion of the fleet. As such, the commenters’ suggested change is not necessary given the existing flexibility in the ACF regulation.

b) General—Remove Requirement for Fleets to Purchase a Vehicle in the Next Higher Weight Class

- 248. Comment:** Commenter requests that the requirement in 2013.2(d)(2)(B) where fleet owners are required to consider purchasing a ZEV in the next higher weight class be removed. (Ellis Chiu – 45d)

Agency Response: No changes were made in response to these comments. It is important to ensure applicants’ due diligence in seeking out all available chassis and that reasonable options are considered in selecting a vehicle. Weight classes are separated by one pound, which is not a significant enough difference to consider a ZEV in the next higher weight class insufficient in performing the vehicle function needed. Some ZEVs may weigh more than their ICE vehicle counterparts, and the next higher weight class can potentially address higher payload concerns. If a ZEV in the next higher weight class can equivalently perform

the primary intended function of the vehicle configuration, then the ACF regulation considers this vehicle to be available to purchase as a ZEV.

c) General—Include New Vehicle Additions, Not Just Vehicle Replacements

- 249. Comment:** Commenter requests that CARB include new vehicle additions, not just vehicle replacements, in the ZEV Purchase Exemption to allow for fleet expansions when ZEVs are unavailable. (Ellis Chiu – 45d)
- 250. Comment:** Commenter requests that the rule explicitly support the addition of vehicles to accommodate growing service areas, infrastructure demands, and unforeseen emergencies, specifically under the ZEV Purchase Exemption. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the ZEV Purchase Exemption was expanded to any vehicle being added to the fleet instead of limiting the exemption to only those being replaced. This change ensures that public fleet owners can obtain necessary exemptions for any expanded fleet operations.

d) General—Permit Fleets to Request an Exemption When an Available Vehicle Does Not Meet Specific Weight or Dimension Limitations

- 251. Comment:** Commenter requests that fleets be allowed to request the ZEV Purchase Exemption when an available ZEV cannot meet the specific weight or dimension limitations under which the vehicle must operate. (Nicole Looney – 45d)
- 252. Comment:** Commenter requests that, under the ZEV Purchase Exemption, an “available” ZEV meet the specific weight or dimension constraints under which the vehicle must operate and requests that public agency utilities be permitted to provide documentation for any such limitations within their service territory. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. Fleet owners have flexibility to select the ZE technology that best fits the dimension and weight requirements of a fleet's operations. The 50% ZEV purchase requirement under the ZEV Purchase Schedule, which was extended until January 1, 2030, as part of the First 15-Day Changes, provides fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. The ZEV Milestones Option provides fleet owners flexibility to strategize the vehicles to be upgraded to ZE to meet the ZEV Milestones. The Fleet Resiliency Exemption permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. Lastly, the ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration to meet the primary intended function of the vehicle.

e) General—Consider Price Disparities Between a Zero-emission Vehicle and its Internal Combustion Engine Vehicle Counterpart

- 253. Comment:** Commenter requests that fleets be allowed to request the ZEV Purchase Exemption if the price of a ZEV exceeds that of its ICE vehicle counterpart by 30%, net any incentives the fleet owner receives. (Nicole Looney – 45d)
- 254. Comment:** Commenter states that vendor criteria should be evaluated in determining whether a vehicle configuration is considered available, including cost containment, given the removal of the ability to enforce ACF on private fleets, resulting in increased prices for public agency utilities as the market has become smaller. (Nick Blair – 45d)

255. Comment: Commenter requests that CARB establish some type of reasonable cost ceiling for ZEVs compared to ICE vehicles as part of the ZEV Purchase Exemption. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. Costs fluctuate and cannot be assessed in a feasible way, and every fleet has different cost concerns. ZEVs currently have higher upfront costs, but reduced operational costs, and it would therefore not be reasonable to include upfront costs as criteria in determining availability. Further, ZEVs vary in price depending on the requested specifications, and if a certain cost threshold is incorporated into the availability criteria, those with greater vehicle costs due to specifications needed for fleet operations would unfairly be granted the exemption. ZEVs are expected to have a positive TCO in numerous applications over the course of this decade due to operational savings and declining incremental costs. Cost concerns are also expected to decrease as the ZEV market develops and expands.

Further, the suggested change is not necessary as cost concerns can be addressed through other flexibilities provided in the ACF regulation. The 50% ZEV purchase requirement under the ZEV Purchase Schedule, which was extended until January 1, 2030, as part of the First 15-Day Changes, provides fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. This change was specifically made in consideration of small fleets and those in designated low population counties to better manage their concerns with ZEV technology until 2030, as they will have the ability to deploy ZEVs where most suitable and ICE vehicles where most needed. Under the ZEV Purchase Exemption, the criteria used in determining whether a vehicle configuration is available as a ZEV was expanded as part of the First 15-Day Changes, granting fleet owners greater accessibility to the exemption. The Fleet Resiliency Exemption also permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. The ZEV Milestones Option provides a longer phase-in for specialty vehicles as well. As such, sufficient flexibilities already exist in the regulation that permit fleet owners to manage costs appropriately through prioritization of ICE vehicle and ZEV purchases.

Lastly, it is speculative to assume that the market will decrease without private fleet requirements, resulting in increased prices for public agency utilities. ZEVs are becoming more competitive with ICE vehicles as the technology improves and the market expands.

f) General—"Commercial Availability" Classification Does Not Reflect On-The-Ground Readiness for Large-Scale Deployment

256. Comment: Commenter states that the regulation's classification of vehicles as "commercially available" being based on their listing in manufacturer catalogues or announcements does not reflect on-the-ground readiness for large-scale deployment. (Alyson Piguee – 45d)

Agency Response: Changes were made in consideration of this comment. As part of the First 15-Day Changes, the ZEV Purchase Exemption was modified to exclude ZEVs from manufacturers that have not received a CARB ZEV certification Executive Order for one or more chassis or complete vehicles for at least three model years of the previous five model years. Also, as part of the First 15-Day Changes, a manufacturer may not be in bankruptcy or bankruptcy proceedings in order for a vehicle that they offer to be considered available. These criteria were added to address stakeholder concerns regarding manufacturer experience or reliability.

A vehicle configuration is not determined to be available based on announcements or listings in manufacturer catalogues. The criteria used in determining whether a configuration

is available or not is designed to ensure manufacturer reliability and that such configuration is capable of being produced for fleet purchase. Existing exemption criteria already exclude configurations solely for demonstration, test, or experimental purposes as well as those offered as temporary placeholders for vehicles that may or may not be offered for sale in the future. The ACF regulation does not require immediate full fleet turnover to ZEVs, therefore considering large-scale deployment is not necessary in assessing the availability of ZEV configurations for the purposes of granting exemptions on an individual vehicle basis.

g) General—Modify Replaced Vehicle Requirements

- 257. Comment:** Commenter requests that the ZEV Purchase Exemption account for the time needed to upfit a replacement vehicle before it is placed into service. Commenter requests that CARB provide at least 30 days for the actual sale and transfer of ownership of the vehicle that is being replaced and requests the following related redlines in section 2013.2(d)(3): replace the language “the California fleet” with “service,” replace the language “receiving” with “placing,” and add the language “in service.” (Sarah Deslauriers – 45d)

Agency Response: Changes were made in response to these comments. In recognition of varying delivery times, the ZEV Purchase Exemption currently requires that, upon receiving an exemption, the new ICE vehicle purchase be placed within the calendar year indicated on the application. Subsequently, the delivery time will not affect a fleet owner’s compliance status, so it does not need to be specifically accounted for in the exemption. As part of the First 15-Day Changes, all requirements to remove a vehicle from the fleet when granted a ZEV Purchase Exemption have been removed. This change addresses concerns that such a requirement would prevent stakeholders from expanding their fleets.

h) Zero-Emission Vehicle Availability Criteria—Reflect Operational Criteria Fleets Use When Determining Availability

- 258. Comment:** Commenter requests that the ZEV Purchase Exemption reflect operational criteria fleets use when determining vehicle suitability, including towing capacity, off-road capability, payload, and auxiliary functions. Commenter states that clearer, performance-based criteria would improve planning certainty and compliance feasibility. (Scott Petersen – 45d)
- 259. Comment:** Commenter requests that the ZEV Purchase Exemption be modified to reflect the criteria used by public fleets to purchase vehicles that meet their operational needs, including towing capacity, off-road capability, auxiliary functions, and payload capacity. (Jesus Martinez Ramirez – 45d)
- 260. Comment:** Commenter states that, regarding the ZEV Purchase Exemption, it is imperative that vehicles that do not meet essential vehicle specifications, such as the ability to carry necessary equipment, payloads, and towing capabilities, be recognized as unavailable. (Susie Berlin – OT)
- 261. Comment:** Commenter requests that CARB require that the ZEV or NZEV payload, towing capacity, off-road capability, and auxiliary functions meet the fleet’s operational needs in determining whether a configuration is available or not. (Ellis Chiu – 45d)
- 262. Comment:** Commenter requests that CARB re-evaluate the ZEV exemptions related to purchase to more accurately reflect the actual needs of local agencies and the actual availability of ZEVs analogous in performance to ICE vehicles. (Mark Neuburger – OT)
- 263. Comment:** Commenter requests re-evaluation of the ZEV Purchase Exemption to reflect actual vehicle availability and performance, stating that agencies should not be required to procure ZEVs that are not comparable to ICE vehicles in terms of payload, towing, and operating conditions. (Anthony Tannehill – 45d)

264. Comment: Commenter states exemptions must be improved by revising the ZEV Purchase Exemption to reflect real-world criteria like towing capacity. (Nick Blair – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners with full flexibility to make 50% of their vehicle purchases as ICE for an additional three years. This change ensures that ZEVs can be deployed where most suitable and ICE vehicles where most needed. As part of the First 15-Day Changes, fleet owners may request the Fleet Resiliency Exemption to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle to address any fleet resiliency concerns, such as mutual aid response support, towing, or range limitations. The access threshold of the Fleet Resiliency Exemption was also reduced from 25% ZEVs in a fleet to 5%. This change provides additional flexibility that permits fleet owners to access the exemption more quickly and to maintain certain ICE vehicles in their fleet. Further, fleets are permitted to switch between the two compliance pathways without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations. Improvements and changes were made to the Daily Usage and ZEV Purchase Exemptions to provide more flexibility and streamlining when ZEVs are not available or do not meet daily usage needs.

The information to be submitted with the application contains key parameters directly related to the operational criteria of the vehicle. This includes the weight class, body configuration, make and model, a list of the frame attachments other than the body itself necessary to support or perform the primary intended function of the vehicle, and whether the vehicle has a crew cab, cabover, or AWD. These characteristics are essential to the basic functionality of the configuration.

Certain specifications for specialty vehicles, such as wheelbase and payload, are not considered in the criteria for assessing ZEV availability, as they vary highly amongst fleets and the regulation intends to prioritize turnover of vehicles that perform more common functions. Therefore, it would not be workable to deem ZEVs outside of certain specification thresholds unavailable if the ZEVs suit the needs of regulated fleets. Manufacturers also typically advertise or inform fleet owners of a vehicle's capabilities prior to establishing a purchase agreement. Therefore, in the instance that more than one available ZEV meets the fleet's needs, fleet owners have the opportunity to select an appropriate ZEV elsewhere should a manufacturer not be able to provide what is needed. Fleet owners are expected to place ZEVs where they are best suited. Lastly, the ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration.

Regarding duty cycle concerns, the Daily Usage Exemption already permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. Therefore, additional criteria related to duty cycle is not necessary under the ZEV Purchase Exemption.

i) Zero-Emission Vehicle Availability Criteria—Require Vehicle Models to Have Already Been Placed in Service

265. Comment: Commenter requests that the complete vehicle configuration must be offered for sale from at least two manufacturers or final vehicle upfitters that have placed at least 25 units into service be considered available. (Nicole Looney – 45d, Priscilla Quiroz – 45d)

- 266. Comment:** Commenter requests that CARB require that a ZEV or NZEV model have at least 25 vehicles placed in service in determining whether a configuration is available. (Ellis Chiu – 45d)
- 267. Comment:** Commenter states that vendor criteria should be evaluated in determining whether a vehicle configuration is considered available including a minimum number of purchase orders already in service. (Nick Blair – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the ZEV Purchase Exemption was modified to exclude ZEVs from manufacturers that have not received a CARB ZEV certification Executive Order for one or more chassis or complete vehicles for at least three model years of the previous five model years. Also part of the First 15-Day Changes, a manufacturer may not be in bankruptcy or bankruptcy proceedings for a vehicle that they offer to be considered available. These criteria were added to address stakeholder concerns regarding manufacturer experience or reliability and are easier for CARB to verify than the suggested criteria. Many vehicles sold as a cab and chassis can also be upfit with a wide range of vehicle bodies, so it would not be workable criteria to consider units placed in service by body type if the same chassis is widely available for various applications.

As part of the First 15-Day Changes, the 50% ZEV purchase requirement under the ZEV Purchase Schedule was extended to January 1, 2030, providing fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. The Fleet Resiliency Exemption also permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for a portion of the fleet.

Regarding the comment to implement a 25-unit threshold, unique or uncommon configurations have low sales for both ICE vehicles and ZEVs due to low demand. In this scenario, such vehicles would automatically be classified as unavailable even if a manufacturer can provide the ZEV counterpart for an uncommon configuration. Should a fleet require certain specifications that are unique to the fleet, it may be unlikely for the exact needed configuration to have already been placed in service. It would also be unreasonable to eliminate consideration of an available ZEV configuration based on the number of manufacturers selling it, especially if a single manufacturer can supply the needed vehicle, and implementing the suggested criteria would dissuade manufacturers from bringing new vehicle models to the market. Requiring a specific threshold of vehicles to be available for purchase could also unintentionally exclude low-volume manufacturers.

Lastly, there isn't a feasible way for CARB to implement the suggested criteria, as the agency is not provided with nationwide sales data. CARB does receive California-specific sales data, but such data is not separated by configuration. Therefore, there wouldn't be sufficient information to determine if a configuration is available. As such, this criteria is not reasonable to forego emissions benefits of deploying a ZEV by permitting the purchase of an ICE vehicle under the requested circumstance.

j) Zero-Emission Vehicle Availability Criteria—Require Vehicles to Have Published Specifications

- 268. Comment:** Commenter requests that it be required that manufacturers or final vehicle upfitters have published information on the vehicle's range at full payload, the vehicle's range at full towing capacity, and whether the vehicle is compatible with auxiliary equipment in order for a vehicle to be considered available. (Nicole Looney – 45d)
- 269. Comment:** Commenter requests that CARB include ZEV configurations as unavailable if manufacturers have not published sufficient technical information for fleets to determine

whether the vehicle meets their operational specifications, including range at full payload, range at full towing capacity, compatibility with auxiliary equipment, and duty cycle. (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. The ZEV Purchase Exemption requires that manufacturers certify their ZEV powertrain to the CARB Zero-emission Powertrain Certification regulation where applicable, which provides ZEV assurances and ensures that specific information regarding the powertrain is provided. Fleet owners otherwise have additional flexibility to purchase vehicles from manufacturers that meet their needs. Sufficient flexibilities exist in the ACF regulation that allow fleet owners to acquire and deploy ZEVs where best suited and ICE vehicles where most needed at this time. However, CARB will continue to monitor the vehicle market and, to the extent it is determined that the proposed changes are necessary in the future, CARB may address the proposal in a future rulemaking.

k) Zero-Emission Vehicle Availability Criteria—Require Vehicles to Have Weight Distribution Studies and Gradeability Tests

270. Comment: Commenter requests that it be required that manufacturers or final vehicle upfitters have complete weight distribution studies and gradeability tests in order for a vehicle to be considered available. (Nicole Looney – 45d)

271. Comment: Commenter requests that CARB include ZEV configurations as unavailable if, for vehicles upfit with a body, they have not completed vehicle testing requirements, including a weight distribution study and gradeability tests. (Priscilla Quiroz – 45d)

272. Comment: Commenter states that a ZEV or NZEV must satisfy original equipment manufacturer (OEM) testing and field-testing requirements, including a weight distribution study and gradeability tests based on the fleet owner's specifications to be considered an available configuration. (Ellis Chiu – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the 50% ZEV purchase requirement under the ZEV Purchase Schedule, which was extended to January 1, 2030, provides fleet owners flexibility to determine which vehicles to purchase as ICE or ZE. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. The Fleet Resiliency Exemption also permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for a portion of the fleet.

The ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration to meet the primary intended function of the vehicle, which considers key specifications such as whether the vehicle has AWD capability (which includes four-wheel drive capability). The ZEV Purchase Exemption was updated to include a new criteria that a manufacturer must have received an Executive Order to certify a ZEV for at least three of the previous five years and not be undergoing bankruptcy proceedings for their vehicles to be considered available. This criteria was added to address stakeholder concerns regarding manufacturer reliability and vehicle support. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet.

Implementing the exact changes suggested by the commenter would impose vehicle standard requirements on ZEV manufacturers and upfitters and is outside the scope of this rulemaking. However, the ZEV Purchase Exemption allows for the purchase of an ICE

vehicle if a ZEV was not certified to the Zero-emission Powertrain Certification regulation, where applicable. The Zero-Emission Powertrain Certification provides ZEV assurances and standardized information regarding the powertrain. However, CARB will continue to monitor the vehicle market and, to the extent it is determined that proposed changes are necessary in the future, CARB may address the proposal in a future rulemaking.

l) Zero-Emission Vehicle Availability Criteria—Require Vehicles to Have Warranty Support and Parts Distribution

- 273. Comment:** Commenter requests that it be required that the manufacturer or, if applicable, the final vehicle upfitter, offer warranty support and parts distribution for a vehicle to be considered available. (Nicole Looney – 45d)
- 274. Comment:** Commenter requests that CARB include ZEV configurations as unavailable if the manufacturer or, if applicable, the final upfitter, does not offer warranty support and parts distribution through a service center located within California. (Priscilla Quiroz – 45d)
- 275. Comment:** Commenter requests that ZEVs be considered unavailable unless they include a specification for warranty support. (Priscilla Quiroz – 45d)
- 276. Comment:** Commenter states that vendor criteria should be evaluated in determining whether a vehicle configuration is considered available including warranty guarantees. (Nick Blair-45d)
- 277. Comment:** Commenter states that true availability of vehicles should be evaluated with criteria reflecting the history and solvency of the manufacturer's warranty and related parts. (Mark Neuburger – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, a manufacturer must offer a powertrain warranty period for at least three years or 50,000 miles, whichever occurs first, for ZE powertrain components for a vehicle configuration they offer to be considered available.

Further, the ACF regulation requires that a ZEV be certified with the Zero-emission Powertrain Certification, when applicable, for a vehicle configuration to be considered available, which also establishes warranty protections for the powertrain and high-priced parts. The Zero-emission Powertrain Certification establishes sufficient repairability assurances for these vehicles as well.

m) Zero-Emission Vehicle Availability Criteria—Require that Manufacturers May Not be in Bankruptcy

- 278. Comment:** Commenter requests that CARB include ZEV configurations as unavailable if they are sold by a manufacturer that is currently in bankruptcy. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, a manufacturer may not be in bankruptcy or bankruptcy proceedings in order for a vehicle that they offer to be considered available.

n) Zero-Emission Vehicle Availability Criteria—Require Responsive Bids

- 279. Comment:** Commenter requests that CARB require that public agencies solicit responsive bids from at least three manufacturers within the bid period in determining whether a configuration is available. Commenter states that no responses received during the bid period should be counted against the minimum number of bids. (Ellis Chiu- – 45d)
- 280. Comment:** Commenter requests that under the ZEV Purchase Exemption, if manufacturers do not respond within 30 days, fleet owners should be authorized to document and submit their attempts to contact manufacturers and the lack of response. (Nicole Looney – 45d)

281. Comment: Commenter states that beyond whether vehicles are technically “for sale” in the market, the ZEV Purchase Exemption should also address situations in which manufacturers are non-responsive. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, language was modified to allow a fleet owner to demonstrate lack of bid response if a vehicle is being purchased under a request for proposal or similar public bid process in lieu of submitting the otherwise required documentation from a manufacturer or its authorized dealer.

CARB has determined that the changes made during the First 15-Day Changes are sufficient to address the concerns raised by the commenter, and that no further changes are necessary. Requiring that at least three manufacturers provide responsive bids in determining whether a vehicle configuration is available is excessive, as a public agency may proceed with a single responsive bid if they receive one. Such criteria is also not a reasonable basis to forgo emissions benefits to allow for purchasing ICE vehicles should the necessary ZEV configuration be available. Lastly, requiring a 30-day response timeframe would unnecessarily place limits on the bid process.

o) Zero-Emission Vehicle Availability Criteria—Require Reasonable Delivery Time

282. Comment: Commenter states that ZEVs should be considered unavailable if the public agency receives responsive bids for ZEVs, but the delivery time for the ZEV exceeds that of responsive ICE vehicle bids by six months or more. Commenter states that the current regulatory language sets availability criteria based on model years; however, the model year does not guarantee the availability or timely delivery of a vehicle. (Priscilla Quiroz – 45d)

283. Comment: Commenter requests that, beyond the existing 18-month model year criteria, CARB set an additional criterion that deliveries beyond 18 months be compared to a comparable ICE vehicle, and any delay beyond 6 months qualifies that vehicle as unavailable. (Priscilla Quiroz – 45d)

284. Comment: Commenter requests that CARB require that a ZEV or NZEV authorized dealer or manufacturer is able to fulfill the purchase order within 18 months and that such delivery time does not exceed that of an ICE vehicle by six months in determining whether a configuration is available. (Ellis Chiu – 45d)

285. Comment: Commenter states that vendor criteria should be evaluated in determining whether a vehicle configuration is considered available, including the ability to fulfill purchase orders on time. (Nick Blair – 45d)

286. Comment: Commenter requests re-evaluation of the ZEV Purchase Exemption to reflect actual vehicle availability and performance, stating that agencies should not be required to procure ZEVs that are not comparable to ICE vehicles in terms of deployment timelines. (Anthony Tannehill – 45d)

Agency Response: No changes were made in response to these comments. The established 18-month model year criteria already sufficiently ensures timely delivery and deployment of a purchased ZEV or NZEV in the fleet. ICE vehicle delivery times vary by manufacturer, final configuration, and a wide range of reasons. It would be impractical to implement this kind of requirement, and it is also unreasonable to apply a delivery timeframe limit only to ZEV purchases for an exemption that allows for ICE vehicle purchases that take just as or nearly as long to be delivered. Fleet owners are expected to continue to plan their vehicle purchases while considering vehicle lead times as they do now. Further, the Vehicle Delivery Delay Extension provides ZEV Milestones Option fleets the flexibility to count an ICE vehicle as a ZEV for circumstances involving manufacturer delays of ZEV deliveries to

the fleet owner. Therefore, classifying a ZEV configuration as unavailable based on the suggested delivery timeframe is not necessary.

p) Zero-Emission Vehicle Availability Criteria—Require Vehicle Maintenance Support Within a Certain Range for Fleets

- 287. Comment:** Commenter requests that CARB require that a ZEV or NZEV authorized dealer or manufacturer provide vehicle maintenance support within 50 miles of the delivery point and guarantee continuous availability of parts in determining whether a configuration is available. (Ellis Chiu – 45d)
- 288. Comment:** Commenter requests that the ZEV Purchase Exemption address scenarios when warranty support is not available within 50 miles of the point of vehicle delivery. (Nicole Looney – 45d)
- 289. Comment:** Commenter states that vendor criteria should be evaluated in determining whether a vehicle configuration is considered available, including the ability to provide vehicle maintenance support with a reasonable range for fleets. (Nick Blair – 45d)
- 290. Comment:** Commenter requests that ZEVs be considered unavailable unless parts distribution be provided within a minimum range of the vehicle's point of delivery. (Priscilla Quiroz – 45d)
- 291. Comment:** Commenter requests re-evaluation of the ZEV Purchase Exemption to reflect actual vehicle availability and performance, stating that agencies should not be required to procure ZEVs that are not comparable to ICE vehicles in terms of service availability. (Anthony Tannehill – 45d)
- 292. Comment:** Commenter states that true availability of vehicles should be evaluated with criteria reflecting the history and solvency of the manufacturer's service availability. (Mark Neuburger – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the ZEV Purchase Exemption was modified to exclude ZEVs from manufacturers that have not received a CARB ZEV certification Executive Order for one or more chassis or complete vehicles for at least three model years of the previous five model years. Also, part of the First 15-Day Changes, a manufacturer may not be in bankruptcy or bankruptcy proceedings for a vehicle that they offer to be considered available. These criteria were added to address stakeholder concerns regarding manufacturer experience or reliability.

However, CARB declined to make further changes suggested by the commenter, because basing the ZEV availability of a configuration on maintenance support within a certain range of a fleet location or delivery point is not workable criteria due to varying fleet and delivery point locations. Other flexibility was made as part of the First 15-Day Changes to increase the ability of fleet owners to determine which vehicle purchases should be ICE or ZEV. These flexibilities include the 50% ZEV purchase requirement under the ZEV Purchase Schedule that was extended until January 1, 2030, the lowered entry threshold for the Fleet Resiliency Exemption, and the ability to acquire an exemption for fleet resiliency at any time for an existing or newly added ICE vehicle under the ZEV Milestones Option. It would also be exceedingly difficult and burdensome for CARB to maintain a list that considers the suggested criteria. Additionally, fleets with delivery points located outside of a specific range from maintenance support would unfairly be granted the exemption. Maintenance support locations are also expected to increase as the ZEV market develops and expands.

q) Zero-Emission Vehicle Availability Criteria—Require One-To-One Replacement

293. Comment: Commenter requests that CARB consider the replacement of one specialty ICE vehicle not necessitating the purchase of more than one ZEV or NZEV to meet required technical and operational specifications of the vehicle being replaced in determining whether a configuration is available or not. (Ellis Chiu – 45d)

Agency Response: No changes were made in response to these comments. The requested change is not necessary, as flexibilities are already provided in the ACF regulation that consider circumstances in which a ZEV or NZEV does not sufficiently replace an existing ICE vehicle. The ZEV Purchase Exemption permits fleet owners to purchase a new ICE vehicle if a ZEV or NZEV is not available in the configuration needed to meet the primary function of the fleet. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet.

r) Zero-Emission Vehicle Availability Criteria—Require Manufacturers to Have Selling Experience

294. Comment: Commenter states that vendor criteria should be evaluated in determining whether a vehicle configuration is considered available, including three or more years of service selling vehicles in California. (Nick Blair – 45d)

295. Comment: Commenter requests that manufacturers have at least three years of experience selling vehicles in California when determining whether a vehicle configuration is available. (Ellis Chiu – 45d)

296. Comment: Commenter states exemptions must be improved by revising the ZEV Purchase Exemption to reflect real-world criteria like vendor reliability. (Scott Petersen – 45d)

297. Comment: Commenter requests re-evaluation of the ZEV Purchase Exemption to reflect actual vehicle availability and performance, stating that agencies should not be required to procure ZEVs that are not comparable to ICE vehicles in terms of manufacturer reliability. (Anthony Tannehill – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the ZEV Purchase Exemption was modified to exclude ZEVs from manufacturers that have not received a CARB ZEV certification Executive Order for one or more chassis or complete vehicles for at least three model years of the previous five model years. This criteria was added to address stakeholder concerns regarding manufacturer experience or reliability.

s) Streamlined Zero-Emission Vehicle Purchase Exemption List—Manufacturers to Confirm Availability Rather Than Fleets

298. Comment: Commenter requests that CARB provide a list of available manufacturers that have market-ready vehicles in the medium- to heavy- duty class sizes, 2b-8, that are confirmed by manufacturers rather than fleets. (Mina Mikhael-45d, Paschal Owaka-45d, Eleanor Granflor-45d, Steve Sudduth-45d, Duc Luu-45d, Damon Conklin-45d, David Shawver-45d, Sean Sabo – 45d)

299. Comment: Commenter states that availability of model/body types of multiple weight classes and functions should be confirmed by the manufacturers, rather than fleets. (David Shawver – 45d)

Agency Response: No changes were made in response to these comments. Similar to ICE vehicles, ZEVs are manufactured as chassis or incomplete vehicles, and the final vehicle

configuration is then built to customer specifications in coordination with the fleet owner, so it is unnecessary to include a list of manufacturers with the configurations they offer or could offer as part of the ZEV Purchase Exemption. It would also be exceedingly burdensome for CARB to confirm the availability of hundreds of body configurations and potentially thousands of vehicle configurations with the manufacturers if a wide range of final body customizations are considered.

t) Streamlined Zero-Emission Vehicle Purchase Exemption List—Include Specific Vehicle Body Types

- 300. Comment:** Commenter states early access exemption pathways and the ZEV Purchase Exemption Streamlined List should be strengthened and expanded to include additional vacuum, jetter, and combination vacuum-jetter trucks to maintain system reliability and emergency response capability. (Curtis Paxton – 45d)
- 301. Comment:** Commenter states the ZEV Purchase Exemption Streamlined List should be expanded to include additional Class 4-7 vacuum trucks and Class 4-8 combination vacuum-jetter and jetter trucks, as these configurations are not currently available as ZEVs and are widely used by public agencies. (Craig Miller – 45d)
- 302. Comment:** Commenter states that CARB staff should be updating the ZEV Purchase Exemption Streamlined List to include Class 4-7 vacuum trucks, jetter/vacuum combo trucks, and pipeline inspection units. (Sarah Deslauriers – 45d)
- 303. Comment:** Commenter requests the addition of Class 4-7 vacuum trucks and Class 4-8 jet or combo vacuum trucks to the ZEV Purchase Exemption List. (Randa AbuShaban – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, vacuum, vacuum-jetter, and jetter body types were added to the ZEV Purchase Exemption Streamlined List. These vehicle configurations are well-defined, commonly used by water and wastewater utilities, and are not currently available as ZEVs, which makes them suitable to be evaluated on the ZEV Purchase Exemption Streamlined List. Pipeline inspection units were not added to the ZEV Purchase Exemption Streamlined List, as they are less common; however, fleet owners can still submit an application for an exemption if eligible.

7. Daily Usage Exemption

a) Daily Usage Eligibility—Request to Remove Eligibility Threshold

- 304. Comment:** Commenter requests removal of the 10% threshold before accessing the Daily Usage Exemption, as based on the current ZEV market conditions, the minimum proportions of ZEVs make access to this exemption unattainable in the near term, while existing vehicles continually need to be replaced. (Ellis Chiu – 45d)
- 305. Comment:** Commenter requests that for the Daily Usage Exemption, CARB allow eligibility without a minimum ZEV share for vehicles designated for emergency or mutual aid purposes. (Tenille Otero – 45d)
- 306. Comment:** Commenter requests that CARB remove the requirement for at least 10% of the fleet to be comprised of ZEVs or NZEVs, as the composition of the fleet has no bearing on whether a ZEV is currently available that meets the fleet's daily usage needs. Commenter states that this requirement is also especially burdensome for fleets with higher percentages of specialty vehicles and fleets in low-population counties. (Priscilla Quiroz – 45d)
- 307. Comment:** Commenter requests removing percentage requirements when ZEVs cannot meet worst-case operational performance until sufficient data is available. (Nick Blair – 45d)

Agency Response: No changes were made in response to these comments. The requirement that the fleet should be comprised of 10% ZEVs to qualify for the Daily Usage Exemption is necessary to ensure progress is being made by every fleet in purchasing ZEVs before exemptions based on duty-cycle are granted. Fleet owners will have to consider where ZEVs will fit best into their operations and take the initial steps to phase-in ZEVs in their fleet. This requirement will help fleets gain experience with ZEV technology and ensure they have a vested interest in moving the market forward. Additionally, as part of the First 15-Day Changes, a number of changes were made to provide additional flexibilities for fleets so that it would be less challenging for fleets to phase-in ZEV technology. For example, the 100% ZEV purchase requirement was delayed from 2027 to 2030, and the minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5% and expanded to all truck types. Therefore, prior to 2030, fleet owners can purchase fewer ZEVs and apply for the Fleet Resiliency Exemption if they prefer ICE vehicles for certain responsibilities. After 2030, when 100% of vehicle purchases need to be ZEVs, CARB expects the fleet to make progress toward the phase-in of ZEV technology and to exceed the 10% ZEV threshold to qualify for the Daily Usage Exemption, assuming vehicle turnover rates between 10 to 13 years. Therefore, removing the threshold is not necessary.

b) Daily Usage Eligibility—Request To Receive Exemptions Prior to Any Zero-Emission Vehicle Purchase

- 308. Comment:** Commenter requests that CARB remove the requirement where BEVs that do not meet the daily usage criteria must be purchased before an exemption for ICEVs can be granted. Commenter states that replacement criterion of vehicles is approved by the fleet's governing board, chief executive, or the chief executive's designee due to age, maintenance issues, mileage, and other operational needs. (Ellis Chiu – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB modified language and added renumbered section 2013.2 (b)(4) to more clearly establish that vehicles with a mileage need that is lower than the rated energy capacity of a BEV would not be eligible for exemptions. Such modifications make this requirement more explicit. This requirement necessarily streamlines the application review process without granting unneeded exemptions and, therefore, must be retained. As part of the First 15-Day Changes, CARB also added new calculation methodology to allow for fleet owners to use data collected by other fleets or reliable sources for application to further streamline the application reviewing process. CARB determined that further changes were not necessary because it would not help achieve the goals of the regulation. Exemptions will not be granted to purchase any ICE vehicles if BEVs can replace vehicles with lower mileage needs in the requested vehicle weight group or configuration.

c) Daily Usage Eligibility—Request to Remove Exclusion of Certain Vehicle Types

- 309. Comment:** Commenter requests that CARB remove arbitrary exclusions for specific vehicle body types and energy capacities, as the exemption is meant to address use cases that are not currently addressed by the market, which may include duty cycles that aren't used by most fleets. (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. The Daily Usage exemption limitation applies for configuration and weight classes where NZEVs and FCEVs or BEVs with large batteries are commercially available. The limitation is necessary because these vehicles have more flexible range and operational hours than other ZEVs due to their extended range. For example, NZEVs and FCEVs on the excluded vehicle list

can be fueled quickly by gasoline or hydrogen at the fueling stations, and BEVs on the list have large batteries that enable them to travel long distances without recharging. These vehicles don't need exemptions because their travel ranges with one charge can cover the majority of the operational needs for the fleets. NZEVs are compliant through the 2035 model year, and fleets should phase-in those vehicles where ZEVs cannot meet fleet needs.

d) Daily Usage Eligibility—Request to Consider Fleet Expansion

- 310. Comment:** Commenter requests that CARB include new vehicle additions, not just vehicle replacements, in the Daily Usage exemption to allow for fleet expansions when ZEVs are unavailable. (Ellis Chiu – 45d)
- 311. Comment:** Commenter requests that the rule explicitly support the addition of vehicles to accommodate growing service areas, infrastructure demands, and unforeseen emergencies, specifically under the Daily Usage Exemption. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB deleted the requirements to remove a vehicle from the fleet when granted a Daily Usage Exemption. This change addressed concerns that such a requirement would prevent stakeholders from expanding their fleets.

e) Daily Usage Eligibility—Request to Expand Early Access to Exemptions for All State And Local Government Fleets

- 312. Comment:** Commenter requests that greater flexibility and compliance options should be provided for public agency utilities, allowing traditional utility-specialized vehicles to be replaced at the end of their life to maintain reliable service and respond to major events. Commenter states that all cities should be included in the Daily Usage Exemption. (Mina Mikhael – 45d, Paschal Owaka – 45d, Eleanor Granflor – 45d, Steve Sudduth – 45d, Duc Luu – 45d, Damon Conklin – 45d, Sean Sabo – 45d)
- 313. Comment:** Commenter states the Daily Usage Exemption requests should utilize the same methodology, no matter who owns the Traditional Utility-Specialized Vehicle. (Peter Okurowski – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB expanded the eligibility of the Daily Usage Exemption from TUSVs owned by public agency utilities to all SLG fleets. Additionally, the First 15-Day Changes updated the Daily Usage Exemption such that the highest daily value for each truck assignment is used for comparison instead of excluding the three highest mileage days. All vehicles owned by public agencies are eligible for the Daily Usage Exemption if fleets can demonstrate that current ZEVs cannot meet their daily mileage needs.

f) Daily Usage Eligibility—Request To Allow Zero-Emission Milestones Option Fleets to Access the Exemption When a Milestone is Not Met

- 314. Comment:** Commenter requests that CARB allow ZEV Milestones Option fleets to access the Daily Usage Exemption if the fleet could not meet its milestone by converting any other vehicle purchase made in the two years preceding the milestone to ZEV. (Nicole Looney – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the Daily Usage Exemption was updated to no longer require the fleet to demonstrate that all vehicles are unable to be replaced by ZEVs. Instead, when determining exemption eligibility, only vehicles that are 10 model years old or older are

evaluated. The model year limitation provides more flexibility for fleet owners because CARB will only evaluate the operational needs of a subset of all vehicles, instead of all vehicles in the fleet, for exemption eligibility. While this is not the exact change requested by the commenter, it is a more appropriate and flexible change, as it ensures that vehicles are used for the majority of their useful life, while also allowing for older vehicles to be eligible for exemptions. For example, if a fleet owner had purchased an ICE vehicle five years ago, that vehicle wouldn't need to be considered for turnover for another five years. CARB did not make the commenter's suggested change, because under the commenter's suggested change, the same vehicle would be required to be considered for turnover. The current proposal subsequently achieves greater emissions benefits as older, higher-emitting vehicles would be prioritized for turnover.

g) Daily Usage Calculation Methodology—General Concern

- 315. Comment:** Commenter requests that on-the-ground telemetry and duty-cycle data be used in place of generic conversion factors when evaluating exemption eligibility. (Tenille Otero – 45d)
- 316. Comment:** Commenter states that the Daily Usage exemption is currently too burdensome and the requirement to obtain comparison data from ZEVs creates significant barriers to access. Commenter requests that CARB streamline this process and remove unnecessary hurdles. (Priscilla Quiroz – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB improved the data collection options listed in renumbered section 2013.2(b)(4) to meet the requests from the commenter. The improvements include allowing for submission of periodic data when consecutive daily data is unavailable and adding data collection and calculation methods, i.e., conversion from mileage to energy usage in renumbered section 2013.2(b)(4)(B) and real-world test data collection in renumbered section 2013.2(b)(4)(C). Real-world test data collection is only required under the energy usage method because it was necessary to develop a method to directly compare energy use of BEVs and ICE vehicles.

h) Daily Usage Calculation Methodology—Request to Provide Clear Definition of Daily Mileage and Energy Usage

- 317. Comment:** Commenter states that the Daily Usage exemption references “daily mileage or energy usage,” but it is unclear whether this refers to an annual average, peak usage, or another calculation method. (Shanita Tillman – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB added more detailed definitions of both daily mileage and energy use in renumbered section 2013.2(b)(4). If daily data are available, the lowest mileage of each consecutive 30-workday period is collected, and daily usage and energy usage are determined from the highest collected mileage. If daily data are unavailable, the fleets can submit at least four mileage intervals that together span the 30-workday period.

i) Daily Usage Calculation Methodology—Concern on Test Data Availability

- 318. Comment:** Commenter states that not all specialty vehicles utilized by the utilities have BEV alternatives that are readily available or in operation, which severely impacts the ability to collect the required BEV data. (Priscilla Quiroz – 45d)

Agency Response: Changes were made to partially accommodate for the request from commenters. First, if it is challenging to collect BEV data for comparison, the fleet has the option to use the mileage data method, which does not require real-world BEV data

collection. Second, if the fleet prefers to use the total energy usage method, which is a part of the First 15-Day Changes, the fleet owner can collect real-world data from a BEV or use data from another fleet that has collected relevant data. In other words, purchasing a BEV is not required to qualify for the Daily Usage Exemption. Third, as part of the First 15-Day Changes, if the vehicles are not readily available or a ZEV manufacturer has not received a CARB ZEV certification Executive Order for one or more chassis or complete vehicles for at least three model years of the previous five model year, the fleets are eligible to apply for ZEV Purchase Exemption instead. Finally, the added flexibility included in the First 15-Day Changes gives fleet owners more flexibility in deciding which vehicles to deploy as ZEV or ICE vehicles. The 100% ZEV purchase requirement was delayed until 2030, and a number of exemptions were expanded providing more time for fleets to continue deploying ICE vehicles where needed. No additional changes were made because CARB considers the changes in flexibility as described above sufficient to address the commenter's concern.

j) Daily Usage Calculation Methodology—Concern on Access to Shared Data

319. Comment: Commenter states that even if BEV data is potentially available from other utilities, it's unknown whether that data will be offered, provided, or actually be equivalent. (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. The option to obtain real-world energy usage factors from other utilities or agencies is designed to provide flexibility to fleets so that the fleet does not need to gather relevant data themselves. If the fleet cannot obtain BEV data from other utilities, CARB can also accept real-world energy usage factors from any other source as long as the tests are representative of a typical workday for the vehicle being evaluated. Alternatively, the fleet can use the mileage data method in renumbered section 2013.2(b)(4)(A) to qualify for the Daily Usage Exemption.

k) Daily Usage Calculation Methodology—Request to Change the Requirement to Remove Vehicles From Fleet When Exemption is Granted

320. Comment: Commenter requests that the Daily Usage Exemption account for the time needed to upfit a replacement vehicle before it is placed into service. Commenter requests that CARB provide at least 30 days for the actual sale and transfer of ownership of the vehicle that is being replaced. Commenter requests that in section 2013.2(b)(7), the language "the California fleet" be replaced with "service," and "receiving" be replaced with "placing." Commenter requests that the language "in service" be added. (Sarah Deslauriers – 45d)

Agency Response: Changes were made in response to these comments. CARB deleted the requirements to remove a vehicle from the fleet when granted a Daily Usage Exemption, i.e., former section 2013.2(b)(7). The exact textual changes requested by the commenter were not made because they were unnecessary after the deletion of the vehicle removal requirements in former section 2013.2(b)(7).

l) Daily Usage Calculation Methodology—Lack of Historic Data

321. Comment: Commenter states the Daily Usage Exemption relies on historic ZEV data that many public agency utilities do not have and applies uniform requirements across different operations. (Nick Blair – 45d)

- 322. Comment:** Commenter states that the proposed Daily Usage Exemption is challenging to comply with because the utility lacks telemetric and historic vehicle data. (Jason Maruca – 45d)
- 323. Comment:** Commenter states that the Daily Usage exemption is currently too burdensome and the requirement to obtain historical data creates significant barriers to access. (Priscilla Quiroz – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB added in renumbered section 2013.2(b)(4)(A) that when daily data are unavailable, fleets can alternatively provide at least four mileage intervals that together span 30 workdays. Daily mileage is derived by averaging periodic data by taking the difference of the odometer readings and dividing them by the number of workdays for each period. In addition, fleet owners can obtain their vehicle mileage data from different sources, including telemetry records, maintenance records, fueling records, handwritten logs, or another system that records vehicle mileage readings and dates the readings were taken. These changes offer fleet owners more options to provide historical data and thus improve access to the Daily Usage Exemption.

m) Daily Usage Calculation Methodology—Request to Use Highest Mileage Reading and Not to Rely Solely on Lowest Mileage for Calculation

- 324. Comment:** Commenter requests that the Daily Usage Exemption calculation method be based on the highest readings of each day rather than the lowest of each day. (Peter Okurowski – 45d)
- 325. Comment:** Commenter states that calculating a fleet's usage needs by focusing on the lowest usage value each day could potentially force fleets to purchase vehicles that are not properly equipped to meet the full duty cycle and respond to emergencies, creating significant safety concerns. Commenter requests that the Daily Usage exemption permit public agency utilities to rely on comprehensive and complete usage data when calculating their usage needs and allow fleets to plan for their highest usage needs. (Priscilla Quiroz – 45d)
- 326. Comment:** Commenter states that instead of compiling data from specific periods of time, fleet owners should have the option of providing example(s) from any period to demonstrate a vehicle's usage need (e.g., a worst-case scenario). (Ellis Chiu – 45d)
- 327. Comment:** Commenter requests granting exemptions when ZEVs cannot meet worst-case operational performance until sufficient data is available. (Nick Blair – 45d)
- 328. Comment:** Commenter states that it is not aligned with AB 1594 to rely exclusively on lowest mileage readings. (Jason Maruca – 45d)
- 329. Comment:** Commenter requests that CARB adjust the current daily usage exemption to reflect the intermittent yet essential nature of specialized utility vehicles, which may sit idle for weeks but must operate continuously under extreme demand during emergencies. (Alyson Piguee – 45d)

Agency Response: No changes were made in response to these comments. The Daily Usage Exemption is based on actual vehicle operation data selected by the fleet owner for any 30-day period of within the previous year, or within the previous 5 years if they have a mutual aid agreement. Identifying the lowest daily mileage (or usage) reading from the group of vehicles is an objective method to determine the range or energy capacity needed each day during the analysis period. The method assesses whether fleets should have enough flexibility in their routes and fleet management to adjust vehicle assignments such that all of the fleet owner's daily needs could be met by an available ZEV and identifies number of vehicles eligible for extensions if daily vehicle usage needs cannot be met based

on the data provided. As technology continues to improve over time, ZEVs will continue to meet even more operations. Fleet owners can also use the amended Fleet Resiliency Exemption to address resiliency concerns. The amended Fleet Resiliency exemption gives fleets earlier access to the exemption by reducing the access threshold from 25% down to 5% ZEVs in the fleet and it was expanded to include any vehicle type. This exemption allows fleet owners to designate which vehicles use the exemption to address any operational resiliency concern.

n) Daily Usage Calculation Methodology—Request to Change the Calculation Method

- 330. Comment:** Commenter is concerned about the calculations used to qualify for the Daily Usage exemption and how that will make it difficult for their vehicles to qualify for it. (Shanita Tillman – 45d)
- 331. Comment:** Commenter requests that in lieu of calculating the range of a BEV, CARB allow fleet owners to convert fuel usage to a kilowatt-hour equivalent, which can then be compared to that of a BEV. (Ellis Chiu – 45d)
- 332. Comment:** Commenter requests that, under the Daily Usage Exemption, CARB add an alternative, through 2035, that allows fleet owners to use fuel equivalency calculations based on heat content to compare available BEVs to ICE vehicles within the fleet. (Nicole Looney – 45d)
- 333. Comment:** Commenter states that the Daily Usage exemption should not require the testing of an equivalent BEV to calculate energy usage, but instead allow for a standardized conversion of fuel consumption to rated energy capacity. Commenter requests that, rather than imposing an impossible vehicle testing requirement, CARB permit fleets to calculate the fuel equivalency to capture stationary work usage. Commenter states that using a kWh conversion of fuel consumption to rated energy capacity is a simple approach that will provide a better estimate for daily usage calculations. (Priscilla Quiroz – 45d)
- 334. Comment:** Commenter recommends a flexible approach, such as fuel equivalency, to achieve CARB's goals while remaining operationally feasible. (Jason Maruca – 45d)
- 335. Comment:** Commenter requests allowing fuel-to-energy conversions as an interim approach. (Nick Blair – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB included an additional calculation method based on total energy use in renumbered section 2013.2(b)(4)(B). The Total Energy Usage method uses miles and total fuel usage to estimate the equivalent battery capacity in kilowatt hours for each vehicle using real-world energy usage factors derived from real-world test data results. The newly added conversion method addresses the request from commenters.

o) Daily Usage Calculation Methodology—Request to Only Submit Exemption Applications for Replaced Vehicles

- 336. Comment:** Commenter states that instead of compiling daily usage reports of all existing ICEVs of the same weight class and configuration, fleet owners should only have to demonstrate that the vehicle being replaced exceeds the capabilities of a BEV. (Ellis Chiu – 45d)

Agency Response: No changes were made in response to these comments. CARB evaluates all vehicles in the same weight class and configuration rather than only vehicles being replaced to avoid loopholes. For example, if a fleet owner is purchasing one vehicle but has 4 vehicles of the same weight class and configuration the daily usage of all 4 vehicles is evaluated for the 30-day period selected by the fleet owner. If one of those vehicles operates well within the capabilities of a BEV each day the fleet owner is expected

to purchase 1 BEV and would not qualify for an exemption. If the fleet owner wishes to keep specific vehicle types as ICE vehicles, the fleet owner can apply for the Fleet Resiliency Exemptions, which is designed for such situations.

p) Daily Usage Calculation Methodology—Request to Change or Remove the Comparison of Vehicles Within the Same Weight Class or Configuration Group

337. Comment: Commenter states that the Daily Usage exemption requires fleet owners to compare available BEVs to all vehicles of the same configuration within the fleet.

Commenter requests that only vehicles of the same configuration that are assigned to the same workgroup be included in the comparison. (Nicole Looney – 45d)

338. Comment: Commenter requests that the Daily Usage exemption allow fleets to limit data comparisons to those vehicles performing the same duty cycle. Commenter states that specialized vehicles are often custom-built to meet the specific needs of their assignments and location, and cannot be easily swapped throughout the fleet, even within the same class and configuration. (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. The requests made in the comments align with processes that are already incorporated in the current review procedures. In other words, when the fleet owner submits the application for a Daily Usage Exemption, CARB will review relevant information on the vehicles, including their primary intended use information, to determine their eligibility. During real-world test data collection, the fleet owner may also choose to collect data from BEVs and ICE vehicles with similar intended functions and apply the energy usage factors to determine eligibility.

q) Daily Usage Calculation Methodology—Request to Extend Data Collection Period

339. Comment: Commenter further requests that CARB allow multi-year lookback periods (e.g., 60 months) for vehicles with infrequent but extreme usage peaks. (Tenille Otero – 45d)

Agency Response: No changes were made in response to these comments. The commenter represents Otay Water District that has an active mutual aid agreement. According to section 2013.2(b)(4) in the original 45-Day changes, fleet owners with mutual aid agreements may submit the Daily Usage Report with data from the last 60 months, which meets the request from the commenter.

r) Daily Usage Exemption Timeline

340. Comment: Commenter requests that CARB allow additional time for fleet owners to place new vehicle orders, as their normal procurement process takes approximately 18 months to award a contract and up to two years to place a vehicle order. (Ellis Chiu – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, fleets are eligible to request exemptions for purchases in both the current and next calendar year, which addresses the concern from the commenter.

8. Fleet Resiliency Exemption

a) Fleet Resiliency Exemption—Expand Exemption to Vehicles That Respond to All Types of Emergencies

341. Comment: Commenter requests expansion of emergency vehicle exemptions and mutual aid, stating that emergency response obligations exist regardless of fleet composition and are not limited to declared emergencies. (Anthony Tannehill – 45d)

- 342. Comment:** Commenter states that the Mutual Aid Exemption is overly limited because it relies on a formal “declared emergency events,” which may delay response to local emergencies requiring immediate action. (Alison Torres – 45d)
- 343. Comment:** Commenter states that, as drafted, the Mutual Aid Exemption applies only to vehicles “dispatched under contract” to aid another entity, which is too narrow of a definition and does not reflect the operational realities of public utilities. Commenter states that, for example, water, sewer, and electric utilities maintain fleets that must be rapidly deployed in emergencies to restore essential services and protect public health and safety, but these actions don’t fall under a mutual aid contract. (James Gumaël – 45d)
- 344. Comment:** Commenter states that as currently structured, the proposed modifications do not adequately account for the operational realities of local government fleets, particularly those that support emergency response and essential infrastructure. (Stephanie Klopfenstein – OCP)
- 345. Comment:** Commenter states that the current requirements are impractical given emergency response obligations and limited ZEV availability. (Scott Petersen – 45d)

Agency Response: Changes were made in response to these comments. In the First 15-Day Changes, the regulation text was changed to state that fleet owners may request the Fleet Resiliency Exemption (formerly the Mutual Aid Exemption) to purchase a new ICE vehicle or use this exemption to designate an existing ICE vehicle as exempt to address any fleet resiliency concerns such as emergency response support, towing or range limitations. The changes to the Fleet Resiliency Exemption reduced the threshold to access the provision to 5% ZEVs and opened the exemption to all vehicle body types. Any vehicle in a fleet can be used during a Declared Emergency Event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code, section 8558, without affecting compliance.

b) Fleet Resiliency Exemption—Provide Additional Flexibility Under the Fleet Resiliency Exemption

- 346. Comment:** Commenter requests that CARB provide additional flexibility under the mutual aid exemption to account for emergencies and mutual aid assistance. (Ellis Chiu – OT)

Agency Response: Changes were made in response to this comment. As part of the First 15-Day Changes, regulation text was changed to state that fleet owners may request the Fleet Resiliency Exemption to purchase a new ICE vehicle or use this exemption to designate an existing ICE vehicle, to address any fleet resiliency concerns such as mutual aid response support, towing, or range limitations. Another change to the Fleet Resiliency Exemption to expedite access was to reduce the entry threshold of 25% ZEVs in a fleet down to only 5% of ZEVs in a fleet in order for fleet owners to claim it. The Fleet Resiliency Exemption gives fleets complete discretion as to what vehicles they decide to use the exemption, fleets also have flexibility with the 100% ZEV Purchase delay in how they phase in ZEVs and ICE. Small fleets and those in designated counties don’t need to purchase any ZEVs until 2030. The exemption has been expanded to include all vehicle types, as several body types were excluded previously.

When a fleet is claiming the Fleet Resiliency Exemption they have the discretion to exempt any of their vehicles, even those that they are not planning to send out on mutual aid events. Any vehicle in a fleet can be used during a Declared Emergency Event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code, section 8558, without affecting compliance.

c) Fleet Resiliency Exemption—Provide Additional Exemptions for Unreliable Zero-Emission Vehicles

- 347. Comment:** Commenter requests that CARB add a "Lemon" exemption from ZEV procurement requirement in the Mutual Aid Exemption for those ZEVs that are considered substantially impaired and allows the public agency to replace the ZEV with a comparable ICE vehicle. (Kimberly Thorner – 45d)
- 348. Comment:** Commenter requests that "pre-profit OEMs" and start-ups that do not have a national parts, service, trained technicians available to service their ZEVs be recognized and exempted in the Mutual Aid Exemption. (Kimberly Thorner – 45d)

Agency Response: Changes were made in response to these comments. The language regarding whether a vehicle is available and therefore recognized by the ZEV Purchase Exemption was updated to state that the vehicle manufacturer must have been issued an Executive Order to certify vehicles or chassis that can be sold in California for one or more chassis or complete vehicles for at least three model years of the previous five model years. The Executive Officer shall consider an offered ZEV or NZEV available to purchase if the manufacturer offers a powertrain warranty period for at least three years or 50,000 miles, whichever occurs first, for zero-emission powertrain components. These changes add additional protections and are directionally consistent with the stated stakeholders' concerns.

A "Lemon" exemption was not added to the Fleet Resiliency Exemption, as that proposal is outside the Fleet Resiliency's exemptions intended purpose. However, the Fleet Resiliency Exemption gives fleets complete discretion as to what vehicles they decide to use the exemption, fleets also have flexibility with the 100% ZEV Purchase delay in how they phase in ZEVs and ICE. Small fleets and those in designated counties don't need to purchase any ZEVs until 2030.

d) Fleet Resiliency Exemption—Remove Exemption Access Threshold

- 349. Comment:** Commenter states that current regulations for mutual aid ICE vehicles owners may only initially apply for the exemption after the first 25% of the fleet are ZEVs and caps the number of ICE vehicles in the fleet per this exemption. Commenter requests the removal of this requirement in the exemption as they will still be required to respond to emergency situations no matter what percentage of its fleet is comprised of ZEV's (Brett Hodgkiss – 45d)
- 350. Comment:** Commenter states that the Mutual Aid Exemptions should be applied regardless of the percent of EV purchases an agency has made (Kimberly Thorner – 45d)
- 351. Comment:** Commenter requests that CARB remove the 25% ZEV threshold requirement for the Mutual Aid Exemption. (Damon Conklin – 45d)
- 352. Comment:** Commenter requests revisions to the Mutual Aid Exemption, stating that emergency response obligations exist regardless of fleet ZEV composition and should not be conditioned on fleet percentage thresholds. (Anthony Tannehill – 45d)
- 353. Comment:** Commenter states that applying a ZEV threshold to the exemption could restrict access to appropriate mutual aid vehicles. (Alison Torres – 45d)
- 354. Comment:** Commenter states the current Mutual Aid Exemption is impractical because it requires an upfront percentage of ZEVs in service that public agency utility fleets cannot meet given current market limitations. Commenter requests reframing the exemption to allow upfront designation of a portion of the fleet as mutual aid or emergency-use vehicles to ensure reliable emergency response capabilities. (Nick Blair – 45d)

- 355. Comment:** Commenter requests that CARB remove any requirement to meet a minimum threshold before accessing this exemption as based on the current ZEV market conditions, the minimum proportions of ZEVs make access to this exemption unattainable in the near term, while existing vehicles continually need to be replaced. (Ellis Chiu – 45d)
- 356. Comment:** Commenter requests that the 25% access threshold under the Mutual Aid Exemption be lowered as it may have the unintended effect of pushing the exemption out of reach for fleet owners that, due to market availability and other circumstances outside their control, may take longer to meet these thresholds—but still need to purchase or maintain demonstrated, reliable vehicles for emergency response. (Nicole Looney – 45d)
- 357. Comment:** Commenter states the ZEV threshold should be removed as fleets may be unable to meet the initial 25% threshold for a myriad of unrelated reasons, such as vehicles not being available for purchase as ZEV, asset retirement schedules, procurement/supply delays, or the fact that some fleets are not subject to compliance obligations until 2027. (Priscilla Quiroz – 45d)
- 358. Comment:** Commenter states that the current minimum ZEV threshold is an unreasonable barrier to fleets. (Noelle Mattock – 45d)
- 359. Comment:** Commenter states that the Mutual Aid Exemption needs adjustments, including eligibility regardless of the current ZEV fleet size. (Elisabeth de Jong – OT)
- 360. Comment:** Commenter requests that CARB expand access to the Mutual Aid Exemption by removing barriers for entry as the current market cannot support the current limits. Commenter requests more effective ways to use the mutual aid provision. (Jesus Martinez – OT)
- 361. Comment:** Commenter states they would appreciate changes to the Mutual Aid Exemption to not have thresholds. (Andy Haussler – OT)
- 362. Comment:** Commenter states that the escalating ZEV threshold requirements, beginning with 25% and ramping up to 75%, creates an unreasonable barrier to accessing the Mutual Aid exemption. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the minimum threshold of 25% ZEVs in a fleet until January 1, 2032, and the subsequent future increases of at least 50% until January 1, 2035, and 75% thereafter, to access the Fleet Resiliency Exemption was lowered to the flat rate of 5%. This change provides earlier access to this exemption when 95% of the vehicles in the fleet are still ICE vehicles. The Fleet Resiliency Exemption was expanded to give fleets complete discretion as to what vehicles they decide to use the exemption. Fleets also have more flexibility with the 100% ZEV Purchase delay in how they phase in ZEVs and ICE. Small fleets and those in designated counties don't need to purchase any ZEVs until 2030.

e) Fleet Resiliency Exemption—Internal Combustion Engine Vehicle Cap Adjustments

- 363. Comment:** Commenter requests that CARB remove the 25% fleet cap requirement for the Mutual Aid Exemption. (Damon Conklin – 45d)
- 364. Comment:** Commenter states that the maximum 25% exemptions are an unreasonable barrier to fleets. (Noelle Mattock – 45d)
- 365. Comment:** Commenter recommends that CARB revise the Mutual Aid Exemption to allow greater flexibility for public fleets to exceed the current 25% cap on ICE vehicles under specific conditions. (Roxana Ramirez – 45d)
- 366. Comment:** Commenter requests revising the Mutual Aid Exemption to allow greater flexibility for public agency utilities, including the ability to exceed the existing 25% ICE vehicle cap under certain conditions. (Scott Petersen – 45d)

- 367. Comment:** Commenter states that a percentage limit on the number of vehicles for mutual aid is not sufficient due to the diversity in fleet sizes and operations. Commenter states that if a 25% limit is required, they recommend that ACF include a process where fleets with operations in multiple states or a large service territory may, through discussions with CARB, request exemptions for additional mutual aid vehicles over the 25% limit. (Ellis Chiu – 45d)
- 368. Comment:** Commenter requests that, under the Mutual Aid Exemption, a process be added for the current 25% cap to be adjusted if any of the following criteria are met: (1) fleet size is fewer than 100 vehicles, (2) certain metrics are met that address service territory or infrastructure operations across large areas requiring considerable fleet vehicle travel between locations, or (3) service territories or owned facilities are located within a Tier 2 or Tier 3 High Wildfire Threat District, as designated by the CPUC, or within a Fire Hazard Severity Zone as designated by CalFire. (Priscilla Quiroz – 45d)
- 369. Comment:** Commenter states that the Mutual Aid Exemption needs adjustments, including flexibility on the 25% cap for fleets with demonstrated need. (Elisabeth de Jong – OT)

Agency Response: Changes were made in response to these comments. The maximum 25% exempt vehicles cap in a fleet was not changed and remains the maximum limit of vehicles that may be claimed exempt under a fleet's total exemptions. The threshold cap was not removed or modified to provide additional flexibility to ensure that fleets continue to make progress towards meeting the regulation's emissions reduction goals. California is committed to achieving significant reductions in the amount of NOx from medium- and heavy-duty vehicles. The repeal of the Drayage and High Priority Fleets sections of the ACF Regulation does not change the emissions reduction commitments made in the SIP nor does it eliminate California's obligation to realize those emissions reductions.

With the 100% ZEV Purchase delayed until 2030, fleets have more flexibility in how they phase in ZEVs and ICE. Small fleets and those in designated counties don't need to purchase any ZEVs until 2030. The Fleet Resiliency Exemption's entry threshold of 25% ZEVs in a fleet has been lowered to 5%. The exemption has been expanded to include all vehicle types, as several body types were excluded previously. Fleets often do not send out a high percentage of their fleet to provide mutual aid. The flexibility provided by the regulation and its exemptions means it will be about a decade before most fleets reach 50% ZEVs in their fleet.

Although the Fleet Resiliency Exemption does not allow additional exempt vehicles over the 25% limit, any vehicle in a fleet can be used during a Declared Emergency Event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code, section 8558, without affecting compliance. When a fleet is claiming the Fleet Resiliency Exemption, they have the discretion to exempt any of their vehicles, even those that they are not planning to send out on mutual aid events.

f) Fleet Resiliency Exemption—Delay or Remove Mobile Fueling Requirements

- 370. Comment:** Commenter supports removing or at least delaying mobile fueling documentation requirements from the Mutual Aid and Emergency Response exemptions. (Noelle Mattock – 45d)
- 371. Comment:** Commenter states that the requirements under section 2013.2(e)(3), which requires documentation from three mobile ZEV fueling providers, should be delayed until at least 2035, when further evaluation of the technology can be made. (Ellis Chiu – 45d)
- 372. Comment:** Commenter requests that, under the Mutual Aid Exemption, CARB defer ZEV mobile refueling criteria until 2035, after emerging technologies have been adequately field

demonstrated, and provide an off-ramp when mobile refueling solutions are not practical. (Nicole Looney – 45d)

- 373. Comment:** Commenter requests that CARB remove or delay implementation of any mobile fueling requirements until 2035, to allow for additional technology development and in-field testing. Commenter states that after 2035, CARB should reevaluate the mobile fueling and ZEV markets and assess whether any consideration of mobile fueling should be incorporated into the Mutual Aid Exemption. Commenter states that if CARB does not remove the mobile fueling requirement under the Mutual Aid Exemption, the regulation should include additional considerations to ensure that mobile fueling can successfully be deployed in the field. (Priscilla Quiroz – 45d)
- 374. Comment:** Commenter states that the Mutual Aid Exemption needs adjustments, including delaying or removing the mobile fueling proof requirement. (Elisabeth de Jong – OT)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, starting January 1, 2030, the Executive Officer will evaluate whether fast mobile fueling options are available for ZEV chassis or complete ZEVs in the same weight class and configuration as the vehicles being requested to be designated or purchased under this exemption. The Executive Officer shall rely on information gathered from fleet owners or manufacturers, including information gathered to comply. This addition shifts the assessment of available mobile fueling options from a fleet requirement to an assessment by the Executive Officer. This change is responsive to both Board direction and stakeholder feedback requesting CARB streamline and simplify exemption criteria. It is expected for mobile fueling technology to be in a more realistically feasible state by 2030, therefore delaying this evaluation to 2035 is unnecessary. The Executive Officer is tasked with using their good engineering and business judgement to determine whether the mobile fueling option is commercially available from any manufacturer for use in California. When the fast fueling criteria is met, exemptions won't be needed for that vehicle since it can fuel in the field like other vehicles.

g) Fleet Resiliency Exemption—Exemption Should Account for Future Adjustments Based on Utility-Specific Criteria

- 375. Comment:** Commenter requests that CARB provide additional flexibility in the proposed rule to account for future adjustments based on utility-specific criteria, including service territory expansions and limitations of ZEV performance during emergency deployments, as well as other relevant factors that affect the percentage of ICE vehicles needed for mutual aid and emergency response. (Roxana Ramirez – 45d)

Agency Response: Changes were made in response to these comments. With the 100% ZEV Purchase delayed until 2030, fleets have more flexibility in how they phase in ZEVs and ICE. Small fleets and those in designated counties don't need to purchase any ZEVs until 2030. The Fleet Resiliency Exemption's entry threshold of 25% ZEVs in a fleet has been lowered to 5%. The exemption has been expanded to include all vehicle types, as several body types were excluded previously. The ZEV Purchase Exemption was updated to include a new criteria that a manufacturer must have received an Executive Order to certify a ZEV for at least three of the previous five years and not be undergoing bankruptcy proceedings for their vehicles to be considered available. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. The flexibility provided by the regulation and its exemptions means it will be about a decade before most fleets reach 50% ZEVs in their fleet.

Any vehicle in a fleet can be used during a Declared Emergency Event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States

during any of the conditions or degrees of emergency described in California Government Code, section 8558, without affecting compliance.

California is committed to achieving significant reductions in the amount of NO_x and reactive organic gas emissions from medium- and heavy-duty vehicles. Due to inaction at the federal level and to resolve several pending legal challenges, CARB repealed significant portions of the ACF regulation and CARB is only implementing the SLG elements of the ACF regulation. That repeal does not change the emissions reduction commitments made in the SIP nor does it eliminate California's obligation to realize those emissions reductions. Retaining the anticipated emissions reductions from the state and local elements of the ACF regulation has become even more critical.

h) Fleet Resiliency Exemption—Exclude Tractors From Exemption Eligibility When Near-Zero-Emission Vehicle Alternatives Exist

- 376. Comment:** Commenter recommends excluding “tractors” from the list of vehicles not eligible for the Mutual Aid exemption when NZEV alternatives are present. Commenter states that if NZEV options for tractors become available, they may not meet the operational requirements of traditionally ICE tractors. (Roxana Ramirez – 45d)
- 377. Comment:** Commenter states that CARB should recognize safety concerns associated with hauling hazardous materials with zero-emission and near zero-emission trucks and request the removal of these “tractors” from the list of vehicles not eligible for the Mutual Aid exemption when NZEV alternatives are present (Peter Okurowski – 45d, Peter Okurowski – OT)
- 378. Comment:** Commenter requests excluding tractors from the list of vehicles considered to have NZEV alternatives for purposes of the Mutual Aid Exemption. Commenter states that available or future NZEV tractor options may not meet operational requirements for long- duration, remote, or heavy-duty utility operations. (Scott Petersen – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the language that excluded “pickup trucks, buses, box trucks, vans, tractors, or...” was deleted. While tractors are widely available as ZEVs, utility stakeholders have raised concerns regarding the ability of ZEVs to serve all the functions an ICE vehicle can currently fulfill.

If a fleet can show that operating ZEV tractors may violate safety standards to which the tractor is subject, the fleet may apply for an exemption under the ZEV Purchase Exemption provision. Hypothetically, if there is a restriction on what type of vehicle is allowed to haul hazardous materials, that fleet may qualify for a ZEV Purchase Exemption. CARB is not currently aware of any additional safety risks during the operation of BEV tractors versus conventional tractors.

i) Fleet Resiliency Exemption—Allow Vehicles to Be Set Aside for Mutual Aid and Emergency Response

- 379. Comment:** Commenter requests that, under the Mutual Aid Exemption, CARB allow up to 25% of medium- and heavy-duty vehicles to be set aside for mutual aid and emergency response, noting that vehicles must be ready to deploy at a moment's notice. (Jason Maruca – 45d)

Agency Response: No changes were made in response to these comments. The existing regulation already allows fleets to set aside 25% of their fleet under the Fleet Resiliency Exemption. Furthermore, the Fleet Resiliency Exemption removed vehicle type restrictions giving fleet owners complete discretion on which vehicles to remain as ICE vehicles.

j) Fleet Resiliency Exemption—Exempt Vehicles Should Not Count Against the Internal Combustion Engine Vehicle Cap

- 380. Comment:** Commenter states that vehicles exempted by other portions of the regulation should not count against the 25% limit. (Ellis Chiu – 45d)
- 381. Comment:** Commenter requests that, under the Mutual Aid Exemption, vehicles purchased pursuant to the ZEV Purchase or Daily Usage exemption should not count against the 25% limit. (Nicole Looney – 45d)
- 382. Comment:** Commenter states that, under the Mutual Aid Exemption, vehicles purchased pursuant to the ZEV Purchase or Daily Usage Exemption should not count against the 25% limit, as those vehicles will not necessarily be the same as vehicles needed for mutual aid and emergency response, and would thereby arbitrarily reduce the number of vehicles covered by the Mutual Aid Exemption. (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. The total number of exemptions must not exceed 25% of the total number of vehicles in the California fleet, minus the number of ICE vehicles already in the fleet. This requirement is necessary to provide a fleet owner flexibility to respond to mutual aid emergencies with up to a quarter of the fleet, while also ensuring progress towards CARB's emissions goals. These amendments attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions. Making additional changes would be unnecessary and would undermine the emissions reduction goals of the regulation. If a portion of the fleet is already composed of ICE vehicles, the exemption would not be needed for that part of the fleet, as they are already able to respond to mutual aid events and emergencies. Fleets may still apply for and be granted other vehicle exemptions, such as Daily Usage Exemption or ZEV Purchase Exemption, aside from their 25% Fleet Resiliency vehicles.

k) Fleet Resiliency Exemption—Permit new internal combustion engine vehicles to exceed the total number of zero-emission vehicles

- 383. Comment:** Commenter requests that CARB remove the requirement that new ICE vehicles purchased under this exemption must not exceed the total number of ZEVs. (Ellis Chiu – 45d)

Agency Response: Changes were made in response to these comments. In the First 15-Day Changes, CARB delayed the 100% ZEV Purchase Schedule and made other changes providing earlier access to the Fleet Resiliency Exemption, however there was no change made regarding the requirement that total number of exemptions must not exceed the number of ZEVs in the fleet. That change would have created scenarios where fleets may be able to apply for the Fleet Resiliency Exemption and then halt ZEV progress for several years. The additional language that limits the number of exemptions ensures that fleets continue to make progress towards meeting the regulation's emissions reduction goals, while still providing significantly more flexibility than the previous regulation text, which did not allow for any Mutual Aid Exemptions (renamed to Fleet Resiliency Exemption) prior to the fleet reaching 25% ZEVs.

l) Fleet Resiliency Exemption—Permit Fleets to Designate Emergency Response Vehicles Without Requesting an Exemption and Clarify How Exempt Vehicles Affect Milestone Calculations

- 384. Comment:** Commenter requests that CARB allow fleets to designate emergency response vehicles upfront without needing to request an exemption, which will enable greater planning certainty for both fleets and CARB. (Nicole Looney – 45d)
- 385. Comment:** Commenter states that rather than requiring a vehicle-by-vehicle decision dependent on procurement timing, CARB should amend the regulation to allow public agency utility fleets with mutual aid agreements with upfront designation to designate vehicles at any time. (Priscilla Quiroz – 45d)
- 386. Comment:** Commenter states that the current Mutual Aid Exemption is prohibitive for public agency utilities because it requires a high initial share of ZEVs despite limited market availability, and therefore requests that CARB reframe the exemption to allow designation of a portion of the fleet (by number or percentage) as mutual aid vehicles to better reflect emergency response responsibilities. (Jesus Martinez Ramirez – 45d)
- 387. Comment:** Commenter states exemptions must be improved by reframing the Mutual Aid Exemption to allow upfront designation of emergency-use vehicles. (Nick Blair – 45d)
- 388. Comment:** Commenter states that the Mutual Aid Exemption needs adjustments, including optional up-front designation of exempt vehicles. (Elisabeth de Jong – OT)
- 389. Comment:** Commenter requests confirmation that, for fleets on the ZEV Milestones Option, the Mutual Aid Exemption may be used to exclude new or existing vehicles from the milestone calculation. (Nicole Looney – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, multiple changes were made to the Fleet Resiliency Exemption to give fleet owners more flexibility in addressing resiliency concerns. This exemption allows a fleet owner to either purchase a new ICE vehicle or designate an existing ICE vehicle as an exempt vehicle for up to 25% of their total fleet. The threshold to access the exemption was lowered from a minimum of 25% down to a flat 5% ZEV threshold. Furthermore, the Fleet Resiliency Exemption removed vehicle type restrictions giving fleet owners complete discretion on which vehicles to remain as ICE vehicles. Fleet owners can designate exempt vehicles up-front if using the ZEV Milestones Option, and if using the ZEV purchase schedule, the exemption is applied when the ICE vehicle is purchased.

m) Fleet Resiliency Exemption—Rename the Exemption

- 390. Comment:** Commenter requests that the Mutual Aid Exemption be renamed to clarify that qualifying vehicles may be used for both mutual aid and for local emergency response purposes. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the name of this exemption, “Mutual Aid Assistance,” was renamed to “Fleet Resiliency Exemption.” This change necessarily covers other situations beyond mutual aid events, such as intermittent towing and payload constraints.

n) Fleet Resiliency Exemption—Permit Fleets to Determine What Vehicles are Used for Emergency Response

- 391. Comment:** Commenter states that, under the Mutual Aid Exemption, it should be up to the fleet to determine what vehicles are used for emergency response/mutual aid and replaced with ICE vehicles, regardless of whether a NZEV or ZEV becomes available in the future. (Jesus Martinez Ramirez – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions to provide additional flexibilities. The Fleet Resiliency Exemption access threshold was reduced to 5% ZEVs in the fleet and the vehicle type restrictions were removed giving fleet owners complete discretion on which vehicles to be purchased as ICE vehicles to address resiliency concerns. The exemption is not necessary if a NZEV is available for the application because it is operated and fueled in the same manner as other conventional ICE vehicles.

9. ZEV Infrastructure Delay Extension

a) ZEV Infrastructure Delay Extension—Unrealistic Timeline and Revisions Requested

- 392. Comment:** Commenter states the requirement to show documentation of an executed contract for the ZEV fueling infrastructure installation including a construction permit indicating the permit issuance date is at least one year prior to the next applicable compliance deadline should be revisited as it can put the commenter on an unreasonable timeline to benefit from the exemption. (Brett Hodgkiss – 45d)
- 393. Comment:** Commenter states that current ZEV Infrastructure Delay Extension requirements, including executed vehicle purchase agreements and infrastructure contracts with specific permitting timelines, are unrealistic and do not reflect real-world utility and construction constraints. Commenter requests revisions to better align exemptions with actual infrastructure development timelines. (Anthony Tannehill – 45d)
- 394. Comment:** Commenter states that the requirement to show a purchase agreement for a vehicle that cannot be fueled or charged to an infrastructure delay before applying for the ZEV Infrastructure Delay Extension should be removed. (Mark Neuburger – OT)

Agency Response: No changes were made in response to these comments. Fleet owners may apply for an exemption up to two years ahead of time before the next applicable ZEV Milestones compliance date specified in section 2013.6. This is sufficient time for fleet owners to gather all necessary documentation and apply for the exemption which covers up to five years. Vehicle purchase agreements are necessary to ensure CARB appropriately evaluates which vehicles are needed since infrastructure evaluations are directly dependent on vehicles. Further, showing documentation is necessary to assess the needs for an exemption and determine how long the exemption should be granted for.

b) ZEV Infrastructure Delay Extension—Adjust Compliance Requirements to be Based on Infrastructure

- 395. Comment:** Commenter requests that the regulation's deadlines be contingent upon demonstrated infrastructure readiness given that charging infrastructure, particularly at remote facilities, cannot be built and operationalized within the timelines currently envisioned. (Alyson Piguee – 45d)
- 396. Comment:** Commenter states that municipalities actively working to build infrastructure should be allowed phased compliance to account for unavoidable engineering and construction delays. Commenter also states that phased requirements would prevent fleets from being penalized for circumstances outside their control while continuing progress toward zero-emission goals. (Kayla Warmbrodt – 45d)

Agency Response: No changes were made in response to these comments. Adjusting compliance requirements to be based on infrastructure readiness is not necessary as the existing ZEV Infrastructure Delay Extension directly addresses these concerns. Specifically, the exemption delays ZEV Purchases for up to five years based on the site-specific situation

regarding infrastructure installation which allows fleets to closely align their ZEV deployments with the actual rollout of infrastructure.

10. Non-Repairable Vehicle

a) Non-Repairable Vehicle—Allow for Purchase of New Vehicles

- 397. Comment:** Commenter supports the inclusion of a non-repairable vehicle exemption but states that limiting replacement vehicles to used vehicles is impractical, particularly for specialized equipment. Commenter requests expanding the exemption to allow replacement with new vehicles when comparable used vehicles are unavailable. (Alison Torres – 45d)
- 398. Comment:** Commenter states that the non-repairable vehicle exemption language should not be overly prescriptive and limiting for standard purchasing procedures. Commenter states that replacement vehicles should not be limited to used vehicles as there may not be a suitable supply of used specialty vehicles available. Commenter states that public agencies utilities must retain the flexibility to procure new vehicles when it is the most financially responsible and operationally viable option and not be limited by the availability of used vehicles in the market. (Priscilla Quiroz – 45d)
- 399. Comment:** Commenter states that when an in-scope vehicle is declared non-repairable (e.g., catastrophic drivetrain failure, frame damage, or repair costs exceeding residual value) and a suitable used ICE replacement of the same configuration cannot be sourced or does not meet the agency’s operational criteria (safety features, mileage/condition thresholds, duty cycle suitability, emissions compliance, and compatibility with existing upfits), CARB should allow the purchase of a new ICE vehicle of the same configuration under a streamlined exemption. (Tenille Otero – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the “Non-Repairable Vehicle” provision was renamed to “Non-Recoverable Vehicle.” Additionally, language was added that if the nonrecoverable vehicle is a new ICE vehicle, the fleet owner may request the exemption to purchase a new ICE vehicle. If the nonrecoverable vehicle is a used ICE vehicle, the fleet owner may request the exemption to purchase a used ICE vehicle. A non-recoverable used vehicle may only be replaced with another used vehicle to ensure that fleets do not extend the vehicle’s useful life by purchasing a new ICE vehicle. The provision is here to allow immediate vehicle replacements so fleets can continue to provide critical services. If an owner can wait to receive a newly built vehicle, then there would be no need for the owner to utilize this provision.

b) Non-Repairable Vehicle—Vehicle Replacement Criteria

- 400. Comment:** Commenter states that the non-repairable vehicle replacement pathway should (1) be available irrespective of the fleet’s existing ZEV share when the unit supports public safety or emergency response, (2) deem the replacement compliant for its normal service life without requiring the 13-year age threshold, and (3) preserve parity of configuration (GVWR class, body type, PTO/upfit capability) to ensure continuity of essential service. (Tenille Otero – 45d)

Agency Response: No changes were made in response to these comments. The Non-Recoverable Vehicle exemption is available to any vehicle declared non-recoverable, regardless of whether it is associated with public safety or another function. There is no minimum age requirement or age threshold for a vehicle to be eligible for this exemption. Furthermore, if the replacement ICE vehicle is acquired under this exemption and the fleet is utilizing the Zero-emission Purchase Exemption (ZPE), the replacement vehicle may be

retained in the fleet indefinitely, similar to other vehicles in the fleet. This addresses the concern about the duration for which a replacement vehicle can remain in service and clarifies that there is no specific time limit imposed by the exemption itself.

c) Non-Repairable Vehicle—Expand Scope

- 401. Comment:** Commenter requests that CARB revise the current exemption for “non-repairable vehicles” to instead apply to “non-recoverable vehicles” to allow public agencies to replace vehicles that have been stolen, not just those that have been physically damaged beyond repair. (Priscilla Quiroz – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, the “Non-Repairable Vehicle” provision was renamed to “Non-Recoverable Vehicle.” Additionally, the exemption was expanded to apply to a vehicle that is stolen and not recoverable.

d) Non-Repairable Vehicle—Reporting Requirements

- 402. Comment:** Commenter requests that any documentation requirements, such as photos of the replacement vehicle, be allowed to be submitted after delivery to ensure compliance instead of being part of the exemption application process as public agency utilities generally do not purchase replacement vehicles until their exemption request has been approved. (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. The exemption requirements are straightforward and designed to address the immediate need to replace a non-recoverable vehicle. As long as the fleet owner meets all the outlined criteria for the replacement vehicle, the exemption will be granted.

11. Zero-emission Vehicle Milestones Option

a) Zero-Emission Vehicle Milestones Option—Delay Zero-Emission Vehicle Milestones Option Schedule

- 403. Comment:** Commenter requests clarification if there is any consideration for delaying the schedule given that the ZEV Purchase Schedule will be delayed and whether or not the switch to the ZEV Milestones Option will have any additional time compared to the 2030 original deadline to make that switch. (Harmony Gates – OT)

Agency Response: No changes were made in response to these comments. The ZEV Milestones Option permits a longer phase-in for Group 2 vehicles: work trucks, day cab tractors, pickup trucks, buses with three axles; and Group 3 vehicles: sleeper cab tractors and specialty vehicles. This sufficiently aligns the two compliance pathways depending on how long fleet owners maintain vehicles in their fleet and the flexibilities they are seeking. Therefore, a delay as suggested is not necessary. It is also unnecessary to delay the ZEV Milestones Option requirements or provide fleets with additional time to make the switch as it is an optional compliance pathway with its own schedule and requirements independent from the ZEV Purchase Schedule.

b) Zero-Emission Vehicle Milestones Option—Waste and Wastewater Fleet Option

- 404. Comment:** Commenter states that the waste and wastewater provisions do not address impacts on the role of their converting biosolids and food waste into renewable natural gas project and force them to retain diesel trucks. (Noelle Mattock – 45d)

Agency Response: Changes were made in response to these comments. The Waste and Wastewater Fleet Option was specifically designed to provide more time for waste and

wastewater fleets to extend the use of biomethane fuel in existing ICE vehicles as they phase-in ZEVs into the rest of the fleet.

In response to similar concerns, however, a new exemption titled “Captive Biofuel Use Exemption” was added as part of the First 15-Day Changes to allow fleets to use biomethane generated and dispensed on-site to directly fuel vehicles and better support SB 1383. This provision permits fleet owners to request an exemption to add a new low-NOx ICE vehicle, if available, to utilize surplus renewable biofuel capacity at the fleet owner’s waste or wastewater treatment facility. While the Captive Biofuel Use Exemption and the Waste and Wastewater Fleet Option serve different needs, both provisions provide additional time for eligible fleets to utilize their low-NOx and biomethane-fueled vehicles, respectively.

c) Zero-Emission Vehicle Milestones Option—Allow Fleets to Access Zero-Emission Vehicle Purchase Exemption

405. Comment: Commenter requests that CARB allow ZEV Milestones Option fleets to access the ZEV Purchase Exemption if the fleet could not meet its milestone by converting any other vehicle purchase made in the two years preceding the milestone to ZEV. (Nicole Looney – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, rather than demonstrating all ICE vehicles can be replaced by ZEVs, the exemption criteria was streamlined by limiting the review to ICE vehicles with a model year 10 years old or older. This change reduces the administrative burden on fleets and increases the likelihood of a fleet qualifying under the ZEV Purchase Exemption. The ZEV Milestones Option is advantageous for fleets that normally replace vehicles well before the end of their minimum useful lives, or those that intend to electrify well-suited portions of their fleet at an accelerated pace so they can keep other portions of their fleet as ICE vehicles. In these examples, a fleet has a normal turnover of 13 years and needs to access the ZEV Purchase Exemption to meet their next milestone. Instead of evaluating 100% of their fleet, a fleet owner would only need to evaluate the vehicles 10 to 13 years old (or about 23% of their fleet). The commenter’s suggestion to require a fleet to replace any 2-year-old vehicle would also require the fleet to evaluate 23% of their fleet (or the vehicles 0 to 3 years old). CARB decided that evaluating vehicles 10-years or older for potential replacement is more appropriate than retroactively evaluating vehicles 2-years old or newer because 10-years or older aligns closer to the normal replacement age for fleets. While this is not the exact change requested by the commentor, it is more appropriate because it aligns with the replacement age for a fleet most likely to have elected for this compliance option.

12. State and Local Government Implementation

a) Implementation—Provide Flexibility

406. Comment: Commenter recommends that CARB should acknowledge the needs of local fleets and implement a flexible rule allowing utilities to provide proof when available trucks do not meet their operational requirements. (Jason Maruca – 45d)

Agency Response: No changes were made in response to these comments. The ACF regulation already has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV.

b) Implementation—Work on Vehicle Specifications

407. Comment: Commenter states they would like to work with CARB staff on developing vehicle specifications that would quantify and qualify their specialized vehicles for exemptions. (Laura Rodarte – OT)

Agency Response: No changes were made in response to these comments. The exemptions have provisions within them that identify the eligibility criteria to be eligible for extensions. CARB has materials that summarize the rules' requirements and how to apply for exemptions. CARB is available to answer questions by phone and email daily and has an extensive outreach program to educate fleet owners about the regulation. CARB also encourages collaboration through the Drive Forward Forums (formerly Truck Regulation Implementation Group (TRIG) meetings) which is a consolidated effort to focus on exchanging information to improve outreach and implementation.

c) Implementation—Clarify Resolutions

408. Comment: Commenter states that the resolution directs the Executive Director to make sure the regulation doesn't have an adverse impact on public services. Commenter requests that CARB provide more detailed directions on what this means as it relates to emergency and costs. (Jesus Martinez – OT)

Agency Response: Changes were made in response to this comment. The Board resolved to, "direct the Executive Officer to utilize the exemption criteria to ensure the regulation has no adverse impact on essential public services and to consult with SLG entities to resolve their concerns." CARB has engaged extensively with public agency utilities, and the feedback received in stakeholder comment letters was considered in the development of these amendments. Numerous changes were made to the regulation to reflect market realities and align the requirements with current day markets in response to stakeholder engagement, including some directly to the Fleet Resiliency Exemption, which allows a fleet to continue to deploy ICE vehicles to address emergency related concerns and other issues. Other changes address manufacturer viability through criteria added to the ZEV Purchase Exemption. The 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE and to place ZEVs where best suited. Additional changes simply make exemptions easier to access and reduce the administrative complexity. All these changes work together to smooth implementation for affected fleets.

d) Implementation—Private Fleets Working Group

409. Comment: Commenter requests for staff to convene a working group of private fleets, ports, local governments, utilities, and labor to co-design a feasible pathway. Deliverables should include: (a) milestone schedules tied to infrastructure readiness and interconnection timelines; (b) technology-readiness gates; (c) cost and supply triggers; and (d) safety-valve mechanisms for small and mid-sized operators in rural and goods-movement corridors. (Stan Ellis – 45d)

Agency Response: No changes were made in response to this comment. The commenter is not requesting any specific changes to the proposed regulation order, nevertheless the comment is responded to here. Thank you for your interest in developing a feasible pathway to phase in ZEVs. CARB held the first series of Drive Forward workshops in late 2025 and will hold additional workshops in 2026 and beyond. CARB is coordinating closely with other state agencies and will continue to bring together policymakers, experts and leaders from the environmental and scientific communities, automotive and trucking industries, fleet operators, community groups, and the public to discuss issues including infrastructure,

incentives, partnerships, and emissions reduction strategies. Lastly, CARB encourages collaboration through the Drive Forward Forums (former TRIG meetings) which is a consolidated effort to focus on ACF implementation as it relates to private fleets. The commenter should reach out to ZEVfleet@arb.ca.gov for more information.

e) Implementation—Waste and Wastewater Interagency Working Group

- 410. Comment:** Commenter states since adopting ACF in Board Resolution 23-13, CASA has remained engaged, supporting implementation where possible, and the current amendment process. The Resolution emphasized the critical need for coordination across state agencies, air districts, and CASA for securing multiple beneficial uses of wastewater RNG for successful implementation of ACF without undermining SB 1383. Commenter states that although they have met with CARB staff, the level of coordination that they need has not yet been established and sustainable uses for RNG have not been secured. (Sarah Deslauriers – OT)
- 411. Comment:** Commenter requests CARB to collaborate with CalEPA to address barriers hindering the sector's ability to achieve carbon neutrality along with the need for reliable markets for biogas and biosolids to justify investments in necessary infrastructure. (Sarah Deslauriers – 45d)
- 412. Comment:** Commenter urges CARB, pursuant to Resolution 23-13, to take the lead with CalEPA in forming an interagency workgroup to address barriers to achieving carbon neutrality and community resilience, including challenges related to RNG utilization, market access, and regulatory alignment. (Curtis Paxton – 45d)
- 413. Comment:** Commenter states that there has been no progress on the last paragraph of Resolution 23-13, in which the Board recognized the implementation of food waste diversion and methane GHG reductions mandated by SB 1383 are critical to the State's climate goals, and that multiple, reliable uses of biomethane will be needed for implementation. Commenter requests that similar language be added to the current resolution. Commenter requests that a report-out from the interagency work group be brought to the Board in a public meeting. (Steve Jepsen – OT)
- 414. Comment:** Commenter requests that a report-out from the interagency work group be brought to the Board in a public meeting. (Steve Jepsen – OT)
- 415. Comment:** Commenter requests that CARB amend Resolution 25-9 directing staff to convene and lead the interagency work group as outlined in Resolution 23-13. (Noelle Mattock – OT)
- 416. Comment:** Commenter states that no interagency workgroup for biomethane use has been established as stated in Resolution 23-13. Commenter states that a pathway for the use of biomethane is needed. (Alison Torres – OT)
- 417. Comment:** Commenter states they look forward to the establishment of this interagency work group. (Randa AbuShaban – OT)
- 418. Comment:** Commenter requests for CARB to take the lead with CalEPA to form an interagency workgroup to address these barriers to achieving carbon neutrality and community resilience. (Sarah Deslauriers – 45d)

Agency Response: No changes were made in response to this comment. The comments include convening a working group and are not relevant to changes made to the regulation order, nevertheless the comment is responded to here.

CARB continues to engage with stakeholders on this topic. For example, on February 11, 2026, CARB attended the Clean Water Summit Partners (a coalition of state and regional clean water associations) webinar for policymakers on the constraints municipal wastewater treatment plants face when complying with near-term biosolids, air, climate, energy, and

nutrient regulations, including the ACF regulation. On March 9, 2026, CARB hosted TRIG meeting called, “Exploring the Potential of Fuel Cell Refuse Trucks Running on Renewable Hydrogen” which featured a panel discussion with waste and wastewater fleets experts who have experience with ZEVs and a project that takes waste-derived renewable hydrogen and puts it in a ZEV.

These are just some of the recent discussions CARB has had involving experts from the waste and wastewater industry and illustrate that CARB is already working to address the issues identified in Board Resolution 23-13. Lastly, the Captive Biofuel Use Exemption gives more time for CARB to continue to work with the waste and wastewater industry to address the concerns identified in Board Resolution 23-13. Also, given the repeal of the High Priority and Drayage fleets portions of the ACF regulation (a vast majority of medium and heavy duty vehicles) are no longer subject to a ZEV requirement and are expected to remain ICE vehicles; therefore, the situation has changed significantly and means there is more time to address the intersectionality between organic waste diversion as it relates to any future ZEV deployment strategies.

f) Implementation—Zero-Emission Vehicle Technology and Market Readiness Working Group

- 419. Comment:** Commenter recommends that CARB form a working group focused on determining if the new ZEVs can function as a one-to-one replacement for an ICE equivalent. Commenter states that a minimum of 12 months of field data should be available for the group to review in order to make a final decision. (Roxana Ramirez – 45d)
- 420. Comment:** Commenter requests that CARB establish a ZEV Technology and Market Review Committee to assess production, availability, suitability, and confirmed operational testing. Commenter states that the CARB Executive Officer intends to rely on input from manufacturers that have a vested interest and ability to financially gain from the input they provide, which warrants an independent panel of experts to conduct such reviews. (Jennifer Goodsell – 45d)

Agency Response: No changes were made in response to these comments. A ZEV Technology and Market Review Committee cannot serve as an ad hoc decision-making body whose function would delegate decision making authority outside of CARB which is unlawful.

g) Communication—Meet with Special Districts During Implementation

- 421. Comment:** Commenter requests that CARB engage directly with special districts during implementation to ensure practical and feasible application of the rule. (Chris Bozir – 45d)

Agency Response: No changes were made in response to these comments. During the rulemaking process, CARB met with the California Special District Association multiple times to discuss implementation concerns and will continue to coordinate and provide assistance as necessary. CARB will continue to engage throughout the implementation process and encourages collaboration. Lastly, CARB encourages collaboration through the Drive Forward Forums (former TRIG meetings) which is a consolidated effort to focus on ACF implementation as it relates to private fleets. The commenter should reach out to ZEVfleet@arb.ca.gov for more information.

h) Communication—Coordination with Manufacturers

- 422. Comment:** Commenter requests that CARB coordinate directly with ZEV manufacturers to ensure that mechanic training programs, technical support, and other essential resources

are accessible and aligned with the timelines and realities of public fleet transition schedules. (Alwin Acuna – 45d)

Agency Response: No changes were made in response to these comments. It is outside of CARB’s scope to regulate training programs and technical support that is provided by private companies.

i) Communication—Same-day Communications

423. Comment: Commenter requests, regarding the repeal, same day communications and subsequent updates to be provided on all relevant public facing platforms to prevent conflicting directives and confusion. (Stan Ellis – 45d)

Agency Response: No changes were made in response to these comments. CARB issued an Enforcement Notice³³ for the ACF regulation in 2023, and updated the notice in 2024, which halted any efforts to implement and enforce the regulation on high priority and drayage fleets. This notice remains active throughout the repeal. Therefore, no additional action is needed CARB posts the Public Hearing Notice and Related Material on the ACF webpage to prevent conflicting directives and confusion.

j) Communication—Stakeholder Coordination and Feedback Mechanisms

424. Comment: Commenter states they want to see engagement with real trucking professionals including owner-operators, small fleets, and mechanics in all rulemaking and implementation phases. (Angela Constantino – 45d)

425. Comment: Commenter requests that CARB establish a structured, ongoing process for engagement with public utility fleets under the AB 1594 framework to ensure that unique operational needs are consistently represented in regulatory development. (Alyson Piguee – 45d)

426. Comment: Commenter requests that CARB implement additional mechanisms for ongoing public agency feedback and could include scheduled public review and comment periods, as well as regularly scheduled meetings with a diverse group of public utility agencies. (Alwin Acuna – 45d)

427. Comment: Commenter states they would like CARB to continue working with ACWA and its members on these exemptions. (Mary Elise Conzelmann – OT)

428. Comment: Commenter states SSWD encourages the Board to direct staff to continue collaborating with ACWA and its members to work toward adopting changes to ensure purchasing zero-emission vehicles meets a public agency's fleets needs without causing detrimental effects to operations, particularly responding to a public water emergency. (Greg Bundesen – OT)

429. Comment: Commenter requests that CARB continue working with California water and sewer districts to refine the amendments to the regulation, to provide a tangible opportunity for long-term ACF implementation success. (Damon Wyckoff – OT)

430. Comment: Commenter states that exemptions tied to infrastructure readiness are challenging. Agencies cannot accurately forecast power needs before utility plans are finalized, and multi-year lead times from utilities are typical. In addition, the City is at financial risk posed by mandatory power allotment purchases, even if unused, to get the necessary infrastructure installed. They request CARB directly coordinate with utilities to streamline these critical infrastructure issues. (Vong Mouanoutoua – 45d)

³³ California Air Resources Board, *Advance Clean Fleets Regulation Enforcement Notice*, December 28, 2023, (web link: https://ww2.arb.ca.gov/sites/default/files/2023-12/231228acfnnotice_ADA.pdf, last accessed March 2026)

Agency Response: No changes were made in response to these comments. CARB has engaged extensively with public agency utilities, and the feedback received in stakeholder comment letters was considered in the development of these amendments.

Lastly, CARB encourages collaboration through the Drive Forward Forums (former TRIG meetings) which is a consolidated effort to focus on ACF implementation as it relates to private fleets. The commenter should reach out to ZEVfleet@arb.ca.gov for more information. Information about upcoming meetings and events is available on the ACF Meetings & Events webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/advanced-clean-fleets-meetings-events>.

k) Communication—Vehicle Specifications for Mutual Aid

- 431. Comment:** Commenter requests the opportunity to submit their vehicle specifications and the things that they need for their specific vehicles to do their work and tasks, including for mutual aid. (Raul Fletes – OT)

Agency Response: Changes were made in response to these comments. In the First 15-Day Changes, the regulation text was changed to state that fleet owners may request the Fleet Resiliency Exemption (formerly the Mutual Aid Exemption) to purchase a new ICE vehicle or use this exemption to designate an existing ICE vehicle as exempt to address any fleet resiliency concerns such as emergency response support, towing or range limitations. The changes to the Fleet Resiliency Exemption reduced the threshold to access the provision to 5% ZEVs, and opened the exemption to all vehicle body types. Any vehicle in a fleet can be used during a Declared Emergency Event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code, section 8558, without affecting compliance.

13. State and Local Government Support

a) Support—General

- 432. Comment:** Commenter supports the Proposed Amendments to the ACF regulation because they provide necessary, common-sense flexibility. (Quinn Rickert – 45d)
- 433. Comment:** Commenter states they are in strong support of the Advanced Clean Fleets Regulation and urges the Board to adopt these amendments (Casey Dunn – OT)
- 434. Comment:** Commenter supports the repeal of private fleet requirements and the Proposed Amendments to the regulation. (Nick Chiappe – WT)
- 435. Comment:** Commenter states we want to make sure that public agencies are not overburdened; commenter thinks the staff proposal in front of CARB strikes a balance that way. Commenter states it does give more delays and more exemptions, which they don't love to see from a clean air perspective, but the commenter thinks they do strike a balance and urges CARB therefore not to do any additional delay or weakening beyond the proposal that is in front of them today. (Bill Magavern – OT)
- 436. Comment:** Commenter states CCEEB supports the Proposed Amendments as well as the proposed First 15-Day Changes. CCEEB also supports the Board allowing staff to make additional changes. (Peter Okurowski – OT)
- 437. Comment:** Commenter states they do appreciate that staff have worked to retain a feasible SLG fleet requirement. Commenter states that electrifying public fleets can provide crucial demand certainty, help derisk OEM production of ZEVs and accelerate economies of scale in the ZEV supply chain. However, the SLG portion of ACF alone cannot replace the emissions reductions originally expected from the rule. Without new measures, California

faces both an air quality gap and the risk falling short of its climate targets. (Sam Wilson – OT)

438. Comment: Commenter supports the direction of the proposed 45-day amendments and encourages continued dialogue with stakeholders to further refine the Advanced Clean Fleets regulation in a way that enables broad compliance while ensuring continuity of essential local government services. (Anthony Tannehill – 45d)

439. Comment: Commenter states it is imperative that CARB continues to implement the Advanced Clean Fleets Regulation with State and local government agencies. Commenter states that protecting the community's health must be the number one priority and that California must maintain its momentum for healthy, equitable, zero-emission future. Commenter states that they agree with the current regulation and the balance it strikes. (Maurissa Brown – OT)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB's existing proposal at the time and did not raise concerns that would require any changes. CARB staff appreciate the supportive comments and thank the commenters.

b) Support—Investment and Innovation

440. Comment: Commenter requests that CARB continue to push for investment and innovation in the ZEV technology sector. (William Mancilla – WT)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB's existing proposal at the time and did not raise concerns that would require any changes. CARB appreciates the commenter's support for continued investment and innovation in zero-emission vehicle technologies. Lastly, CARB encourages collaboration through the Drive Forward Forums (former TRIG meetings) which is a consolidated effort to focus on ACF implementation as it relates to private fleets. The commenter should reach out to ZEVfleet@arb.ca.gov for more information.

c) Support—Expansion and Early Access to Provisions

441. Comment: Commenter supports expanding the AB 1594 provisions to all public agency fleets. (Laura Renger – OT)

442. Comment: Commenter supports the added provision for early access to exemptions to the ZEV Purchase and Daily Usage exemptions. (Ellis Chiu – 45d)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB's existing proposal at the time and did not raise concerns that would require any changes. CARB appreciates the supportive comments and thanks the commenters.

d) Support—Delay of Zero-Emission Vehicle Purchase Requirement

443. Comment: Commenter supports the delay the 100% purchase requirement for public fleets in light of current market and federal regulatory issues. (Laura Renger – OT)

444. Comment: Commenter supports the move of the 100% compliance obligation to 2030. (Susie Berlin – OT)

445. Comment: Commenter supports the delay of the 100% ZEV purchase requirement to 2030. (Elisabeth de Jong – OT)

446. Comment: Commenter supports extension of the current purchase requirements on state and local fleets to 2030. (Eric Grubb – WT)

- 447. Comment:** Commenter supports delay of the initiation of ACF compliance for small and low population county fleets until 2030. (Damon Wyckoff – OT)
- 448. Comment:** Commenter supports the extension of the 50% ZEV purchase requirement to 2030. (Priscilla Quiroz – OT)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB’s existing proposal at the time and did not raise concerns that would require any changes. CARB appreciates the supportive comments and thanks the commenters.

e) Support—Alignment With Advanced Clean Trucks Near-Zero-Emission Vehicle Definition

- 449. Comment:** Commenter supports broadening the NZEV definition by aligning it with the Advanced Clean Trucks regulation and states NZEVs should be eligible for ACF compliance where equivalent ZEVs are not available. Commenter states expanded NZEV eligibility is needed to address technology gaps and provide additional compliance options for public agency utility fleets. (Nick Blair – 45d)
- 450. Comment:** Commenter supports aligning the NZEV definition with the Advanced Clean Trucks regulation and encourages further discussion on incorporating NZEVs into ACF compliance. Commenter states that broader NZEV eligibility is necessary where equivalent ZEVs are not yet available to meet operational needs. (Scott Petersen – 45d)
- 451. Comment:** Commenter requests that CARB modify the definition of NZEVs to better align with the Advanced Clean Trucks rule. Specifically, this should include (A) on-road plug-in hybrid electric vehicles as defined in 40 CFR section 86.1803-01, amended July 1, 2022, that achieve all-electric range as defined in section 2013(a), and (B) on-road hybrid electric vehicles capable of charging from an off-vehicle electric source and achieving all-electric range per section 2013(a). (Priscilla Quiroz – 45d)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB’s existing proposal at the time and did not raise concerns that would require any changes. CARB appreciates the supportive comments and thanks the commenters.

f) Support—Resolution

- 452. Comment:** Commenter states they are supportive of the resolution offered by staff today with the understanding that CARB will extend the current purchase requirements on State and local fleets out to 2030. (Nick Blair – OT)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB’s existing proposal at the time and did not raise concerns that would require any changes. CARB appreciates the supportive comments and thanks the commenter.

g) Support—Renewable Natural Gas

- 453. Comment:** Commenter states there is nothing better we can do than put more low-emissions natural gas trucks on the road that are running on biomethane. (Julia Levin – OT)
- 454. Comment:** Commenter states they support the use of RNG vehicles. (Ryan Kenny – OT)
- 455. Comment:** Commenter supports the use of RNG indefinitely. (Evan Edgar – OT)

Agency Response: No changes were made in response to these comments. No changes are required because these comments expressed support for CARB’s existing proposal at the time and did not raise concerns that would require any changes. The comments are a general statement of support and no response is needed.

14. State and Local Government - Miscellaneous

456. Comment: Commenter states that the background information in Section F.3 of the ISOR - Wastewater Treatment Provider - contains outdated and inaccurate descriptions of California's wastewater infrastructure and operations. Commenter asserts that the number of miles of sanitary sewer lines, the number of wastewater treatment plants, and the number of public agencies involved in wastewater collection and treatment are understated. Commenter provides proposed redline edits to update these figures to reflect over 200,000 miles of sewer lines, more than 900 wastewater treatment plants, and more than 130 local public agencies engaged in wastewater collection, treatment, recycling, and renewable resource recovery. Commenter further states that approximately 3 billion gallons of wastewater are generated daily in California and that more than 90% of the sewered population participates in renewable resource recovery efforts, including water recycling, biosolids management, biogas production, and nutrient recovery. Commenter asserts that accurately reflecting the scale and public health role of wastewater agencies is important to ensure the ISOR properly characterizes the sector and its operational responsibilities. (Sarah Deslauriers – 45d)

Agency Response: No changes were made in response to this comment. CARB appreciates the commenter's detailed review and suggested edits to the ISOR background section. However, the referenced language in section F.3 provides general contextual information regarding wastewater treatment providers and is not regulatory text, nor does it establish compliance obligations under the ACF regulation. The purpose of this section is to provide high-level background information to support the rulemaking record. The suggested revisions would not affect the regulatory requirements, applicability, or compliance pathways under the ACF regulation. Accordingly, no modifications are necessary in response to this comment.

15. Cost Analysis

a) Cost—General Affordability Issues

- 457. Comment:** Commenter states that the fleet they operate is very specialized, and alternatives, when developed, will present affordability challenges. (Nicholas Schneider – OT)
- 458. Comment:** Commenter states that the cost premiums of ZEVs over ICE vehicles are difficult for public fleets operating under fixed budgets to absorb. (Michael Taylor – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, changes were made to reduce the number of ZEVs required and to provide more flexibility for fleet owners to prioritize which vehicle purchases are ZEVs or ICE vehicles. For example, the 100% ZEV purchase requirement was delayed from 2027 to 2030, and the minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5% and the provision was expanded to all truck types. The delayed requirement and change in the eligibility of the Fleet Resiliency Exemption allow fleets to plan their purchase schedule with more flexibilities to determine which vehicles to purchase as ZEVs or ICE vehicles. In addition, ZEVs are expected to have a lower TCO than ICE vehicle counterparts in numerous applications over the course of this decade due to operational savings and declining incremental upfront costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development.

b) Cost—Budget Allocation Issues

459. Comment: Commenter states that their two-to-five-year budget has already been allocated and would not allow them to afford the changes needed to support ZEVs. (Mina Mikhael – 45d, Paschal Owaka – 45d, Eleanor Granflor – 45d, Steve Sudduth – 45d, Duc Luu – 45d, Damon Conklin – 45d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes, a number of changes were made to reduce the number of ZEVs required and to provide more flexibility for fleet owners to prioritize which vehicle purchases are ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types, which is expected to reduce the upfront costs from purchasing fewer ZEVs.

c) Cost—Concerns on the Standardized Regulatory Impact Assessment

460. Comment: Commenter states the changes warrant a revision of the economics for both the inequity as well as concerns previously expressed by the State Department of Finance as described in the letter on June 17, 2022, describing CARB's Standardized Regulatory Impact Assessment (SRIA). (James Leonard – 45d)

Agency Response: No changes were made in response to these comments. CARB notes that the adoption of 2023 ACF and 2025 ACF Amendments are two separate rulemaking items. The economic impacts of two rulemaking items need to be evaluated on their own merits on whether a SRIA is required. Since the total economic impact of the 2025 ACF Amendments was estimated under \$50 million, the amendments did not trigger the requirement to produce a SRIA.³⁴

d) Cost—Increase in Animal Control Cost

461. Comment: Commenter states that animal shelters cannot increase their adoption fees to cover the cost of compliance, and they do not receive general funding. (Karen Lange – OT)

Agency Response: Changes were made in response to these comments. Changes were made as part of the First 15-Day Changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types and gives fleet owners discretion on which vehicles use the exemption. In combination, the changes more gradually introduces ZEVs into the fleet and reduces the overall upfront cost of the regulation.

The ZEV Purchase Schedule of the ACF regulation applies to vehicle purchases and does not apply to vehicles currently in fleets. If animal control agencies do not wish to purchase any available ZEVs, they are allowed to keep their existing ICE vehicles in the fleets for as long as they wish.

³⁴ CARB, *Public Hearing to Consider Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations - Staff Report: Initial Statement of Reasons*, August 1, 2025, (web link: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2025/acf_lcfs/isor...pdf, last accessed May 2026)

e) Cost—Concerns on Infrastructure Cost

- 462. Comment:** Commenter states they are concerned about the cost of charging infrastructure and states every agency is struggling with limited funds to support capital infrastructure replacement. (Eric Grubb – 45d)
- 463. Comment:** Commenter states ACF compliance can be a massive additional challenge for the already burdened agencies, costing millions of dollars in fleet replacements and EV charging infrastructure as capital improvement project. (Tony Pastore – OT)

Agency Response: Changes were made in response to these comments. Changes were made as part of the First 15-Day Changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEV or ICE vehicles. The 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types. Therefore, fleets will be able to spend less on infrastructure costs and spread the costs over a longer period of time.

CEC offers financial support for fleets by running state and federally funded programs on infrastructure investment. For example, as part of its Clean Transportation Program, the EnergIZE Project offers financial incentives toward charging and hydrogen fueling infrastructure equipment to medium- and heavy-duty ZEV fleets. The program has invested more than \$2.4 billion in alternative fuel production, fueling and charging infrastructure, and alternative fuel vehicles. The CEC also administers federal funds that California receives from the Infrastructure Investment and Jobs Act, including the NEVI program. In early 2026, the CEC announced the availability of \$148.5 million in the fourth³⁵ and fifth³⁶ rounds of NEVI solicitations, which focus on medium- and heavy-duty charging infrastructure.

While ZEVs are expected to have higher upfront costs partly due to higher infrastructure costs, there is an expected decrease in incremental operating costs due to lower fuel costs, decreased maintenance expenses, and revenue from California's LCFS Regulation. As the ZEV market develops, fleets will also have the alternative solution to charge their ZEVs with public charging stations. Although charging cost with public charging stations is higher, fleets do not need to pay for any upfront installation cost.

f) Cost—Concerns on Electricity Charging Cost

- 464. Comment:** Commenter states they are concerned about electricity costs, which have doubled in the last five years, and therefore made fueling EVs more costly, which should be a consideration of the Board. (Tony Pastore – WT)

Agency Response: No changes were made in response to these comments. CARB used a combination of actual electricity rate schedules produced by the utilities, demand forecasts from 2023 CEC Transportation Energy Demand Forecast Report,³⁷ and projections from the Energy Information Administration to reflect current energy costs and to estimate future costs. Broadly, the cost of electricity from depot charging is less expensive than diesel fuel and electricity from retail charging is similar to diesel. The impact of projected electricity demand and usage are incorporated into CEC projections. Many BEVs and associated

³⁵ California Energy Commission, GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4, January 21, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

³⁶ California Energy Commission, GFO-25-606 - California's National Electric Vehicle Infrastructure Formula Program - Solicitation 5 (South), February 5, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-02/gfo-25-606-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

³⁷ California Energy Commission, 2023 (web link: https://www.energy.ca.gov/sites/default/files/2023-11/Transportation_Energy_Demand_Forecast_Results_ada.pdf, last accessed May 2026)

electric vehicle supply equipment are able to schedule charging when rates are the lowest, which ultimately saves the fleet money compared to gasoline or diesel.

g) Cost—Concerns on Vehicle Cost

- 465. Comment:** Commenter states they are very concerned about the vast cost difference between BEVs and diesel trucks. Commenter states that with rising costs to truck owners, costs will be passed along to customers, resulting in a rise in the price of goods. (Angela Constantino – 45d)
- 466. Comment:** Commenter states ACF compliance costs pose significant financial challenges because ZEV trucks cost more than twice as much as ICE vehicles and require additional charging infrastructure, creating financial burdens that compete with critical water infrastructure upgrades necessary to maintain public health and safety. (Lily Mackay – 45d)
- 467. Comment:** Commenter states they are concerned about the significant financial burdens to all affected agencies, as the cost of a current ZEV Class 2B vehicle is 200%+ of its ICE counterpart. (Eric Grubb – 45d)
- 468. Comment:** Commenter states they are concerned about high cost of ZEVs, such that the transition of their transit fleet will cost an estimated \$15 million and their solid waste fleet over \$27 million. This cost does not include the charger and power infrastructure concerns. (Drew Bessinger – OT)
- 469. Comment:** Commenter states they are concerned that the increased cost of ZEVs will be passed on to the waste collection ratepayers. (Neil Edgar/Noam Elroi – 45d)
- 470. Comment:** Commenter states they are concerned about the cost of ZEVs and their infrastructure, especially when compared to their already established annual budget. (Vong Mouanoutoua – 45d)
- 471. Comment:** Commenter states that ZEVs, particularly medium- and heavy-duty vehicles, continue to carry significant cost premiums over ICE vehicles. (Michael Taylor – 45d)
- 472. Comment:** Commenter states they are concerned about how expensive ZEVs are given their limitations. (Angela Constantino – 45d)
- 473. Comment:** Commenter requests that the amendments include some direct or indirect consideration of affordability. (Katherine Larson – OT)

Agency Response: Changes were made in response to these comments. Changes were made as part of the First 15-Day Changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types.

BEVs and FCEVs have higher incremental costs but that difference is expected to decline with declining battery and component costs and economies of scale as the ZEV market expands. BEVs are also expected to have reduced operating costs. Fleets are also expected to receive non-monetary benefits from operating ZEVs in the field, such as lower exposure to pollutants for operators and residents and more ZEV experience for maintenance teams.

Fleets can also consider purchasing NZEVs when they become available, as NZEVs are expected to come to market in the future and may have lower incremental costs than ZEVs based on observations in the light-duty vehicle market.

h) Cost—Concerns on Inconsistency Among Various Documentations

- 474. Comment:** Commenter states the costs in the economic analysis are flawed and should be corrected. Commenter specifies that the Initial Statement of Reasons (ISOR) states that

costs are declining over time while other CARB documentation is saying costs are increasing. Commenter states they are concerned about the cost of purchasing and owning ZEVs. (Sean Edgar – OT)

Agency Response: No changes were made in response to these comments. The difference between the document on Zero-emission Class 8 Truck Pricing Comparisons and the ISOR is due to difference in units and is not a discrepancy. The economic analysis in the ISOR uses constant dollars consistent with the method specified by the California Department of Finance, which does not account for inflation. The comparison document uses real dollars and is an analysis method that includes inflation. Both approaches were validly applied according to the situation.

CARB modeled the ZEV and ICE vehicle price based on reliable sources, such as manufacturers websites, online truck marketplaces, and historical battery prices. Vehicle prices also fluctuate based on changes in supply chain and demand cycles. The level of fluctuation also varies by vehicle types and configurations. The analysis in the ISOR is a long-term projection that might not align with near-term fluctuations. Therefore, it is normal to observe different trends in vehicle prices within short time frames.

i) Cost—Concerns on Increased Cost from Ratepayers of Public Agencies

- 475. Comment:** Commenter states that higher ZEV vehicle and infrastructure costs would impose financial strain on a ratepayer-funded special district and could result in increased water rates. (Chris Bozir – 45d)
- 476. Comment:** Commenter states that ZEV costs are up to over 200% of their traditional counterparts, with significant infrastructure expenses falling on ratepayers. Commenter states that commitment to good environmental stewardship must be balanced with affordable rates. (Eric Grubb – WT)
- 477. Comment:** Commenter states that the cost of compliance will fall on low-income customers who can least afford higher rates. (Justin Caporusso – OT)
- 478. Comment:** Commenter expresses concerns about increased costs to ratepayers that are very likely to arise as a result of the current language in the ACF regulation. (Mary Elise Conzelmann – OT)
- 479. Comment:** Commenter states they are concerned about the additional cost to utility rate payers that are not being considered. Commenter states that in order for the City of LA to capitalize on a residential ZEV program, it will cost \$480 million and will add \$50 per householder per month. (Evan Edgar – OT)

Agency Response: Changes were made in response to these comments. Changes were made as part of the First 15-Day Changes that would reduce the number of ZEVs fleets required to purchase, and therefore reduce associated costs for vehicle purchases, operations, maintenance, and infrastructure. For example, the 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types.

ZEVs are expected to have a lower TCO than ICE vehicle counterparts in numerous applications over the course of its useful life due to operational savings and future purchases are expected to have a declining incremental difference in upfront vehicle costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development. Therefore, the long-term phase-in of ZEVs is not expected to result in a net increase cost of ratepayers or reduction of services provided.

Beyond the financial advantages, ZEVs also offer health benefits compared to ICE vehicles. ICE vehicles emit criteria pollutants, which result in increased adverse health effects compared to ZEVs. The monetized values of the adverse health effects such as work loss days and hospital visits are higher for ICE vehicles than ZEVs.

j) Cost—Early Replacement Cost for Small Fleets

480. Comment: Commenter states that requiring early replacement of recently purchased ICE vehicles before the end of their useful life creates a disproportionate financial burden on small fleets. (Shanita Tillman – 45d)

Agency Response: No changes were made in response to these comments. The default ZEV Purchase Schedule does not require fleets to retire vehicles at all. Nothing in this regulation requires a public fleet to replace a vehicle before its useful life, except if the fleet owner elects to use the ZEV Milestones Option.

16. Incentives and Funding

481. Comment: Commenter states that the State should not use public subsidies to fund methane-burning trucks. (Maurissa Brown – OT)

Agency Response: No changes were made in response to this comment. Funding policy decisions are addressed by the funding programs and are not part of the regulatory process for the ACF regulation.

a) Incentives and Funding—Small Businesses

482. Comment: Commenter states they are concerned about the limited financial aid and funding opportunities for ZEVs, especially expanded financial assistance and tax incentives for small and independent operators to offset the high upfront costs of zero-emission trucks. (Angela Constantino – 45d)

Agency Response: No changes were made in response to this comment. Small businesses are not directly impacted by the Proposed Amendments. Nevertheless, the comment is responded to here. California helps drive ZEV sales with funding available through the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP). CARB is aware of the increased challenges faced by small fleets and owner-operators as they deploy ZEVs. Using a community-driven approach, CARB crafted and launched a new program within HVIP, called Innovative Small e-Fleets, that specifically addresses the needs of small fleets and owner-operators with higher incentives, additional flexibilities, and wrap-around support.

b) Incentives and Funding—Higher Purchase Price for ZEVs

483. Comment: Commenter notes that available incentives may not fully offset higher upfront costs compared to conventional vehicles. (Chris Bozir – 45d)

Agency Response: No changes were made in response to this comment. Funding policy decisions are addressed by the funding programs and are not included in the cost analysis or part of the regulatory process for the ACF regulation.

c) Incentives and Funding—Special Funding for Public Fleets

484. Comment: Commenter states that since state and local agencies are the only regulated group, they should receive all available grant and state funding in order to help implement ACF. (Jesus Martinez Ramirez – 45d)

485. Comment: Commenter states that CARB should provide funding to help small cities mitigate service interruptions. (Shanita Tillman – 45d)

486. Comment: Commenter recommends targeted funding programs, including grant programs, for water and wastewater utilities and increased engagement with special districts during implementation to support fleet electrification efforts. (Chris Bozir – 45d)

Agency Response: No changes were made in response to these comments. Incentives play a complementary role with regulations, helping to support technology advancement and achieve emissions reductions early or in addition to what can be achieved through regulations. In some cases, funding is appropriated to CARB by the Legislature for specific purposes. Where CARB has discretion, funding policy decisions are addressed by the funding programs through a public process and are not included in the cost analysis to disclose the total cost of the ACF regulation. Nevertheless, the comments are responded to here. From 2020 to 2023, the public utilities have expended close to \$100 million on zero-emission transportation from Cap-and-Invest allocations.

In late 2025, CARB allocated \$5 million in HVIP set-asides for public fleets and tribal governments to respond to the longer public procurement process for these entities.³⁸ Also in April we reached a milestone of providing \$1Billion in vouchers for the cleanest medium-to heavy-duty vehicles. The State’s funding will help support zero-emission market momentum, meet ongoing fleet demand, and support small business participation. In addition, HVIP vehicle eligibility was expanded to include Class 2b pickup trucks for vouchers requested by state or local government agencies and tribal governments beginning with the December 16, 2025, relaunch of HVIP.

Also, California Clean Fuel Reward (CCFR) for electric medium- and heavy-duty trucks is funded with revenue utilities generate from the state’s LCFS program and is expected to become the largest utility-administered rebate program for electric trucks in the country, with \$250 million available this year and over \$1 billion in total rebate funding expected through 2030.

Lastly, in response to federal actions threatening to overturn California’s authority to cut vehicle pollution, Governor Gavin Newsom signed Executive Order N-27-25 on June 12, 2025. This order strengthens the State’s commitment to reduce harmful air pollution from transportation and protect public health. In their report to the Governor, State agencies recommended several actions that would continue ZEV adoption in the state and support public agencies including updating funding guidelines for state programs supporting local governments and developing statewide cooperative purchasing strategies to aid local government agencies in procuring ZEVs at the lowest cost.³⁹

d) Incentives and Funding—Charging Infrastructure

487. Comment: Commenter states that the cost of electrical capacity upgrades and charging infrastructure represents a significant and ongoing financial burden for small municipalities. Commenter asserts that dedicated funding and financial incentives are necessary for these communities to meet ACF requirements. (Kayla Warmbrodt – 45d)

Agency Response: No changes were made in response to these comments. Funding policy decisions are addressed by the funding programs and are not included in the cost analysis or part of the regulatory process for the ACF regulation. Nevertheless, the comment

³⁸ California Air Resources Board. December 12, 2025 New Funding Availability The Clean Truck and Bus Voucher Incentive Project (HVIP) is reopening with \$125 Million (web link: <https://content.govdelivery.com/accounts/CARB/bulletins/3fdf084>, last accessed May 2026).

³⁹ California Air Resources Board. August 2025. [CARB Report to Governor in Response to Executive Order N-27-25 Zero-Emission Vehicle Deployment](https://www2.arb.ca.gov/sites/default/files/2025-08/August%2025%20Report%20to%20the%20Governor%20in%20Response%20to%20Executive%20Order%20on%20ZEV%20Deployment%20FINAL_0.pdf). (web link: https://www2.arb.ca.gov/sites/default/files/2025-08/August 2025 Report to the Governor in Response to Executive Order on ZEV Deployment FINAL_0.pdf, last accessed on May 2026).

is responded to here. Dedicated funding and financial incentives for medium- to heavy-duty EV charging are already available. CARB, CEC, and CPUC are coordinating infrastructure needs across the state. Investor-owned utilities (IOU) are authorized under CPUC Regulation to cover the cost of grid upgrades through rate-basing to support transportation electrification. The IOUs also generate funding through LCFS that they can dedicate to ZEV infrastructure within their territories. As part of its Clean Transportation Program, the CEC, through their contractor CALSTART, runs the Energy Infrastructure Incentives for EnergIZE Project. EnergIZE offers financial incentives toward the purchase of charging and hydrogen fueling - equipment to medium- and heavy-duty ZEV fleets through targeted grants and first-come, first served funding lanes. Funding for this program is allocated annually ⁴⁰through the State budget process. Since its inception, the Clean Transportation Program has invested more than \$2.4 billion in alternative fuel production, fueling and charging infrastructure, and alternative fuel vehicles. In the 2025-2026 Clean Transportation Program Investment Plan, the CEC outlines expected funding of \$326.9 million over the next three years for zero-emission charging and fueling infrastructure across all vehicle sectors, including workforce development.⁴¹ Separate from these funds, the Energy Commission also collaborates with the California Department of Transportation to administer federal funds NEVI and Charging and Fueling Infrastructure programs. The CEC recently announced two solicitations under NEVI focused on medium- and heavy-duty infrastructure, totaling up to \$148.5 million in investment.^{42,43}

17. Repeal of the Drayage Trucks, and High Priority and Federal Fleets Requirements

a) Repeal of the Drayage Trucks and High Priority Fleets Requirements—Impact on State and Local Government Fleets

488. Comment: Commenter states they are concerned that since applicable public fleets are such a small population compared to the now exempted private fleets, the need for ZEVs will not be where it needs to be to grow the ZEV market and that will cause manufacturers not to have a robust market. (David Rothbart – OT)

489. Comment: Commenter states they are concerned about how the current regulatory frameworks disproportionately burden public fleets, while private sector exemptions persist, creating an uneven playing field and reduced market demand for needed vehicles. (Vong Mouanoutoua– 45d)

Agency Response: Changes were made in response to this comment. The Board extended the 100% ZEV purchase requirement to 2030 to align with the expected delay in the ZEV market due to the recent federal actions as discussed in Chapter III General, A. Background section, and added a new provision for captive biofuel fleets that will allow fleets to continue to purchase ICE vehicles to use excess biogas produced at their waste or wastewater facility. In addition, the First 15-Day Changes further streamline and clarify

⁴⁰ Tuggy, Benjamin. 2025. 2025–2026 Investment Plan Update for the Clean Transportation Program. California

⁴¹ California Energy Commission Website. GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4 (web link:<https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026).

⁴² California Energy Commission Website. GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4 (web link:<https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026).

⁴³ California Energy Commission Website. GFO-25-606 - California's National Electric Vehicle Infrastructure Formula Program - Solicitation 5 (South) (web link: <https://www.energy.ca.gov/solicitations/2026-02/gfo-25-606-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026).

various exemptions, making it more accessible for fleet owners to utilize flexibilities where appropriate. California is a big player in the ZEV market. In 2024, ZEVs made up nearly 23% of new medium- and heavy-duty vehicle sales in California—more than double the state’s target and the highest total ZEV sales ever reported.

The ACF regulation is a key measure in the federally mandated 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy), where CARB committed to achieving significant reductions in the amount of NOx and reactive organic gas emissions from medium- and heavy-duty vehicles. The repeal does not change the emissions reduction commitments made in the SIP, nor does it eliminate California’s need for emissions reductions. While SLG fleets represent a low percentage of the vehicles operating in California, the population is over a hundred thousand vehicles which is not insignificant. These vehicles are operating in communities and impacting Californian’s every day. Retaining ACF for the SLG fleet has become even more critical considering the 60 tons per day NOx emissions shortfall projected for on-road heavy-duty sources and up to 165 tons per day NOx from all sources in 2037.

b) Repeal of the Drayage Trucks and High Priority Fleets Requirements—Cost impact on State and Local Government Fleets

- 490. Comment:** Commenter requests that CARB consider a path that allows cities to succeed in the transition to ZEVs as they face imbalances from private fleets operating without mandates and operating costs falling on their communities. (Andy Haussler – OT)
- 491. Comment:** Commenter states ACF needs to reflect and consider the heightened cost the public water agencies will face while other fleets have been removed from compliance for the time being. (Nick Blair – OT)
- 492. Comment:** Commenter states that concentrating compliance on public fleets shifts disproportionate costs onto ratepayers to drive innovation in the ZEV market. Commenter requests cost effective pathways that protect customers and investments. (Noelle Mattock – OT)
- 493. Comment:** Commenter states they are concerned about how SLGs have to pay more for their vehicles than private companies due to lack of options. (James Leonard – 45d)

Agency Response: Changes were made in response to this comment. The Board extended the 100% ZEV purchase requirement to 2030 to align with the expected delay in the ZEV market due to the recent federal actions. Public fleets are not the only entities purchasing ZEVs. Private entities are making voluntary efforts to continue to purchase ZEVs, and some even seek voluntary compliance with the ACF regulation. For example, PG&E has committed to electrifying 50% of their medium-duty and 20% of their heavy-duty vehicles by 2030⁴⁴. Also, there are multiple options of ZEVs currently in the market, and they are sold nationwide and globally. Lastly, public agencies can save money due to lower operational costs of ZEVs when compared to ICE vehicles. In addition, CARB is in the process of developing rules to reduce criteria pollutants, toxics, and GHG emissions private fleets.⁴⁵

⁴⁴ CleanTechnica. March 10, 2026. Largest California Utility Could Have 3,800 Electric Fleet Vehicles By 2030 (web link: <https://cleantechnica.com/2026/03/10/largest-california-utility-could-have-3800-electric-fleet-vehicles-by-2030/>, last accessed 3/16/2026.)

⁴⁵ CARB, Public Workshop on Drive Forward Heavy-Duty Vehicle Standards and Strategies, December 3, 2025, (web link: <https://content.govdelivery.com/accounts/CARB/bulletins/3f85aee>, last accessed May 2026)

c) Repeal of the Drayage Trucks and High Priority Fleets Requirements—Infrastructure Impact on State and Local Government Fleets

494. Comment: Commenter states that the exclusion of private fleets will reduce ZEV infrastructure needed for reliability. (David Rothbart – OT)

Agency Response: Changes were made in response to this comment. The Board extended the 100% ZEV purchase requirement to 2030 to better align with current realities in the ZEV market due to the recent federal actions. As mentioned previously, ZEVs are still being deployed regardless of the repeal. This purchase delay also means fleets have a longer time to build charging infrastructure as well. Additionally, public fleets primarily rely on depot charging, which can be built out based on the operational needs of public fleets, rather than relying on private developers. No further changes are necessary because the extension of the purchase requirement to 2030 sufficiently addresses the commenter's concern.

d) Repeal of the Drayage Trucks and High Priority Fleets Requirements—Public Services as Beta Testers

495. Comment: Commenter states their concern about how public services will become beta testers for heavy-duty ZEV trucks due to the amendments excluding private fleets. (David Rothbart – OT)

Agency Response: Changes were made in response to this comment. The Board extended the 100% ZEV purchase requirement to 2030 to align with current realities in the ZEV market due to the recent federal actions. Changes were made to delay the 100% ZEV purchase requirement to 2030, First 15-Day Changes to the ZEV Purchase Exemption require the manufacturer to have an Executive Order issued for one or more chassis or complete vehicles for at least three of the last five model years before it is considered available, and other changes ensure vehicles from a manufacturer going under bankruptcy proceedings aren't considered available for purchase. However, the ZEV Purchase Exemption already has criteria that exclude vehicle configurations solely for demonstration, test, or experimental purposes from being considered available.

e) Repeal of the Drayage Trucks and High Priority Fleets Requirements—Impact on Waste Fleets

496. Comment: Commenter states they are concerned about the inequalities between SLGs and private companies and municipalities, such as private waste companies. Relieving private fleets of the capital and operating cost burdens of conversion to ZEVs and infrastructure without relief to public fleets creates an uneven playing field. (James Leonard – 45d)

497. Comment: Commenter supports the removal of local government requirements to contract with ACF-compliant companies as it relates to waste fleets that use their own renewable natural gas. (Noam Elroi – OT)

498. Comment: Commenter supports the removal of High Priority Fleets as it relates to waste fleets that use their own renewable natural gas. (Neil Edgar/Noam Elroi – 45d)

Agency Response: No changes were made in response to this comment. Contracting out for regular public services to perform core government functions like waste management to private fleets is a common practice. Waste services are commonly contracted out to private fleets by public entities who may collect the service fees directly or may contract the service fee collection to the private fleet or to another third party. Due to the repeal of the High Priority and Federal Fleets requirements, private fleets are no longer directly responsible for compliance with the ACF regulation. However, when a city, county, or other local agency

contracts with a private company for vehicles or for services using vehicles (e.g., waste management and sanitation, public infrastructure maintenance, and public health), the local government remains responsible for ensuring compliance with ACF requirements for vehicles used to carry out core public functions.

Lastly, the Board directed CARB to make changes that provide a longer offramp for low-NOx vehicles in captive waste and wastewater fleets that utilize their own biomethane. This narrow change was made in response to waste and wastewater sector's concerns that they will need to flare excess biogas in response to accepting landfill-diverted organic waste. This exemption along with others, including the Waste and Wastewater Fleet Option, would be available to vehicles under contract.

f) Repeal of the Drayage Trucks, and High Priority and Federal Fleets Requirements—Supports Repeal

- 499. Comment:** Commenter states they support the repeal of the drayage, high priority, and federal fleet requirements portions of the ACF regulation. (Alessandra-Magnasco – 45d)
- 500. Comment:** Commenter states they're in support of the repeal of sections 2014 and 2015 of the Advanced Clean Fleets Regulation. (Kasha Hunt – OT)
- 501. Comment:** Commenter states they support the repeal of ACF requirements for High Priority fleets. (Noam Elroi-OT, Michael Kastner-45d, Caleb Bowers-45d, Stan Ellis-45d, Evan Edgar-OT, Noam Elroi-45d)
- 502. Comment:** Commenter supports CARB's decision to revoke the Advanced Clean Fleets regulation, stating that repeal provides agricultural fleets needed flexibility and removes regulatory uncertainty while zero-emission technologies mature. (Emily Rooney – 45d)
- 503. Comment:** Commenter supports adoption of staff's recommendations, noting that ZEV deployment is occurring where feasible, but remains constrained by cost, infrastructure, and operational limitations. Commenter states a one-size-fits-all policy approach would not meet the diverse needs of the trucking industry, citing limited infrastructure, higher costs of ZEVs, reduced payload from added battery weight, and limited range. (Nick Chiappe – OT)
- 504. Comment:** Commenter states they understand that some of the key changes to provisions of ACF are brought before the Board today as prudent and necessary, somewhat difficult decisions, and this is because of federal attacks on the regulatory authority looking at what makes sense moving forward and what we can still reasonably achieve. (Gracyna Mohabir – OT)

Agency Response: No changes were made in response to these comments. CARB thanks the commenters for their comments. No changes are being requested by the commenter. No changes are required because these comments expressed support for CARB's existing proposal and did not raise concerns that would require any changes.

g) Repeal of the Drayage Trucks, and High Priority and Federal Fleets Requirements—Retain High-Priority Fleets and Drayage Truck Requirements

- 505. Comment:** Commenter requests that CARB retain drayage and high priority fleet requirements. Commenter states that without these requirements, there is a risk of stalling progress and undermining CARB's mission. (William Mancilla – WT)
- 506. Comment:** Commenter states that regulating only a small portion of fleets (public fleets) will not achieve clean air goals. (David Rothbart 2 – OCP)

Agency Response: No changes were made in response to this comment. Due to inaction at the federal level and to resolve several pending legal challenges, the Board voted to

repeal the High-Priority Fleets and Drayage Trucks requirements of the regulation to avoid confusion for these entities.

h) Repeal of the Drayage Trucks, and High Priority and Federal Fleets Requirements—Supports Future Rulemaking Efforts

- 507. Comment:** Commenter states that the State must remain focused on electrifying the on-road freight sector in a feasible and durable manner. Accelerated electrification of on-road freight is critical to reducing inequitable exposure to air pollution and achieving California's ambitious climate goals. (Sam Wilson – 45d)
- 508. Comment:** Commenter states CARB should begin the next round of Advanced Clean Trucks and Advanced Clean Fleets rulemakings to provide enforceable regulatory pathways and send clear market signals. (Yasmine Agelidis – 45d)
- 509. Comment:** Commenter states that in the absence of ACF's full implementation, California must now work earnestly to create new, politically durable pathways to reclaim the meaningful and much-needed public health, environmental, and economic benefits expected from ACF. (Sam Wilson – 45d)
- 510. Comment:** Commenter suggests more funding programs to assist with the higher upfront costs of ZEVs. Such funding ideas are fees on the sale of new combustion medium- and heavy-duty vehicles (MHDVs) or annual registrations of combustion models, which may generate sizable revenues for electrification programs; State investments in zero-emission fueling infrastructure specific to commercial vehicles, particularly among Class 7 and 8 tractor trucks; and fees on last-mile deliveries to consumers made by fossil-fueled vehicles, including light-duty vehicles, MHDVs, and motorcycles. (Sam Wilson – 45d)
- 511. Comment:** Commenter states that CARB should pursue dedicated durable funding mechanisms to assist in compensating for the loss of emissions reductions from the repeal of the rule's high priority and federal fleet and drayage portions. Even so, the commenter appreciates that staff have worked to retain a feasible SLG fleet requirement. Electrifying public fleets can provide crucial demand certainty, help derisk OEM production of ZEVs, and accelerate economies of scale in the ZEV supply chain. However, the SLG portion of ACF alone cannot replace the emissions reductions originally expected from the rule. Without new measures, California faces both an air quality gap and the risk of falling short of the climate targets. (Sam Wilson – OT)
- 512. Comment:** Commenter states that leveraging mechanisms complementary to ACF such as clean freight incentives is necessary to continue the trajectory toward a zero-emission transportation future. (Guillermo Ortiz – 45d)
- 513. Comment:** Commenter encourages CARB to continue funding local community air monitoring across the state and local Indirect Source Rules to ensure community air is improving. (Maurissa Brown – OT)
- 514. Comment:** Commenter requests continued focus on incentives to compensate for the loss of emissions reductions from the repeal of the rule's high priority and federal fleet and drayage portions. (Gracya Mohabir – OT)
- 515. Comment:** Commenter requests that CARB increase the adoption of meaningful cargo fee programs at ports across California. (Yasmine Agelidis – 45d)
- 516. Comment:** Commenter requests funding programs be funded through a fee on shipping containers at ports. Similarly, a statewide fee on shipping containers moved by combustion drayage vehicles could encourage freight electrification and generate substantial revenue for electrification programs while promoting economically equitable impacts among the state's diverse ports and railyards. (Sam Wilson – 45d)

- 517. Comment:** Commenter states CARB should adopt statewide ISRs and support local air districts' ISR efforts to reduce emissions from freight hubs, ports, railyards, and warehouses, as these rules effectively spur clean transportation projects. (Yasmine Agelidis – 45d)
- 518. Comment:** Commenter states that leveraging mechanisms complementary to ACF, such as indirect source rules, is necessary to continue the trajectory toward a zero-emission transportation future. (Guillermo Ortiz – 45d)
- 519. Comment:** Commenter requests continued focus on tools like a statewide Indirect Source Rule to compensate for the loss of emissions reductions from the repeal of the rule's high priority and federal fleet and drayage portions. (Gracyna Mohabir – OT)
- 520. Comment:** Commenter states that CARB should pursue the expansion of Indirect Source Rules and port container fees statewide to assist in compensating for the loss of emissions reductions from the repeal of the rule's high priority and federal fleet and drayage portions. (Sam Wilson – OT)

Agency Response: No changes were made in response to these comments, as the comments are out-of-scope and CARB is not required to respond. Nevertheless, CARB has responded. CARB recently launched Drive Forward, a new initiative re-affirming California's leadership in clean air and climate policy. Guided by Governor Newsom's Executive Order N-27-25, Drive Forward supports the development of the next phase of vehicle emissions regulations, incentive programs, outreach and education, and complementary programs and policies that enable clean vehicle deployment. CARB held the first series of Drive Forward workshops in late 2025 and will hold additional workshops in 2026 and beyond. CARB is coordinating closely with other state agencies and will continue to bring together policymakers, experts and leaders from the environmental and scientific communities, automotive and trucking industries, fleet operators, community groups, and the public to discuss issues including infrastructure, incentives, partnerships, and emissions reduction strategies.

18. Low Carbon Fuel Standard Regulation

a) Remove the 1% Deficit Cap

- 521. Comment:** Commenter requests that CARB staff consider removing the 1% deficit cap on single applicants. Commenters state that after they build their next two hydrogen stations, they will exceed that cap and so will be disallowed from the Hydrogen Refueling Infrastructure (HRI) program. Commenter requests to be allowed to grandfather in the stations that they already have California Energy Commission grants for. (Matt Miyasato – OT)
- 522. Comment:** Commenter states that they are concerned about the single applicant cap of 1% deficits and requests that that portion be removed or at least waive this requirement for CEC and Alliance for Renewable Clean Hydrogen Energy Systems funded stations. (Matt Miyasato – 45d)

Agency Response: No changes were made in response to these comments. If and when deficits increase in the program due to higher consumption of deficit-generating fuels, the potential for developing new stations within the applicant's 1% deficit cap also increases. Additionally, CARB limits individual applicants to 1% of the 2.5% available to encourage multiple applicants/companies to develop fueling stations.

b) Allow for a Technology-Neutral Approach

523. Comment: Commenter requests that the LCFS crediting framework remain open to all types of hydrogen that can contribute to decarbonization and that a technology-neutral approach is critical for scaling hydrogen infrastructure quickly and achieving meaningful, market-wide progress toward California's clean transportation goals (Alessandra Magnasco – 45d)

Agency Response: No changes were made in response to this comment. While the overall requirements for hydrogen used for HRI pathway eligibility tighten in 2030, existing hydrogen pathways can continue to be used while renewable and zero and negative CI hydrogen pathways make larger contributions to the hydrogen fuel supply. The regulation states: "Effective January 1, 2030, hydrogen dispensed as a vehicle fuel must comprise at least 80% of the following: renewable hydrogen, hydrogen produced with accompanying carbon capture and sequestration technology, or a combination of renewable hydrogen and hydrogen produced with accompanying carbon capture and sequestration technology."

c) Allow for a Fully Battery-Electric Transportation Future

524. Comment: Commenter states that if any LCFS amendments are to be made, they should be for a fully battery-electric transportation future. (John Fleming – 45d)

Agency Response: No changes were made in response to this comment. The LCFS ZEV Infrastructure Program was designed to assist in the development of the initial network of both hydrogen refueling stations and direct current fast chargers in the State. While CARB recognize that sales of light-duty BEVs have outpaced FCEVs, LMD FCEVs are still projected to have a role in the State's zero-emission vehicle future, and incentivization of a Statewide light- and medium-duty hydrogen fueling network remains important. Overall support for light- and medium-duty HRI stations, capped at 2.5% of deficits, is not increased and the 2030 sunset for light- and medium-duty HRI station application approvals remains unchanged. CARB's proposal allows for higher capacity crediting of LMD-HRI stations since significant co-location of LMD-HRI stations with heavy-duty HRI (HD-HRI) stations is anticipated, with the two programs effectively supporting all hydrogen refueling types at a single address.

d) Adjust Infrastructure Crediting Provisions for Battery Electric Vehicle Charging

525. Comment: Commenter requests that CARB include the following amendments to the provisions on infrastructure crediting for BEV charging under LCFS: (1) adjust derating factors to allow higher throughput crediting comparable to HRI, (2) expand the total crediting limits to match HRI, (3) expand the power rating caps to accommodate emerging high-power charging deployments, and (4) make conforming changes to the heavy-duty battery infrastructure crediting provisions. (Yasmine Agelidis – 45d)

Agency Response: No changes were made in response to these comments. HRI is more capital intensive than electric fueling infrastructure is, and so HRI fuel supply equipment (FSEs) have larger infrastructure crediting factors than Fast Charging Infrastructure (FCI) FSEs do. The four program types in the ZEV Infrastructure program--LMD-FCI, LMD-HRI, HD-FCI, and HD-HRI--each are limited equally to approving FSEs only when estimated potential credits received by those FSEs are less than 2.5% of LCFS deficits. Power rating cap for HD-FCI is already at 2 MW, and the FCI capacity for higher-powered chargers is already increased from the original FCI program.

e) Other LCFS Comments

526. Comment: Commenter requests that CARB provide transparency in LCFS program data to allow stakeholders to monitor how changes in crediting influence both infrastructure investment and fuel price trends. Commenter requests that CARB provide an economic impact analysis evaluating how Hydrogen Refueling Infrastructure crediting changes may affect retail fuel prices, particularly for diesel. Commenter states that as Hydrogen Refueling Infrastructure crediting expands, they are concerned that costs could be shifted in ways that inadvertently raise prices for fleets that do not yet have the option of transitioning to hydrogen or other zero- emissions technologies. (Emily Rooney – 45d)

Agency Response: No changes were made in response to these comments. Overall support for light- and medium-duty HRI stations, capped at 2.5% of deficits, is not increased and the 2030 sunset for light- and medium-duty HRI station application approvals remains unchanged from the 2025 rulemaking, therefore the proposed amendments do not change the total crediting potential of LMD HRI. The ZEV Infrastructure Program was designed to provide support for the capital infrastructure required for the establishment of a distribution system for zero-emission fuels. Other low-carbon fuels, like renewable diesel, are drop-in fuels that can use the existing fuel distribution systems with little or no modification.

CARB and the LCFS program prioritize providing transparency on the program's outcomes. CARB publicly posts LCFS information quarterly, including fuel volumes and credits, FCI and HRI credits, approved HRI and FCI station locations, credit prices and transactions, fuel and feedstock volumes, and carbon intensity values for approved fuel production pathways. This data gives the public and market participants additional information on the investment landscape and infrastructure being deployed that supports California's climate goals. CARB publishes a substantial amount of program data on the LCFS data dashboard, with frequent updates of the program's progress, each with the underlying data posted publicly on the CARB website.

527. Comment: Commenter states that fleets require predictable LCFS credit values and clearer reporting guidance to support long-term infrastructure and fuel investment decisions. Commenter proposes establishing clear and consistent guidance for LCFS credit eligibility and reporting. First, the commenter proposes enhancing transparency and predictability in LCFS credit markets. Second, the commenter proposes supporting technology-neutral approaches to decarbonization so that hydrogen refueling complements rather than crowds out investment in renewable diesel, RNG, and electrification pathways. Lastly, the commenter proposes providing targeted technical assistance to fleets adopting LCFS-compliant fuels. (Michael Taylor – 45d)

Agency Response: No changes were made in response to these comments. The ZEV Infrastructure Program was designed to provide support for the capital infrastructure required for the establishment of a distribution system for zero-emission fuels. Other low-carbon fuels, like renewable diesel, are drop-in fuels that can use the existing fuel distribution systems with little or no modification.

f) Support for the Low Carbon Fuel Standard Regulation or its Current Amendments

528. Comment: Commenter supports amendments and amendments to LCFS. (Evan Edgar – OT)

529. Comment: Commenter supports the Proposed Amendments to LCFS. (Quinn Rickert – 45d)

- 530. Comment:** Commenter supports the technical fix to the Low Carbon Fuel Standard with regard to hydrogen refueling and structure credits for the light/medium duty stations (Mikhael Skvarla – OT)
- 531. Comment:** Commenter states that the LCFS standards should be enforced by CARB to help the development of low-carbon fuels and to protect the environment. (LII Dd – 45d)
- 532. Comment:** Commenter states they are in strong support for staff's recommendation to remove the derate on the light- and medium-duty hydrogen refueling infrastructure and capacity credit that you just heard at the end of the presentation. (Matt Miyasato – OT)
- 533. Comment:** Commenter supports the changes to the LCFS Light- and Medium-Duty Hydrogen Refueling Infrastructure capacity credit to a maximum of 1,200 kg/day for public stations. (Matt Miyasato – 45d)
- 534. Comment:** Commenter states they are in strong support of LCFS and urges the Board to adopt these amendments (Casey Dunn – OT)

Agency Response: No changes were made in response to these comments. Staff appreciates the commenter's support of the LCFS program. No changes are required because these comments expressed support for CARB's existing proposal and did not raise concerns that would require any changes.

19. Supports Other Comments

- 535. Comment:** Commenter supports the comments expressed by Mr. Blair (ACWA), Ms. Deslauriers (CASA). Further, Mr. Jepsen (Clean Water SoCal), Mr. Wyckoff (Calaveras County Water District), Ms. Quiroz (Joint Public Agencies), (CMUA) and other public agencies. (Tony Pastore – WT)
- 536. Comment:** Commenter supports the comments from the public agencies CASA, ACWA, CMUA, and from City of Roseville. (Evan Edgar – OT)
- 537. Comment:** Commenter supports the edited NZEV definition as recommended by CASA, such as allowing low-NOx RNG trucks until a zero-emission technology for this biofuel becomes commercially available would at minimum reduce greenhouse gas emissions and provide the reliability needed by the wastewater sector. (David Rothbart – OT)
- 538. Comment:** Commenter supports the comments made by CASA, CMUA, CSDA, and the City of Roseville, as well as the letter from the Legislature (letter from Assemblymember Juan Carrillo to Chair Liane Randolph and CARB on September 22, 2025) detailing the conflict between Senate Bill 1383 and the ACF regulation. (Claire Sullivan – OT)
- 539. Comment:** Commenter supports the comments expressed by Mr. Blair (ACWA), Ms. Deslauriers (CASA). Further, Mr. Jepsen (Clean Water SoCal), Mr. Wyckoff (Calaveras County Water District), Ms. Quiroz (Joint Public Agencies) and other public agencies (Tony Pastore – OT)
- 540. Comment:** Commenter strongly supports the comments submitted by CMUA and NCPA, i.e., "Joint Public Agencies," regarding mutual aid and emergency response. (Noelle Mattock – 45d)
- 541. Comment:** Commenter supports CASA's comments for adding definitions for biomethane, low-NOx vehicle, and RNG to the regulation or directly referencing definitions for biomethane and RNG included in the LCFS. (Noelle Mattock – 45d)
- 542. Comment:** Commenter fully supports the comments submitted by CMUA and NCPA and highlights affordability concerns, stating that the high cost of ACF-compliant vehicles would disproportionately impact disadvantaged communities. (James Takehara – 45d)
- 543. Comment:** Commenter supports the California of Sanitation Agencies' (CASA's) previous proposals that the TUSV definition include Class 2B vehicles, since those vehicles are also required to maintain reliable systems (Craig Miller – 45d)

- 544. Comment:** Commenter supports comment letters from groups like the Association of California Water Agencies (ACWA) and other water agencies. (Jesus Martinez Ramirez – 45d)
- 545. Comment:** Commenter supports comment submitted by ACWA and CSDA. (Eric Grubb – WT)
- 546. Comment:** Commenter supports the comments from CASA and their fellow essential public service stakeholders. (Steve Jepsen – OT)
- 547. Comment:** Commenter supports comments submitted by CMUA, CASA, and ACWA. (Noelle Mattock – OT)
- 548. Comment:** Commenter states they strongly support the comments of the California Association of Sanitation Agencies, Calaveras County Water District, SMUD, and the many other public agencies that have testified. (Julia Levin – OT)
- 549. Comment:** Commenter states they want to echo the comments made earlier in the day by their colleagues from Coalition for Clean Air (O-93) and from the Greenlining Institute. (Gracyna Mohabir – OT)
- 550. Comment:** Commenter states they are a member of CASA, CMUA, and ACWA and they support their comments. (Joe Sturges – OT)
- 551. Comment:** Commenter states they fully support the comments and requests made by Sarah Deslauriers of CASA, and Steve Jepsen of Clean Water SoCal, and the other comments and requests made by their other colleagues in the wastewater and other public sectors. (Curtis Paxton – OT)
- 552. Comment:** Commenter states that SSWD supports comments submitted on September 15th by the Association of California Water Agencies, of which they are a member agency. (Greg Bundesen – OT)
- 553. Comment:** Commenter states they want to convey to you how important the mutual aid exemption modification being requested by both ACWA and CSDA are to public agencies across the state. Commenter states the mutual aid exemption changes requested by ACWA and CSDA are common sense requests in the real-world operations of public agencies. (Kimberly Thorner – OT)
- 554. Comment:** Commenter states Calaveras County Water District supports the comment letters submitted by ACWA, other statewide agencies, and regional agencies like the Mountain Counties Water Resources Association, most of which highlight the need for more time before implementation to further ensure that the safe, reliable provision of water and sewer services doesn't turn into a competing interest with clean air. (Damon Wyckoff – OT)
- 555. Comment:** Commenter states they echo the comments of CMUA, ACWA, and other water districts. (Charles Watson – OT)
- 556. Comment:** Commenter states Eastern Municipal Water District is a member of CASA and Clean Water SoCal and they support their comments. (Anthony Budicin – OT)
- 557. Comment:** Commenter states they supports CASA's requests. (Sean Bigley-OT)
- 558. Comment:** Commenter supports CASA's comments on the modified definition of NZEV, the addition of TUSV definition, new 2013.1(g) which provides two pathways for granting public agencies early access to the Daily Usage and ZEV Purchase Exemptions to maintain reliable essential public services, Streamlined ZEV Purchase Exemption List, new language requiring the removal of vehicles that have been replaced within 30 days, and Initial Statement of Reasons - Section F.3 - Wastewater Treatment Provider. (Curtis Paxton – 45d)

Agency Response: No changes were made in response to these comments. All referenced comments have been responded to individually, and no additional response is necessary for these comments.

20. Rulemaking Procedures

a) Rulemaking Procedures—Request to Reopen the Rulemaking, Extend Comment Periods, or Increase Board or Stakeholder Involvement

- 559. Comment:** Commenter states the 45-day changes do not go far enough and requests additional amendments and comment periods to ensure ACF compliance does not compromise essential water and wastewater operations, given limited ZEV availability, high costs, and performance gaps compared to ICE vehicles. Commenter encourages further work by CARB staff to build out much needed additional changes to ACF in supplemental comment periods and exemptions. Commenter states the 45-day changes are insufficient to enable ACF compliance for public agency utilities and requests additional supplemental comment periods. Commenter requests continued CARB staff engagement to develop further amendments and exemptions to ensure essential public services and emergency response capabilities are maintained. (Nick Blair – 45d)
- 560. Comment:** Commenter states CARB should reopen the ACF regulation for further consideration to ensure adjustments needed for safe and reliable public fleet operations are addressed. (David Rothbart 2 – OCP)
- 561. Comment:** Commenter states that the amendments delay rather than solve the very real challenges facing rural and geographically diverse water agencies. (Justin Caporusso – OT)
- 562. Comment:** Commenter states that the amendments do not go far enough to make compliance feasible for public water utilities as required by AB 1594. (Greg Bundesen – OT)
- 563. Comment:** Commenter states some changes in interpretation regarding “hiring compliant fleets” were not communicated to public agencies and could cause major disruptions to water and wastewater services. (Sarah Deslauriers 2 – OT, Sarah Deslauriers 2 – OCP)
- 564. Comment:** Commenter requests that CARB provide at least one round of First 15-Day Changes following adoption and remain open to additional iterations, and further requests continued, active stakeholder involvement during that process to ensure the final rule is workable and does not compromise critical public utility and emergency operations. (Priscilla Quiroz – 45d)
- 565. Comment:** Commenter requests that CARB extend the comment period to work out the concerns that the POU community has in order to implement AB 1594 as the legislature intended. (Jason Maruca – 45d)
- 566. Comment:** Commenter requests Board involvement to work with staff to increase flexibility and workability of the regulation, including addressing captive biofuel use and SB 1383-related concerns. (Sarah Deslauriers 2 – OCP)
- 567. Comment:** The commenter states expanded regulatory flexibility through exemptions, waivers, advisory processes, and performance-based criteria that reflect real-world fleet operations, and improved transparency through tools such as public dashboards, clearer guidance, and more predictable crediting mechanisms. Commenter states this ensures that compliance is both legally and financially achievable. (Michael Taylor – 45d)
- 568. Comment:** Commenter asserts that CARB should not adopt the Proposed Amendments and should work with stakeholders to ensure that impact will be avoided for private individuals and small businesses. (John Kinsey – 45d)

Agency Response: Changes were made in response to these comments. After the original 45-day comment period, at the Hearing the Executive Officer was delegated authority to make additional modifications if deemed necessary. As a result, First and Second 15-Day Changes were released. All processes followed California’s Administrative Procedures Act (APA) requirements and provided opportunity for stakeholders to submit comments.

The modifications are consistent with the Board's direction, and the public comment opportunities provided meet all applicable regulatory requirements. As directed by the Board, CARB engaged extensively with public utility agencies, holding over 60 individual meetings, 23 TRIG meetings and additional site visits. This outreach also included dedicated meetings with public agencies and the feedback received was used to develop these amendments. Furthermore, CARB acknowledges the concerns raised by public agency utilities and released the 15-Day Changes which provide additional flexibility and an additional comment periods. CARB will continue to engage with stakeholders during implementation to support compliance and assess ongoing needs.

b) Rulemaking Procedures—Request for Board Hearing

- 569. Comment:** Commenter encourages staff to bring back the 15-Day amendments to the full Board. (Justin Caporusso – OT)
- 570. Comment:** Commenter states given the nuances of what will be addressed in the First 15-Day Changes, CCEEB supports staff bringing these changes back before the Board for full Board adoption. (Peter Okurowski – OT)

Agency Response: No changes were made in response to these comments. After the original 45-day comment period, at the Hearing the Executive Officer was delegated authority to make additional modifications if deemed necessary. As a result, First and Second 15-Day Changes were released. All processes followed California's Administrative Procedures Act (APA) requirements and provided opportunity for stakeholders to submit comments.

c) Rulemaking Procedures—Administrative Procedure Act Procedural Requirements

- 571. Comment:** Commenter asserts that the ACF amendment rulemaking violates the APA. The commenter summarized their understanding of the Administrative Procedure Act as it relates to this rulemaking and claims that some of CARB's findings in the ISOR about declining battery costs are contrary to analysis in other contexts. The commenter claims that the ISOR failed to analyze the net effect of the repeal and Proposed Amendments, including re-evaluating the benefits that were initially analyzed in the ACF rulemaking. The comment also included "Exhibit A," which was an October 2022 letter on the 2022 ACF rulemaking, attaching expert reports on potential negative unintended economic and environmental consequences of the proposed ACF Regulation, as well as Exhibits B through H. (John Kinsey – 45d)
- 572. Comment:** Commenter claims that the ISOR's treatment of the SLG amendments as having environmental and health benefits while the repeal would mean that benefits estimated in the 2022 ACF ISOR would not be achieved, is contradictory and misleading, contrary to the APA. Commenter asserts that CARB must revise its economic analysis to conform to APA requirements. (John Kinsey – 45d)

Agency Response: No changes were made in response to these comments. The rulemaking process that CARB followed conforms to the requirements of the APA. CARB agrees with commenter's assertion that the proposed action for the purposes of APA is both the repeal of certain ACF provisions and amendments the SLG provisions. Nonetheless, CARB's analysis accounted for the nuance that the repeal has no net impact for the purposes of the APA, because even without repealing, the High Priority and Drayage fleet components of the ACF regulatory program would be unenforceable and have no impact. The purpose behind the repeal is to avoid confusion among regulated entities. In

comparison, the net environmental benefits which were analyzed in the SLG amendments reflect regulatory changes that align with CARB's authority and discretion in carrying out its regulatory programs to improve California's health and air quality. This response incorporates CARB's responses provided at subsection IV.A.20.c), "Rulemaking Procedures—Administrative Procedure Act Procedural Requirements," and IV.A.27.b), "Economic Impact—Economic Analysis," and the commenter is encouraged to review those subsections for more information.

d) Rulemaking Procedures—Appeal Process

- 573. Comment:** Commenter recommends establishing a formal appeals process for exemption denials, with public agency utility representations to ensure fair consideration of critical service needs. (Alyson Piguee – 45d)
- 574. Comment:** Commenter requests that CARB establish a transparent appeals process. (Joe Sturges – OT)
- 575. Comment:** Commenter encourages CARB to continue meeting with local governments through workshops and develop a central task force to elevate and address concerns. (Maurissa Brown – OT)
- 576. Comment:** Commenter recommends creation of an Advanced Clean Fleets Appeals Advisory Committee, consistent with the structure reflected in SB 496, along with increased transparency tools, such as a public vehicle availability dashboard, to reduce disputes and improve implementation. (Michael Taylor – 45d)

Agency Response: No changes were made in response to these comments. The ACF regulation has objective criteria to streamline the application and approval process. The criteria were developed through a public process and discussions with fleets to allow for stakeholder input in the process and criteria. No additional, ACF specific appeal process is necessary because the criteria and process is sufficient to address exemption issues. Further, this process already exists. Other existing regulations govern administrative hearings for executive officer decisions. (Cal. Code Regs., title 17, sections 60055.1-60055.10.) Those regulations outline the procedures for reviewing decisions made by the Executive Officer. CARB agrees that continued coordination with regulated fleets is an asset for effective and successful regulatory implementation and will continue to do so outside the regulatory process. CARB has held Drive Forward Forums (former Truck Regulation Implementation Group (TRIG) meetings) with affected stakeholders and is a forum to work with fleet owners to share and discuss the implementation, exemption criteria, and how fleets can use flexibility specified in the regulation.

e) Rulemaking Procedures—Consistency in Duration of Time Between Board Vote and Effective Date

- 577. Comment:** Commenter requests staff to exercise enforcement discretion consistent with the Board's action for the period between the Board vote and the Office of Administrative Law's effective date to avoid contradictory signals to fleets. (Stan Ellis – 45d)

Agency Response: No changes were made in response to this comment. CARB will continue to communicate with regulated entities about the requirements of the ACF regulation. CARB exercises enforcement discretion on a case-by-case basis and encourages all regulated entities to reach out to CARB with any concerns on implementation.

21. Applicability to Local Governments

578. Comment: Commenter states that they need extensive outreach and educational materials from CARB that explain in simple terms why ACF is still applicable to local governments even though the rest of regulation has been overturned by the federal government. (Jesus Martinez Ramirez – 45d)

Agency Response: No changes were made in response to this comment. The ACF regulation conforms to all APA requirements, including clarity and consistency and there is no legal requirement to do extensive outreach and educational materials. However, CARB does work closely with regulated entities and provide compliance assistance materials where warranted. The ACF is still applicable to state and local governments because California is a market participant and able to regulate its own fleets. The regulation has not been overturned by the federal government. Rather, once California adopts a new emission standard for motor vehicles, it must receive a waiver of preemption from the United States Environmental Protection Agency (U.S. EPA) under section 209 of the Clean Air Act. Here, CARB withdrew its request for a preemption waiver, making the ACF regulation unenforceable as to non-state and local government entities until a waiver is obtained. CARB repealed the portion of the ACF regulation applicable to non-state and local governments to provide certainty. California state and local governments must still conform to the requirements of the ACF regulation, because no federal preemption waiver is necessary when government entities are acting as market participants. No additional changes were made because the suggested changes would undermine the air quality benefits of the regulation. This response incorporates CARB's responses provided at subsection IV.A.20.e), "Consistency in Duration of Time Between Board Vote and Effective Date," and the commenter is encouraged to review that subsection for more information. As CARB routinely does, it will continue to communicate with regulated entities about the requirements of the ACF regulation.

22. Dormant Commerce Clause

579. Comment: Commenter alleges that ACF's structure imposes disproportionate burdens on out-of-state fleets in violation of the Dormant Commerce Clause of the U.S. Constitution. (Michael Kastner-45d, Caleb Bowers – 45d)

Agency Response: No changes were made in response to these comments. CARB has considered the commenters' concerns, evaluated existing law on the subject, and has determined the proposed rule to be in compliance with applicable laws.

CARB respectfully disagrees with the commenter's assertion that ACF violates the Dormant Commerce Clause. Under Article I, Section 8, Clause 3 of the United States Constitution, Congress has the power "to regulate commerce with foreign nations and among the several states and with Indian Tribes." While Congress has sole authority to regulate interstate or foreign commerce, under the Tenth Amendment, powers not delegated to the United States or prohibited by it are reserved to the States. There is ample case law on the Dormant Commerce Clause that analyzes whether the state law discriminates against interstate commerce and the test that Courts use. There is also a limited exception known as the Market Participant exception that allows states to exercise their right to favor their own citizens.

The proposed ACF amendments repeal the High Priority Fleet and Drayage provisions, leaving only those fleet requirements applicable to State and local governments (SLG), in

which California is a market participant. For all SLG entities, ACF applies in the same manner to all similarly situated SLG fleets, i.e., those operating specified vehicles on roads and highways *in* California. The ACF amendments do not include any regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors and does not regulate out of state fleets extraterritorially or impose any burdens on out of state fleets.

There is no differential treatment of in-state and out-of-state economic interests, and there are no burdens on out-of-state interests as the SLG provisions of the ACF amendments only regulate California SLG fleets. The ACF amendments exclude the federal government and private actors from the fleet requirements, negating any assertions that this regulation would be imposing a disproportionate burden on out-of-state actors. The SLG requirements that remain after the repeal of other provisions, specifically apply to fleets in California, and do not apply to federal fleets. Any contracts that an SLG chooses to enter would apply regardless of whether the private contractor is within or outside California.

Furthermore, the law serves a legitimate local purpose – because SLGs are charged with protecting the health, safety, and welfare of their citizens, the law intends that SLGs own, purchase, operate, and contract with fleets that do not contribute to harmful air pollution or climate change. The legitimate local concern is to ensure California can reduce greenhouse gas emissions, reduce criteria pollutants, and that California can meet the requirements of the National Ambient Air Quality Standards. Furthermore, any hypothetical impacts on interstate commerce, if any, would be only incidental.

23. Vagueness

580. Comment: Commenter alleges The ACF provisions also suffer from pervasive vagueness. (Michael Kastner-45d, Caleb Bowers – 45d)

Response: Changes were made in response to these comments. The Commenters do not specify the language they believe is vague and because the comments lack specificity, CARB is not required to respond. Nevertheless, CARB respectfully disagrees that the ACF amendments are vague. The vagueness doctrine is a constitutional safeguard that ensures laws are clear to prevent arbitrary government action. What this means is the law must be clear on what is required or prohibited, provide fair notice so the regulated entities can conform their actions, and it must be clear to those who are going to enforce the laws.

Here, the ACF amendments clearly define standards—what is required and prohibited; and provides fair notice so the regulated entities can conform their behavior to the law. For example, the ACF amendments state “This article applies to any state or local government agency with jurisdiction in California that owns, leases, rents, contracts for the operation of, or operates one or more vehicles specified in section 2013(a)(2) in California on or after January 1, 2024. This article does not apply to federal fleets.” – this provides clear direction on who the regulation applies to. Furthermore, the ACF amendments specify the vehicles scope – “Vehicle Scope. Except for excluded vehicles as specified in section 2013(c), vehicles subject to this article are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs. that are operated in California.” (See Cal. Code Regs., tit. 13, 2013, subd. (a), Scope and Applicability). Key terms are defined. (See Cal. Code Regs., tit. 13, 2013 (subd. (b))).

However, comments did express confusion over the some terms so clarifications have been made in the First and Second 15-Day Changes that provided the clarity the commenters

requested. As an example, in the First and Second 15-day Changes, changes were made to the fleet owner definition to clarify applicability of the ACF regulation to SLG fleets, in relation to rented and contracted vehicles.

24. Health and Safety Code Section 43018.5

581. Comment: Commenter alleges that the ACF regulation contravenes California Health and Safety Code section 43018.5, which prohibits CARB from banning entire vehicle categories. By eliminating the ability to purchase or operate ICE vehicles and requiring that all new heavy-duty vehicles sold in California after 2035 be zero-emission, the ACF effectively bans ICE work trucks. (Michael Kastner-45d, Caleb Bowers – 45d)

Response: No changes were made in response to these comments. The ACF regulation does not violate California Health and Safety Code section 43018.5, because nothing in the regulation bans entire vehicle categories. California Health and Safety Code section 43018.5 prohibits CARB from adopting regulations that require a “ban on the sale of any vehicle category in the state, specifically including, but not limited to, sport utility vehicles and light-duty trucks.” The ACF amendments do not ban the sale of any vehicle category, and therefore conforms with this law.

25. Aviation Administration Authorization Act

582. Comment: Commenter alleges that the ACF regulation violates the Federal Aviation Administration Authorization Act of 1994 (F4A). (Michael Kastner – 45d, Caleb Bowers – 45d)

Agency Response: No change was made in response to these comments. CARB has considered the commenters’ concerns, evaluated existing law on the subject, and has determined the proposed rule to be in compliance with applicable law. The Federal Aviation Administration Authorization Act of 1994 prohibits the enforcement of most laws related to price, route, or service of motor carriers transporting people or property. The ACF regulation does not create any price-setting requirements, nor does it mandate any particular routes or services for any fleet. Thus, the ACF regulation does not violate the Federal Aviation Administration Authorization Act.

26. Federal Preemption

583. Comment: Commenter states that CARB lacks legal authority to retain the 2036 ZEV Sales Mandate because it requires a Clean Air Act § 209(b) waiver that CARB has withdrawn and does not intend to seek in the near term. Commenter states that CARB has acknowledged it will not enforce the 2036 ZEV Sales Mandate absent a waiver, making its continued inclusion in regulation unjustified. Commenter requests that CARB repeal the ACF requirements that manufacturers only manufacture for sale in California ZEV trucks starting with the 2036 model year (the “2036 ZEV Sales Mandate”) as part of this rulemaking process. Commenter states that there is no legal basis for CARB to retain the 2036 ZEV Sales Mandate in the absence of the necessary waiver or any indication that CARB will seek such a waiver in the near term and, under state law, CARB is required to do so. Commenter states that maintaining this mandate without a valid waiver contravenes federal preemption. (Sophie Ellinghouse – 45d)

Agency Response: No change was made in response to this comment. CARB has considered the commenters' concerns, evaluated existing law on the subject, and has determined that no changes are necessary in response to this comment.

In 1967, the Clean Air Act waiver provision was enacted. (Pub. L. No. 90-148, § 208(b), 81 Stat. 485, 501 (1967).) Since then, new motor vehicles have been designated as "either 'federal cars' that meet the U.S. EPA's standards or 'California cars' that meet California's standards." (*Engine Mfrs. Ass'n v. EPA*, 88 F.3d 1075, 1080 (D.C. Cir. 1996).) U.S. EPA has granted California more than seventy-five preemption waivers to California. California has successfully worked within the structure of the Clean Air Act for many years and will continue to work within this well-established process.

The provision at issue in this comment is section 2013.1, subdivision (a), of the California Code of Regulations, title 13, which requires that, beginning January 2036, SLG fleet owners must purchase ZEVs or NZEVs for their California fleet. It should be noted that SLG fleet owners do have the option to alternatively elect to comply with ZEV milestone options, which gives flexibilities for SLG fleet owners. (See Cal. Code Regs., tit. 13, §§ 2013, subd. (d), (e); 2013.6). Nevertheless, regarding preemption of the 2036 ZEV sales requirement, CARB has already stipulated in a court filing that it will not enforce the 2036 ZEV sales requirement unless and until it has a preemption waiver—which is in line with California's longstanding practices. Maintaining this provision in the California Code of Regulations is important as CARB may seek a waiver of preemption in the future. Removing the provision now would require CARB to engage in another rulemaking, which would unnecessarily require additional resources. The statement that CARB will not enforce this provision until it receives a waiver provides sufficient certainty to the regulated entities.

27. Economic Impact

a) Economic Impact—Unfunded State Mandates

584. Comment: Commenter states that successful implementation of the ACF would require substantial, targeted funding to cover ZEV cost premiums consistent with constitutional reimbursement requirements consistent with CARB's responsibility to provide relief for mandated requirements under Article XIII B, Section 6 of the California Constitution. (Michael Taylor – 45d)

585. Comment: Commenter asserts that, without substantial incentive funding, potentially covering up to the full incremental cost, ACF compliance would function as an unfunded mandate on local agencies. (Michael Taylor – 45d)

Agency Response: No change was made in response to this comment. CARB has considered the commenters' concerns, evaluated existing law on the subject, and has determined the proposed ACF amendments do not create a reimbursable state mandate under Article XIII B, Section 6 of the California Constitution. The ACF requirements do not compel local agencies to provide new governmental functions or increase the level or quality of services they already provide to the public. Instead, the amendments modify an existing program, providing additional flexibility to regulated entities, and do not expand the level of service provided by these entities. The requirements are also not uniquely imposed on local governments, as they apply broadly to all State and local government California fleets. For these reasons, any costs local governments may incur to comply with the ACF amendments are not reimbursable. Incentive funding policy decisions are addressed by the funding programs' public process and are not included in the cost analysis or part of the regulatory process for the ACF regulation. As discussed in the chapter I.C., Mandates and Fiscal

Impacts to Local Governments in this document, costs incurred by the regulation are not required to be reimbursed.

b) Economic Impact—Economic Analysis

- 586. Comment:** Commenter states that the ISOR provides inadequate analysis of economic impact. Commenter states that the economic analysis fails to account for recent developments and market conditions altering the ZEV landscape, and increased costs of ZEVs. Commenter expressed that the ISOR used cost estimates based on a prior flawed assessment, used in the original ACF analysis, which did not account for withdrawal of Clean Air Act waivers or the cost of ZEVs, and cost on businesses to comply. (John Kinsey – 45d)
- 587. Comment:** Commenter asserts that the ISOR erroneously relies on the Clean Truck Partnership (CTP) in its economic analysis. (John Kinsey – 45d)
- 588. Comment:** The commenter asserts that the ISOR must analyze and discuss costs incurred by regulated entities, including businesses. (John Kinsey – 45d)
- 589. Comment:** Commenter claims that the ISOR does not contain analysis of the costs related to the practice of “ratioing,” in which manufacturers require each dealer to purchase a certain number of ZEVs before any Internal Combustion Engine (ICE) vehicle, which the commenter asserts is a practice that would likely increase in the future. (John Kinsey – 45d)
- 590. Comment:** Commenter asserts that the cost analysis was deeply flawed and did not account for recent data, citing a technical review prepared by Sean R. Edgar of CleanFleets.net and a recent study by the International Council on Clean Transportation. (John Kinsey – 45d)
- 591. Comment:** Commenter objects to the incomplete economic analyses and that the analysis fails to explain the economic impacts on their business and family, who will suffer detrimental impacts as a result of the ACF regulation. Commenter states that the analysis does not consider rate increases due to ZEV purchases by public utilities, where electricity will come from for ZEVs, the emissions caused by the construction of power plants and substations, nor the impacts of fleets needing more trucks to accomplish the work of ICE vehicles due to payload loss. (Victor Vasquez Sr. – 45d)

Agency Response: No changes were made in response to these comments. CARB has considered the commenters’ concerns, evaluated existing law on the subject, and has determined that no changes in the economic analysis are necessary. CARB agrees with commenter’s assertion that the proposed action for the purposes of APA is both the repeal of certain ACF provisions, and amendments to the SLG provisions. Nonetheless, CARB’s analysis accounted for the nuance that the repeal has no net impact for the purposes of the APA, because even without repealing, the High Priority and Drayage fleet components of the ACF regulatory program would be unenforceable and have no impact. In comparison, the net costs which were analyzed in the SLG amendments reflect regulatory changes that align with CARB’s authority and discretion in carrying out its regulatory programs to improve California’s health and air quality. The economic analysis in the ISOR reflects a comprehensive evaluation of the ACF program. CARB cannot speculate as to the outcome of the litigation involving the purported withdrawal of Clean Air Act waivers, nor can CARB speculate about the effect those recent actions would have on the cost of ZEVs or the cost to businesses as a result. Such circumstances are outside of CARB’s control and would not be caused by the ACF Amendments, but rather outside factors. Therefore, these speculative, outside factors do not need to be reflected in the economic analysis which specifically isolated the economic impact of the regulation amendments. The economic analysis considers costs and fiscal impacts to the extent required, and conforms to all legal requirements

The ACF regulation economic analysis did not rely upon the CTP. The original economic analysis accounted for regulations that were in effect at the time, including Omnibus and ACT, which the commenter may have mistaken for a different program entirely, the CTP. The economic analysis prepared for the 2023 ACF regulation took into account the conditions at the time, and the economic analysis prepared for the ACF Amendments took a conservative approach in regard to vehicle prices when determining the baseline assumptions.

28. Environmental Impact

As explained in the ISOR, CARB, as the lead agency for the Proposed Amendments, has concluded that this action is exempt from the California Environmental Quality Act (CEQA), as described in Public Resources Code section 21080(b)(4), and it is also exempt as described in CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations),⁴⁶ and particularly sections 15061(b)(3), 15301, 15307, 15308, and 15311. Even if this action did not qualify for the CEQA exemptions discussed above, the proposed action does not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstances requiring further environmental review beyond the Final ACF Environmental Analysis (EA) certified in April 2023 and the Final LCFS Environmental Impact Analysis (EIA) certified in November 2024.

Based on these CEQA determinations, CARB is not required to provide written responses to comments raising environmental concerns related to the CEQA determination or the Proposed Amendments. While no responses are required here, CARB chooses to provide the following response to comments raising environmental concerns for informational purposes, and to provide responses to comments under the APA. Every comment in this section is being responded to for the purpose of APA compliance.

- 592. Comment:** Commenter conveyed the opinion that CARB relied on conclusory legal analysis, non-existent case law authorities, and speculative factual assumptions to support the exemptions for the Proposed ACF Amendments. The Commenter also asserted that no substantial evidence supports CARB's conclusion that there are no unusual circumstances and cumulative impacts. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. CARB followed its Certified Regulatory Program (CRP) (Cal. Code Regs., tit. 17 § 60000 et seq.) for CEQA and APA compliance. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB has considered the applicability of the cumulative impacts and unusual circumstances exceptions to exemptions, and finds that substantial evidence in the record supports a determination that none apply to the Project. As explained in the Initial Statement of Reasons (ISOR), each exemption is supported with substantial evidence and would reasonably apply to the Project, such that no further environmental review is required. The exemption analysis provided in the ISOR was prepared and released for the benefit of

⁴⁶ Within this document, any reference to "CEQA Guidelines" refer to the CEQA Guidelines codified in Title 14 of the California Code of Regulations (CCR). Also, the CEQA statute is codified at California Public Resources Code, sections 21000 et seq.

transparency and public disclosure. The substantial evidence for the listed exemptions is set forth in the record.

Furthermore, as described in the ISOR, CARB has considered the applicability of the exceptions to categorical exemptions, and finds that substantial evidence in the record supports a determination that none apply to the Proposed Amendments.

- 593. Comment:** Commenter asserts that CARB cannot rely on the ACF or LCFS EIA to analyze the Proposed ACF Amendments' potential environmental impacts, and the conclusion that there would not be new or different impacts than those previously analyzed is unsupported. (John Kinsey – 45d)

Agency Response: No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

No changes were made in response to this comment. Under CARB's CRP (Cal. Code Regs., tit. 17 § 60000 et seq.), if CARB "determines that a previous analysis remains applicable and adequate for the project" (Cal. Code Regs., tit. 17 § 60004, subd. (b)(2)(B)), CARB may rely upon a prior environmental impact analysis. CARB may also prepare an addendum, which need only include "information necessary to update the information contained in the previous document" (Cal. Code Regs., tit. 17 § 60004.4, subd. (b)), as CARB did here. CARB supported its determinations with substantial evidence. The commenter does not – and cannot – provide support for their assertions that the prior environmental analyses cannot be relied upon here. As the commenter is aware, those prior analyses were prepared to fully analyze and disclose all reasonably foreseeable impacts from the broad ACF and LCFS programs. Here, the Proposed Amendments amend those programs in a way that clearly does not involve any potential for impacts more extensive than those analyzed in the prior environmental analyses. The commenter makes no attempt to explain why the Proposed Amendments are not within the scope of the prior analyses, other than vague assertions that the amendments proposed here involve "very different" circumstances. Accepting the commenter's unsubstantiated assertions here would involve entirely redundant, duplicative environmental review that serves no purpose other than to obstruct or delay – which CEQA does not require, as demonstrated by CEQA's many provisions supporting finality in environmental review. (See, e.g., Pub. Resources Code § 21166, *prohibiting* agencies from requiring subsequent environmental reports except in limited circumstances; CEQA Guidelines § 15162, stating that when an Environmental Impact Report (EIR) has been certified for a project, "no subsequent EIR shall be prepared" unless certain limited circumstances exist; see also Pub. Resources Code § 21167 (setting forth short statutes of limitation for challenges to agency CEQA determinations); see also *Bowman v. City of Petaluma* (1986) 185 CA3d 1065, 1073 ("section 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired (§ 21167, subd. (c)), and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process").)

- 594. Comment:** Commenter claims that significant new information and substantial changes in circumstances (providing examples such as the disapproval of Clean Air Act Waivers and CARB's waiver request withdrawal) requires the preparation of a subsequent environmental document. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB cannot speculate as to the outcome of the litigation involving the withdrawal of Clean Air Act waivers, nor can CARB speculate about the effect that the waiver-related actions would have on the environment. Such circumstances are outside of CARB's control and would not be caused by the Proposed Amendments, but rather by outside factors.⁴⁷

Therefore, they do not need to be reflected in the environmental analysis which specifically isolates the foreseeable environmental impacts caused by the project. Further, regulations which require a Clean Air Act waiver are not enforceable without a waiver in effect, and therefore any impact of the program going into effect would be forestalled as a result of the circumstances mentioned by the commenter – as opposed to causing any new impacts. The commenter does not explain how, given the existing conditions baseline, the specified waiver-related actions would cause any new environmental impacts beyond the baseline. If anything, not implementing the new provisions in the rulemakings listed by the commenter would tend to *avoid* the impacts identified for those measures in the prior environmental analyses, rather than cause any new impacts not previously analyzed. Commenter's claim here seems based on a misconception (or misconstruction) of CEQA's baseline principles and how the Proposed Amendments would increase the flexibility and extend the deadlines of future requirements, rather than cause an environmental impact in comparison to the existing conditions baseline.

Regardless, the factors listed by the commenter are not caused by the Proposed Amendments and are beyond CARB's control, and therefore need not be analyzed in the environmental review process. None of the circumstances requiring a subsequent EIR were met (See Cal. Code Regs., tit. 14, § 15162), and therefore CARB determined that an addendum was proper and no subsequent environmental review was required.

- 595. Comment:** Commenter asserts that the environmental baseline takes into account unenforceable regulatory programs, and thus is an improper, hypothetical baseline rather than actual conditions, as CEQA requires. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB disagrees with how the commenter describes the baseline used for the Proposed Amendments. As stated in the ISOR, the baseline is existing conditions (2024).⁴⁸ The environmental baseline for the Proposed Amendments was proper under CEQA because it represented the “physical environmental conditions” at the time the environmental analysis is commenced. (See Cal. Code Regs., tit. 14 § 15125, subd. (a)(1).) CARB's analysis reflects a conservative approach, using the well-established CEQA baseline while omitting speculation as to how conditions may change in the future depending on uncertain and contested actions that are presently being litigated. The outcome of litigation over the Clean Air Act waivers that have been targeted by recent – and unlawful – congressional resolutions is speculative. The commenter does not explain how a baseline that assumes that forward-looking regulatory requirements that are not in effect would be supportable with substantial evidence, or how it would satisfy CEQA's “existing conditions” baseline

⁴⁷ See ISOR at 8-9, 18, and 33-34.

⁴⁸ See ISOR at 97, 106, and 108.

provisions. CARB's selected environmental baseline reflects the conditions at the time that environmental review for the Proposed Amendments began, and changing the baseline to another scenario is not supported with substantial evidence due to the unpredictable and uncertain factors that such a baseline would rely upon – in other words, the baseline the commenter suggests would be speculative.

596. Comment: Commenter requested that CARB fix deficiencies in the ISOR and recirculate documents for public review. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

As explained in Chapter VII of the ISOR, which is incorporated in this response, recirculation is not required here because none of the triggers requiring subsequent CEQA analysis is present here. The Proposed Amendments do not involve any potential for new or substantially more severe significant environmental impacts or any other circumstances requiring recirculation. The exemption and addendum-level analyses provided in the ISOR were prepared and released for the benefit of transparency and public disclosure. The substantial evidence for the listed exemptions is set forth in the record.

597. Comment: Commenter cites to CEQA case law that indicates that CEQA prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures which can substantially lessen or avoid those effects, and also providing case law references regarding CEQA exemptions. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB acknowledges the case law citations provided by the commenter, but notes that the cited case law is not applicable to this situation, in which CARB has determined that the Proposed Amendments would not have significant environmental effects and do not require further environmental analysis. Thus, the requirement to mitigate or develop alternatives to address significant environmental effects does not apply here.

598. Comment: Commenter cites CEQA Guidelines section 15088 and case law to assert that CARB must respond to CEQA comments at a level of detail that matches the level of detail in the comment, and that conclusory statements unsupported by factual information will not suffice. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CEQA Guidelines section 15088 relates to the EIR process. CARB does not conduct an EIR process because CARB follows its CRP (Cal. Code Regs., tit. 17 § 60000 et seq.). Here, as described extensively in the ISOR (in particular, pages 101-105) and the responses to comments, CARB determined that CEQA exemptions applied to the Proposed Amendments, and furthermore that no supplemental or subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA or do not require

further environmental review. Even if a response to comment obligation applied here (which it does not), CARB's responses to comments are supported by factual information.

- 599. Comment:** Commenter asserts that CARB cannot rely upon the statutory and categorical exemptions for the Proposed ACF Amendments, stating that CARB's analysis is incoherent, unsupported, and contains incorrect case citations. Commenter requested that CARB clarify how it is relying on the various exemptions cited. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

When a public agency determines that a project is exempt from CEQA, the agency may, but is not required to, create a notice of exemption with a "brief statement of reasons to support the finding." (Cal. Code Regs., tit.14 § 15062.) Here, CARB exceeded that requirement by also preparing a detailed chapter in the ISOR setting forth the bases for its determinations that the Proposed Amendments are exempt from CEQA, and even if they were not exempt, do not require any further environmental review given the thorough review previously conducted for the program. Although not required, the explanation provided in chapter VII of the ISOR more than meets CEQA's requirements. CARB determined that the Proposed Amendments qualify for CEQA exemptions under the CEQA Guidelines and its Certified Regulatory Program, and therefore did not need to conduct further analysis or explanation for why the exemptions apply.

Regarding the commenter's assertion that the analysis relied upon incorrect case citations, the exemption analysis provided in the ISOR was not required by CEQA or any other requirement and was prepared and released for the benefit of transparency and public disclosure. The specific facts and circumstances of the Proposed Amendments are what is material to determining which exemptions apply. Furthermore, as explained in the ISOR, even if the exemptions did not apply, the Proposed Amendments do not require further environmental review, as none of the triggers for requiring such review is met. See ISOR at 106-110.

- 600. Comment:** Commenter asserts that it is improper to apply an exemption to an entire CEQA project without distinguishing between components that the exemption applies to. Commenter expressed a position that CARB is depriving the public and decisionmakers of a meaningful opportunity to comment on the exemption determinations. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The exemptions cover all of the CEQA project. Here, CARB determined that multiple exemptions, as described in the ISOR, apply to the entire CEQA project. CARB further determined that other exemptions apply to components of the project, as specified in the ISOR. For example, the Class 1 categorical exemption discussion notes that it applies to existing facilities that could be affected by the Proposed Amendments, including hydrogen stations. Further, CEQA does not require an exemption analysis, only that substantial evidence support the applicability of an exemption. Therefore, to the extent the project involves an exempt activity, the exemption applies to that activity. For example, CARB's ISOR explains which exemptions apply to the compliance responses that may reasonably foreseeably result from the Proposed Amendments.

CARB also provided an addendum-level analysis for the Proposed Amendments, explaining why even if the project were not exempt (which it is), it still would not involve any of the subsequent environmental review triggers.

CARB further notes that CEQA does not require a comment period on either a CEQA exemption or addendum. Therefore, the commenter's claims regarding ability to comment are irrelevant, as the comment period here was conducted pursuant to the APA rather than CEQA.

- 601. Comment:** Commenter expresses the opinion that the emergency exemption CARB relied upon cannot excuse CARB from performing environmental review because CARB did not explain how the ACF Amendments would forestall imminent danger and did not meet the emergency exemption requirements. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The CEQA discussion in the ISOR explains why this exemption applies. Contrary to the commenter's assertion, CEQA's emergency exemption covers actions necessary to prevent or mitigate an emergency. (Pub. Resources Code § 21080(b)(4) (exempting "Specific actions necessary to prevent or mitigate an emergency"). The Proposed Amendments' provisions providing relief to vehicles used in emergency events and preparing for emergency events are specifically designed to help facilitate emergency response capability and emergency mitigation, as explained in the ISOR and proposed regulation text. See, in particular, the provisions in the Proposed Amendments relating to declared emergency events, emergency operations, and emergency support vehicles, (See, e.g., Section 2013 (c)(4)), and flexibility options available to all fleets that qualify (See provisions, as amended, in Section 2013.1).

- 602. Comment:** Commenter indicates the belief that certain citations in the ISOR were inaccurate, and in particular, the citation to "*Castaic Lake Water Agency v. City of Santa Clarita* (1998) 65 Cal.App.4th 1357," as well as other cases the commenter contends do not concern emergencies or CEQA exemptions.

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. The *Castaic Lake Water Agency v. City of Santa Clarita* case, the proper citation for which is 41 Cal.App.4th 1257, was cited erroneously. However, this does not affect CARB's broader exemption analysis (which includes exemptions beyond the emergency exemption), as well as the addendum analysis. This response incorporates CARB's responses provided in response to comment 601 in this subsection, and the commenter is encouraged to review that agency response for more information.

- 603. Comment:** Commenter claims that the Proposed ACF Amendments are not categorically exempt under Class 7 or 8 exemptions because, in the commenter's view, the primary objective of the Proposed Amendments is not to maintain natural resources, and because it strengthens some protections but reduces others, and because the commenter asserts the primary objective of the Proposed Amendments is not environmental protection. Commenter also asserts that mere possibility of environmental benefits does not exempt a project from environmental review. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

Agency actions authorized by state law to ensure the maintenance, restoration, enhancement, or protection of natural resources (Class 7) and the environment (Class 8), provided such actions are conducted through a regulatory process fortified with robust environmental safeguards. Here, CARB determined that the project, including the Proposed Repeal of High Priority Fleet and Drayage fleet provisions, Proposed SLG Amendments, Proposed LCFS amendments, are eligible for the Class 7 and 8 Categorical Exemptions, as explained in the ISOR.

- 604. Comment:** Commenter asserts that the Class 1 exemption for existing facilities does not apply to the Proposed ACF Amendments, and questions the citations that were provided in the ISOR to support this exemption, specifically *Save the Plastic Bag Coal. v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 174–176, and *San Lorenzo Valley Cmty. Advocates v. San Lorenzo Valley Unified Sch. Dist.* (2006) 139 Cal.App.4th 1356, 1380–1382. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The exemption analysis provided in the ISOR was prepared and released for the benefit of transparency and public disclosure. The substantial evidence for the listed exemptions is set forth in the record. The Class 1 exemption applies to the Proposed Amendments. As explained in the Staff Report, certain components of the Proposed Amendments would involve existing facilities. Those components are exempt under the Class 1 exemption.

CARB notes that the cases cited by the commenter generally support the use of categorical exemptions, rather than the Class 1 exemption specifically. Nevertheless, the Class 1 exemption applies here, as discussed in the ISOR, and as specified in the CEQA Guidelines.

Furthermore, CARB does not need to rely on the Class 1 exemption for existing facilities because other listed exemptions are also sufficient to demonstrate the project is exempt from CEQA.

- 605. Comment:** Commenter asserts that the Class 11 exemption does not apply because the CEQA “project” consists of the repeal, SLG fleet compliance options, and LCFS credit for certain hydrogen facilities, and therefore does not relate to minor accessory additions. Commenter claims that the cases cited in the ISOR do not concern class 11 exemptions, namely: *Citizens for Env'tl. Responsibility v. State of Cal.* (2015) 242 Cal.App.4th 555, 573–575 and *Don't Cell Our Parks v. City of San Diego* (2018) 21 Cal.App.5th 338, 351–353. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The exemption analysis provided in the ISOR was prepared and released for the benefit of transparency and public disclosure. The substantial evidence for the listed exemptions is set forth in the record. CARB notes that the cases cited by the commenter generally support the

use of categorical exemptions, rather than the Class 11 exemption specifically. Nevertheless, the Class 11 exemption applies here, as discussed in the ISOR, and as specified in the CEQA Guidelines. CARB further notes that it does not need to rely on the Class 11 exemption for the project to remain exempt, because any single exemption is sufficient to be exempt from CEQA.

- 606. Comment:** Commenter asserts that unusual circumstances and cumulative impacts that would be applicable to the Proposed ACF Amendments require environmental review even when one or more categorical exemptions apply. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB's determination that no exceptions to exemptions apply was supported with substantial evidence in the record. CARB disagrees with the commenter that any exceptions to the exemptions apply here, including the "unusual circumstances" exception. An agency's determination as to whether the "unusual circumstances" exception applies involves two distinct questions: (1) whether the project presents unusual circumstances, and (2) if the project presents unusual circumstances, whether there is a reasonable possibility that a significant environmental impact will result from those unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 C4th 1086, 1098.) As to the first prong, there are no unusual circumstances present here. As noted in response to comments 2554 and 2580 (incorporated into this response), the Proposed Amendments generally scale back the broader ACF Regulation analyzed in the ACF EIA, as well as clarify existing requirements. The amendments do not increase the stringency of the program beyond the existing ACF Regulation. Despite the commenter's attempt to present the proposal as involving unusual circumstances, it is in reality a modification to an existing program that operates to reduce potential future impacts from that program. CARB routinely amends its regulatory programs to address implementation needs. As to the second prong, to the extent it must be reached at all here, the Proposed ACF Amendments plainly will not have any potential to significantly impact the environment, as described in the ISOR and in the responses to comments.

- 607. Comment:** Commenter asserts that the common sense exemption is inapplicable because the Proposed Amendments are not "obviously exempt" from CEQA. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The common sense exemption applies here. As discussed in the ISOR, the Proposed Repeal does not have any associated environmental impacts because those aspects of ACF were never implemented or enforced, so the conditions as a result of the Proposed Repeal would be the same as the baseline. Additionally, the SLG and LCFS Proposed Amendments would improve environmental, health, and air quality as compared to the baseline, and therefore there is no possibility that the project could have a significant impact on the environment.

- 608. Comment:** Commenter asserts that CARB cannot rely on prior environmental analysis, a subsequent environmental review document is required, and a supplemental or addendum document is not permitted, to address the changed circumstances and significant new

information, including the following:

“(i) President Trump signing into law House Joint Resolutions 87, 88, and 89 providing congressional disapproval of U.S. EPA’s Clean Air Act preemption waivers for California’s Advanced Clean Cars II, Advanced Clean Trucks, and Heavy Duty Omnibus programs; (ii) CARB’s decision not to enforce the ACF Regulation’s HPF, Drayage, or vehicle sales requirement following the ACF Regulation’s adoption; (iii) CARB’s withdrawal of the request for an EPA preemption waiver for the ACF Regulation; (iv) the initiation of litigation by the U.S. Justice Department and various CTP signatories to invalidate the CTP under the federal Supremacy Clause; and (v) CARB’s proposal to repeal the HPF, Drayage, and vehicle sales requirement due to concerns regarding its ability to obtain an EPA Clean Air Act preemption waiver.” (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB strongly disagrees with the commenter’s assertions. The commenter’s reliance on CEQA Guidelines section 15153 to justify the contention that CARB had to analyze the list of purported “changed circumstances and significant new information” is misplaced. First, that section was not cited in CARB’s CEQA analysis. Second, that provision applies to EIRs, not CEQA documents prepared under a certified regulatory program like CARB’s. (See Pub. Resources Code § 21080.5(c).) Third, even if the commenter’s cited provision applied here, it still would not be relevant. Rather than simply re-using a prior EIR (which is what the commenter’s cited provision relates to), CARB, as authorized by its certified regulatory program, prepared both an addendum and an analysis explaining why the Proposed Amendments are CEQA exempt. (Cal. Code Regs., tit. 17 §§ 60004(d); 60004.4))

As explained in the ISOR, no major revisions were required, no substantial changes occurred in comparison to the baseline of the original Environmental Analysis (at the time where no waiver was in effect for the ACF regulation), and no new information of substantial importance was discovered. Therefore, CARB’s decision to prepare an addendum instead of a subsequent environmental review document was proper.

In regard to the federal actions, to correct the record, the Congressional resolutions 87, 88, and 89 apply to CARB’s Advanced Clean Cars II, Heavy-Duty Omnibus, and Advanced Clean Trucks regulations, which California is challenging in the courts. (see *California v. U.S.*, Case No. 25-cv-04966-HSG). The ACF is not implicated in those joint resolutions—one does not have anything to do with the other.

Regarding the assertion that the U.S. Department of Justice (U.S. DOJ) and Clean Truck Partnership (CTP) signatories initiated litigation, it was not the U.S. DOJ that initiated litigation but rather, four truck manufacturers—Daimler, Volvo, PACAAR, and International that initiated the litigation and U.S. DOJ intervened. That case is pending and California is not enforcing the CTP. California complies with court orders.

The commenter is correct in that CARB did withdraw its waiver request for the ACF regulation.

- 609. Comment:** Commenter asserts that the environmental analysis is inadequate and contrary to CEQA, failing to provide details regarding the baseline and reliance on deficient environmental document. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation

at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB was not required to prepare subsequent environmental analysis for the Proposed Amendments because the project is exempt from CEQA. CARB disagrees with the commenter's assertion regarding the baseline. See also responses to comments 604, 605, and 2559.

- 610. Comment:** Commenter asserts that the environmental analysis used an improper, hypothetical baseline, and the commenter expresses confusion regarding what role the Section 100 Baseline has for CARB's environmental analysis for the purposes of CEQA, or how the Section 100 baseline compares to ACF's Adjusted Legal Baseline as discussed in the environmental analysis. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

As discussed in the ISOR, the Section 100 Baseline represents the conditions at the time that the Section 100, non-regulatory, non-substantive changes were made. The Section 100 baseline and the ACF Adjusted Legal Baseline were provided for a full view of how the Proposed Amendments compare to conditions prior to the Proposed Amendments. CARB disagrees with the commenter's assertion regarding the CEQA baseline. See also responses to comments 604, 605, and 2559.

- 611. Comment:** Commenter claims the ACF EA is inadequate to rely upon for the Proposed Amendments because it presented a false and misleading comparison between the regulation's emissions reductions and emissions increases when determining that the program would have net positive benefits, in the commenter's view. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

As discussed in the ISOR, the Proposed Repeal does not have any associated environmental impacts because the High Priority Fleet and Drayage requirements never went into effect, so the conditions as a result of the Proposed Repeal would be the same as baseline. Therefore, potentially reduced hypothetical future environmental benefits, in comparison to what was originally proposed by the original ACF program is not an environmental impact for the purposes of CEQA. Additionally, the SLG and LCFS Proposed Amendments would improve environmental, health, and air quality as compared to the baseline, and have no significant adverse environmental impact, and therefore the Proposed Amendments would overall result in net positive benefits. While the commenter attempts to use this forum to challenge the environmental analysis conducted in a prior CEQA document, that comment is beyond the scope of this rulemaking, which concerns amendments that plainly have no potential to significantly impact the environment beyond the existing conditions baseline.

- 612. Comment:** Commenter asserts that CARB must perform adequate environmental review pursuant to CEQA requirements. (John Kinsey – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation

at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17 § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required.

- 613. Comment:** Commenter objects to claimed incomplete environmental analysis and claims the analysis fails to explain the environmental impacts on their business and family, who they indicate will suffer detrimental impacts as a result of the ACF regulation. (Victor Vasquez Sr. – 45d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17 § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

29. Out of Scope

- 614. Comment:** Commenter states issues regarding the Clean Truck Check regulation. (John Sanders-WT, Marti Sanders – WT)
- 615. Comment:** Commenter requests that CARB suspend its waiver for the Heavy-Duty Engine and Vehicle Omnibus rule until next year to allow time for engine availability to catch up with the regulatory requirements. (Kasha Hunt – OT)
- 616. Comment:** Commenter states issues in his district with the heavy-duty vehicle inspection and maintenance regulation. (Stan Ellis – 45d)
- 617. Comment:** Commenter attached a dental product advertisement document (John Cortes – 45d)
- 618. Comment:** Commenter states that ZEV data is very limited and inconsistent as, unlike ICE vehicles, ZEVs are not required to have an OBDII port which makes capturing performance data through telematics very difficult. Commenter states that CARB should look for ways to help capture and standardize data from ZEVs. (Jesus Martinez Ramirez – 45d)
- 619. Comment:** Commenter encourages CARB to continue prioritizing AB 617 community emissions reductions plan solutions to reduce transportation pollution. (Maurissa Brown – OT)

Agency Response: These comments are outside the scope of this rulemaking, irrelevant, or not specifically directed at CARB's proposed action or to the procedures followed by CARB in proposing or adopting the action, therefore, CARB is not required to respond.

B. First 15-Day Comment Period with Agency Responses

1. Low Carbon Fuels in Transportation

a) Low Carbon Fuels in Transportation—Renewable Natural Gas as a Viable and Scalable Compliance Pathway

620. Comment: Commenter states the 15-day amendments do not address the central issue raised by Roseville and their statewide partners: the absence of a viable and scalable compliance pathway for the use of renewable natural gas as a transportation fuel. (Noelle Mattock – 15d)

621. Comment: Commenter asks the future regulations recognize the early actions and climate benefits of SB 1383 gas. (Alex Braicovich – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation is part of California's overall strategy to accelerate a large-scale reduction in tailpipe emissions to achieve long-term air quality, climate, and public health goals by eliminating emissions from medium- and heavy-duty vehicles where feasible over the upcoming decades. The First 15-Day Changes are consistent with the Board's direction to provide a limited ability for fleet owners to purchase more natural gas ICE vehicles in captive fleets if the vehicles are equipped with engines certified to lower NOx emissions, than otherwise required by adopted engine standards. The Board recognized that additional time was appropriate for this narrow circumstance to minimize the potential for RNG to be flared while mitigating NOx emissions by limiting the exception to NG engines that were certified to NOx emissions standards that are lower than otherwise applicable to diesel and other new ICE engines.

This issue regarding the benefits associated with renewable natural gas as it pertains to the ACF regulation was addressed by CARB as part of the original rulemaking record. Renewable fuels are already widely used in California due to the LCFS regulation and do not result in any new emissions benefits. As discussed in the original rulemaking, some objectives of the ACF regulation are to reduce criteria and GHG emissions, and to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act) among others. Renewable natural gas is already widely being used in California because of the LCFS regulation and does not result in new GHG reductions and does not result in any NOx reductions. CARB has made NOx emissions reduction commitments in the SIPs necessary to meet federal attainment standards and achieving additional NOx reductions are even more critical now due to recent federal actions. Natural gas vehicles and other internal combustion engine vehicles produce criteria emissions that have harmful effects on Californians while ZEVs, by definition, produce no exhaust emissions. Furthermore, ZEVs using low-carbon fuels or electricity produced from low carbon fuels are the most effective way to reduce GHG, criteria, and toxic emissions from the transportation sector and meet long-term climate commitments than using those low carbon fuels in ICE vehicles.

b) Low Carbon Fuels in Transportation—Long-Term Pathway is Needed for Renewable Non-Fossil Fuels Generated at Wastewater Treatment Facilities

622. Comment: Commenter states that they remain concerned with the absence of a long-term pathway in ACF for the utilization of renewable non fossil fuels generated at wastewater

treatment facilities. Commenter states that a long-term pathway is needed in both the purchase pathway and the ZEV milestone pathway, and additional language changes are necessary. (Pacal Cornejo-Reynoso – 15d)

Agency Response: No changes were made in response to these comments. The amended ACF regulation only affects the State and local government agencies and excludes the federal government and private sectors from the requirements. Even with ACF there continues to be robust market opportunities to dispense low carbon fuels for transportation while taking advantage of the LCFS. With the repeal of the High Priority and Drayage portions of ACF regulation, the transportation market continues to be a major market where RNG could be used while benefiting from the LCFS.

As part of the First 15-Day Changes, fleet owners were provided with additional time and flexibility to extend the use of ICE vehicles and ensure an increase in ICE deployments. The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize excess biogas generated on-site rather than flaring it. The provision provides certainty to captive biofuel fleet owners and gives them more time before they need to phase in ZEVs. Furthermore, it strikes a balance between minimizing unnecessary NG flaring and only pertains to engines that are certified with NOx emissions below the existing standard to achieve additional NOx reductions. This new exemption grants additional time for fleet owners to continue operating certain natural gas vehicles beyond what the Waste and Wastewater Fleet Provision does.

Currently, there are provisions in the ACF regulation that recognize existing investments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement for 2027 was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. The ZEV Purchase Schedule does not require fleet owners to turnover existing vehicles, therefore allowing fleet owners to continue using their existing vehicles for as long as they deem it is necessary. Under the ZEV Milestones Option, the Waste and Wastewater Fleet Provision ensure fleet owners do not have to meet the initial ZEV targets until 2030. Both compliance methods provide fleet owners time to recoup initial investments.

CARB is mindful of the importance of not backsliding on GHG reductions. Biomethane can displace fossil fuels in other sectors on the path to carbon neutrality. A long-term pathway for renewable non-fossil fuels generated at wastewater treatment facilities is not necessary within ACF because there are at least three existing long-term pathways for this gas including pipeline injection, electricity generation, and in difficult to electrify transportation sectors.

c) Low Carbon Fuels in Transportation—Senate Bill 1383

- 623. Comment:** Commenter states that ACF does not provide a clear pathway for the use of renewable non-fossil fuels. Commenter states that the absence of these provisions inhibits their ability to be a partner to SB 1383 regulated entities. (Pacal Cornejo-Reynoso – 15d)
- 624. Comment:** Commenter states the regulation lacks a meaningful long-term pathway to utilize renewable, non-fossil fuels generated at wastewater treatment facilities to support food waste recycling mandates under SB 1383. (David Rothbart 1 – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, fleet owners were provided with additional time and flexibility to extend the use of ICE vehicles and ensure an increase in ICE deployments. The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize

excess biogas generated on-site rather than flaring it. The provision provides certainty to captive biofuel fleet owners and gives them more time before they need to phase in ZEVs. Furthermore, it strikes a balance between minimizing unnecessary NG flaring and only pertains to engines that are certified with NOx emissions below the existing standard to achieve additional NOx reductions. This new exemption grants additional time for fleet owners to continue operating certain natural gas vehicles beyond what the Waste and Wastewater Fleet Provision does.

Currently, there are provisions in the ACF regulation that recognize existing investments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement for 2027 was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. The ZEV Purchase Schedule does not require fleet owners to turnover existing vehicles, therefore allowing fleet owners to continue using their existing vehicles for as long as they deem it is necessary. Under the ZEV Milestones Option, the Waste and Wastewater Fleet Provision ensure fleet owners do not have to meet the initial ZEV targets until 2030. Both compliance methods provide fleet owners time to recoup initial investments.

CARB states the request to convene a working group is not relevant to the regulatory changes and is outside the scope of the rulemaking; however, CARB notes it continues stakeholder engagement on this topic through recent activities, including participation in a February 11, 2026 Clean Water Summit Partners webinar on constraints facing municipal wastewater treatment plants and a March 9, 2026 TRIG meeting on fuel cell refuse trucks using renewable hydrogen with waste and wastewater sector experts. CARB further states these engagements demonstrate ongoing efforts to address issues identified in Board Resolution 23-13 and that the Captive Biofuel Use Exemption provides additional time to continue working with the sector. CARB also notes that changes to ACF scope, including the repeal of the High Priority and Drayage fleet provisions, reduce near-term ZEV requirements for a large share of medium- and heavy-duty vehicles, thereby allowing additional time to address the intersection of organic waste diversion and future ZEV deployment strategies.

d) Low Carbon Fuels in Transportation—Consider Alternative Fuel Vehicles Instead of Zero-Emission Vehicles Where Feasible

625. Comment: Commenter recommends a gradual transition to alternative fuel vehicles for first responders to avoid service disruptions. (Steven McCracken – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation excludes emergency vehicles operated by first responders as defined in CVC 165 and does not regulate these vehicles consistent with statute. Therefore, the change that the commenter proposed is not necessary to avoid service disruptions.

e) Low Carbon Fuels in Transportation—Consider Renewable Diesel Instead of Zero-Emission Vehicles Where Feasible

626. Comment: Commenter recommends the use of renewable diesel in existing diesel fleet vehicles, where available, as an immediate and practical emissions reduction measure without impacting operations. (Steven McCracken – 15d)

Agency Response: No changes were made in response to these comments. This is a general comment on the ACF regulation that was addressed by CARB and is part of the original rulemaking record. Renewable fuels, including renewable diesel, are already widely used in California due to the LCFS regulation. As discussed in the original rulemaking, the

objectives of the ACF regulation are to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act), among others. Also, diesel combusted in ICE vehicles emits toxic pollution that causes cancer, premature death, and has other adverse health impacts.^{49, 50} ZEVs, by definition, produce no exhaust emissions.

In the long term, California's climate and air quality commitments from transportation require a shift to ZEVs where feasible and the use of low-carbon fuels for where ZE technology is not suitable. ZEVs using low-carbon fuels are one of the most effective way to reduce criteria and toxic emissions from the transportation sector and meet long-term climate commitments. Allowing this alternative does not meet the objectives of the ACF regulation.

f) Low Carbon Fuels in Transportation—Compressed Natural Gas Vehicles to Count as Zero-Emission Vehicles

627. Comment: Commenter requests that CNG vehicles count as ZEV indefinitely or for a certain amount of time. (Brett Taylor – 15d)

Agency Response: No changes were made in response to these comments. In the ACF regulation, NZEVs count as ZEVs until the 2035 model year. Changing the definition of “NZEV” to allow for an ICE engine that does not meet the minimum all electric range (AER) requirement would displace ZEVs and vehicles that operate partially as ZEV which would result in higher NOx, PM and GHG emissions. However, the Board adopted changes for ICE vehicles in captive waste and wastewater fleets that produce and dispense biofuels into vehicles certified to a NOx engine standard lower than what is otherwise required. In the First 15-Day Changes, a definition was added for a “low-NOx vehicle” as any ICE vehicle legally sold into California equipped with an engine certified to a NOx emissions standard below the lowest applicable NOx engine standard for the 2026 or subsequent model year. This definition is the same regardless of what type of fuel is combusted. Another 15-Day change was made in response to this comment that gives a “captive fleet” more time to combust biomethane produced on-site to fuel their “low-NOx vehicles.” This is functionally similar to the stakeholders request to change the definition of NZEV definition to include wastewater biogas-powered low-NOx engine because the “Captive Biofuel Use Exemption” allows a fleet to purchase a “low-NOx vehicle” and add it to the fleet until January 1, 2035, as long as the waste or wastewater derived biogas is dispensed into the vehicle where it is produced.

g) Low Carbon Fuels in Transportation—Penalizes Early Adopters

628. Comment: Commenter states that the amendments, as structured, continue to penalize early adopters and limit their ability to deliver near-term emissions reductions using available, proven technology. (Noelle Mattock – 15d)

629. Comment: Commenter states that rather than being recognized as a model for achieving near-term emissions reductions, the current ACF framework, as proposed to be amended, limits their ability to fully utilize their RNG resources as intended and undermines the return on investment made on behalf of their ratepayers. Commenter states that as structured, the amendments continue to penalize early adopters that implemented State-directed solutions in good faith and discourage similar investments moving forward. (Noelle Mattock – 15d)

⁴⁹ Environmental Science & Technology, *Ambient and Emission Trends of Toxic Air Contaminants in California*, 2015 (web link: <https://pubs.acs.org/doi/full/10.1021/acs.est.5b02766>, last accessed May 2026).

⁵⁰ California Air Resources Board, *Overview: Diesel Exhaust & Health | California Air Resources Board*, (web link: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>, last accessed May 2026).

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, fleet owners were provided with additional time and flexibility to extend the use of ICE vehicles and ensure an increase in ICE deployments. The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize excess biogas generated on-site rather than flaring it. The provision provides certainty to captive biofuel fleet owners and gives them more time before they need to phase in ZEVs. Furthermore, it strikes a balance between minimizing unnecessary flaring and only pertains to engines that are certified with NOx emissions below the existing standard to achieve additional NOx reductions. This new exemption grants additional time for fleet owners to continue operating certain natural gas vehicles beyond what the Waste and Wastewater Fleet Provision does.

Currently, there are provisions in the ACF regulation that recognize existing investments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement for 2027 was delayed until January 1, 2030, to better align the regulation's requirements with the current and expected state of the ZEV market. The ZEV Purchase Schedule does not require fleet owners to turnover existing vehicles, therefore allowing fleet owners to continue using their existing vehicles for as long as they deem it is necessary. Under the ZEV Milestones Option, the Waste and Wastewater Fleet Provision ensure fleet owners do not have to meet the initial ZEV targets until 2030. Both compliance methods provide fleet owners time to recoup initial investments.

h) Low Carbon Fuels in Transportation—Interagency Workgroup

630. Comment: Commenter states CARB was directed by Resolution 23-13 to convene an interagency workgroup to implement SB 1383 and identify biomethane markets, but these required meetings have not occurred. Commenter states the 15-day ACF modifications are inconsistent with SB 1383 because they limit the wastewater sector's ability to utilize biomethane, which undermines the sector's capacity to process diverted organic waste and fully participate in methane reduction efforts as envisioned by Cal Recycle. (Steve Jepsen – OCP).

Agency Response: No changes were made in response to these comments. The ACF resolution was initially adopted to recognize that the ACF regulation would have a significant impact on the transportation fuels market over the next several decades. However, with the repeal of the High Priority and Drayage portions of ACF regulation, 93% of the transportation market would no longer be affected. Additionally, the SLG amendments also reduce the number of ZEVs to be deployed by SLG fleets over the next two decades.

The Waste and Wastewater Fleet Option was specifically designed to provide more time for waste and wastewater fleet owners to extend the use of biomethane fuel in existing ICE vehicles as they phase-in ZEVs into the rest of the fleet. The Captive Biofuel Use Exemption was added as part of the First 15-Day Changes to allow fleet owners to use biomethane generated and dispensed on-site to directly fuel vehicles and better support SB 1383. This provision permits fleet owners to request an exemption to add a new low-NOx ICE vehicle, if available, to utilize surplus renewable biofuel capacity at the fleet owner's waste or wastewater treatment facility. While the Captive Biofuel Use Exemption and the Waste and Wastewater Fleet Option serve different needs, both provisions provide additional time for eligible fleets to utilize their low-NOx and biomethane-fueled vehicles, respectively. For these reasons, the transportation market remains largely unchanged from what the Board envisioned when ACF was initially adopted. The transportation fuels market for renewable fuels remains robust and can continue to benefit from the LCFS.

Furthermore, CARB continues to engage with stakeholders on this topic. For example, on February 11, 2026, CARB attended the Clean Water Summit Partners (a coalition of state and regional clean water associations) webinar for policymakers on the constraints municipal wastewater treatment plants face when complying with near-term biosolids, air, climate, energy, and nutrient regulations, including the ACF regulation. On March 9, 2026, CARB hosted TRIG meeting called, “Exploring the Potential of Fuel Cell Refuse Trucks Running on Renewable Hydrogen” which featured a panel discussion with waste and wastewater fleets experts who have experience with ZEVs and a project that takes waste-derived renewable hydrogen and puts it in a ZEV.

These are just some of the recent discussions CARB has had involving experts from the waste and wastewater industry and illustrates that CARB is already working to address the issues identified in Board Resolution 23-13. Lastly, the Captive Biofuel Use Exemption gives more time for CARB to continue to work with the waste and wastewater industry to address the concerns identified in Board Resolution 23-13. Also, given the repeal of the High Priority and Drayage fleets portions of the ACF regulation (a vast majority of medium and heavy duty vehicles) are no longer subject to a ZEV requirement and are expected to remain ICE vehicles; therefore, the situation has changed significantly and means there is more time to address the intersectionality between organic waste diversion as it relates to any future ZEV deployment strategies.

2. Zero-Emission Vehicle Technology

a) Availability—Limited Market Availability for Needed Vehicles

- 631. Comment:** Commenter states that the availability of suitable ZEVs, particularly for specialized utility functions, is limited and subject to rapid change, which is an exponential challenge for small agencies with limited staff and resources. (Melanie Schumacher – 15d)
- 632. Comment:** Commenter states that many heavy-duty, specialized vehicles are not yet available to meet the proposed operational requirements. (Alyson Piguee – 15d)
- 633. Comment:** Commenter states that their fleet consists of large pickup trucks, not small passenger vehicles that could be readily replaced with currently available zero-emission alternatives. Commenter states that this limits the feasibility of compliance under existing timelines. (Kelsey Siemer – 15d)
- 634. Comment:** Commenter states many medium- and heavy-duty vehicle types are not available as ZEVs. (Sarah Deslauriers 2 – OCP)
- 635. Comment:** Commenter states the changes do not address how volatile the ZEV market has become over the last couple of years. (Jesus Martinez Ramirez – 15d)
- 636. Comment:** Commenter states there is limited availability of necessary ZEVs from manufacturers. (David Rothbart 1 – 15d)
- 637. Comment:** Commenter states that clear and practicable provisions for extensions or exemptions where technology is not yet commercially available would help ensure a responsible and achievable transition. (Erin Sasse – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the ACF regulation’s requirements with the current and expected state of the ZEV market and provides more flexibility to prioritize which vehicles are purchased as ICE or as ZEVs.

The ACF regulation was structured to provide flexibility to fleet owners on where to deploy ZEVs and ICE vehicles when making purchase decisions. Specifically, the ZEV Milestones

Option schedule provides a longer phase-in for specialty vehicles and fleet owners flexibility in how ZEVs are introduced to their fleet so long as the ZEV threshold is met. The ZEV Purchase Exemption addresses situations in which a ZEV is not available in the needed configuration. The Fleet Resiliency Exemption permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. NZEVs may also be counted the same as ZEVs until the 2035 model year, which offers flexibility to fleet owners that have duty cycles with extended range, high auxiliary power, or minimal refueling downtime for which ZEVs may not be entirely suitable for in the early stages of the regulation. Lastly, early and excess ZEV purchase credits permit fleet owners to replace an existing ICE vehicle at any time with another ICE vehicle. Therefore, sufficient flexibilities exist in the regulation, which were further expanded through the First 15-Day Changes, to address concerns regarding ZEV availability. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

b) Availability—Uncertainty in Availability Creates Limited Procurement Options

638. Comment: Commenter states that ongoing uncertainty regarding vehicle availability continues to limit feasible procurement options. (Noelle Mattock – 15d)

639. Comment: Commenter states the limited number of compliant manufacturers constrain competitive bidding and can delay procurement and maintenance. (Justin Lovell – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and provides more flexibility to prioritize which vehicles are purchased as ICE or as ZEVs.

The ACF regulation was structured to provide flexibility to fleet owners on where to deploy ZEVs and ICE vehicles when making purchase decisions. Specifically, the ZEV Milestones Option schedule provides a longer phase-in for specialty vehicles and fleet owners flexibility in how ZEVs are introduced to their fleet so long as the ZEV threshold is met. The ZEV Purchase Exemption addresses situations in which a ZEV is not available in the needed configuration. The Fleet Resiliency Exemption permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. NZEVs may also be counted the same as ZEVs until the 2035 model year, which offers flexibility to fleet owners that have duty cycles with extended range, high auxiliary power, or minimal refueling downtime for which ZEVs may not be entirely suitable for in the early stages of the regulation. Lastly, early and excess ZEV purchase credits permit fleet owners to replace an existing ICE vehicle at any time with another ICE vehicle. Therefore, sufficient flexibility exists in the regulation that considers limited procurement options as a result of uncertainty in availability. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

c) Availability—Challenges with Obtaining Timely Exemptions When Vehicles are Unavailable

640. Comment: Commenter states there are challenges in obtaining timely exemptions or extensions when vehicles are unavailable. (David Rothbart 1 – 15d)

Agency Response: No changes were made in response to these comments. Once exemption applications are submitted to CARB, they are then reviewed for completeness and applicability. The Executive Officer shall notify the fleet owner by email whether the exemption has been approved within 45 calendar days from the date a complete application is received. If the Executive Officer does not respond within this timeframe, the exemption shall be deemed approved. This procedure is not dependent on nor is it affected by the availability of vehicles. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

d) Availability—Lack of Available Zero-Emission Vehicles Will Disrupt Emergency Response and Public Service Reliability

641. Comment: Commenter states the solid waste industry faces serious practice barriers to compliance, including limited vehicle availability, long lead times, and the absence of commercially available zero-emission trucks for several mission-critical applications. (Michael Lewis – 15d)

642. Comment: Commenter states that for many of the specialized vehicle types used in water utility and emergency response operations, compliant zero-emission models are simply not yet commercially available in sufficient quantities to meet their needs. (Kerry Schmitz – 15d)

643. Comment: Commenter states limited availability of zero-emission heavy apparatus could delay response to time-critical incidents such as structure fires and cardiac emergencies. (Michael Rees – 15d)

644. Comment: Commenter states the limited vehicle options on the market may hinder their ability to respond to emergencies. (Liam Garland – 15d)

645. Comment: Commenter states that ACF requirements may create risks to public safety if vehicle availability interrupts critical operations. (Steven McCracken – 15d)

646. Comment: Commenter states the continued lack of available ZEVs may impair their ability to respond effectively to emergencies and investor-owned utility service disruptions. (David Rothbart 1 – 15d)

647. Comment: Commenter states that ZEV market is highly uncertain right now, and public water agencies need to be able to work towards ACF compliance without seeing core functions being challenged. (Nick Blair – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, a number of amendments were made to provide more time and flexibility to deploy ZEVs. Specifically, the 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This 100% delay means that ZEV purchases for small fleets in designated counties do not start until 2030. These changes better align the regulations requirements with the current and expected state of the ZEV market while providing fleet owners the flexibility to better manage any functionality, operational, and availability concerns. Fleet owners can focus their ZEV purchases on best-fit applications and ICE vehicle purchases in applications currently less ideal for a ZEV. In addition, because the ZEV Purchase Schedule does not require fleet owners to replace existing vehicles, fleet owners may retain their current ICE vehicles indefinitely.

Also part of the First 15-Day Changes, the Fleet Resiliency Exemption's entry threshold was also lowered from an increasing amount starting at 25% of ZEVs within a fleet to a flat rate of 5% of ZEVs in a fleet for them to access the exemption, allowing fleet owners to claim up to 25% of their fleet as exempt ICE vehicles for more difficult tasks, such as utility emergency response purposes. The Fleet Resiliency Exemption was also expanded to apply to all body types. It is at the discretion of the fleet operator as to how to best address their resiliency needs and which vehicles they choose to exempt.

Other provisions in the regulation that give meaningful exemptions for fleet owners when available ZE technology does not meet the operational needs of the fleet include the ZEV Purchase and Daily Usage exemptions. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV.

Additional flexibilities have been added to the ACF regulation in the First 15-Day Changes that grant fleet owners more ability to prioritize vehicle purchases as ZEV or ICE as well. The ZEV Milestones Option provides a longer phase-in for specialty vehicles. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations. These provisions and exemptions sufficiently ensure that needed vehicles are available for emergency response and public service. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

e) Technology—Current Zero-Emission Vehicle Technology Is Inadequate or Does Not Meet Operational Needs

- 648. Comment:** Commenter states replacement e-vehicles lack sufficient power for many tasks required to maintain critical infrastructure in a rural environment. (Ben Dewell – 15d)
- 649. Comment:** Commenter states that the current BEV "in production" pickup is incapable of meeting all their needs. (Richard Miller – 15d)
- 650. Comment:** Commenter states many zero-emission medium- and heavy-duty vehicle types are not suitable to support community utility functions. (Sarah Deslauriers 2 – OCP)
- 651. Comment:** Commenter states Fresno's recent experience with idle electric buses illustrates the reliability issues local governments face. (Drew Bessinger – 15d)
- 652. Comment:** Commenter states that given their need for heavy towing, reliable performance in extreme environments, and operation independent of the electrical grid, electric vehicles are not currently a practical option for their fleet. (Jessica Self – 15d)
- 653. Comment:** Commenter states that despite rapid advances in clean vehicle technology, there remain no viable ZEV/NZEV models in the Class 2b and Class 3 categories that fully meet the operational needs of animal control agencies. Commenter states reducing to a lower-class vehicle is not an option for most agencies since standard animal containment boxes are not manufactured to fit on those smaller vehicle frames, nor do those vehicles have an equivalent carrying/tow capacity. (Jill Tucker – 15d)
- 654. Comment:** Commenter states that ZEV technology is not yet viable for their operational needs. (Nancy Wahl-Scheurich – 15d)
- 655. Comment:** Commenter states that their operations rely on vehicles under conditions that exceed current zero-emission vehicle capabilities. Commenter states the current regulation does not adequately account for the real-world limitations of ZEV availability and technology in demanding applications. (Kerry Schmitz – 15d)
- 656. Comment:** Commenter states they are concerned about the limitations of ZEVs and that they will not be able to meet their fleet owners working requirements. (Michael Taylor – 15d)

- 657. Comment:** Commenter states currently available ZEVs are not operationally suitable for municipal use. (Newell Arnerich – 15d)
- 658. Comment:** Commenter states that ZEVs cannot currently meet their service requirements across their California fleet footprint. (Mark Gingrich – 15d)
- 659. Comment:** Commenter states not all fleet types currently have viable zero-emission alternatives, especially heavy-duty and specialty vehicles. Commenter states flexibility should be maintained until viable technologies are available. (Kenneth Piguee – 15d)
- 660. Comment:** Commenter is suggesting that the closure of their only local landfill will increase operational demands on transfer trucks which may not be easily replaced with BEVs. (Carolyn Burke – 15d)
- 661. Comment:** Commenter states that their vehicles have been required to respond immediately and operate continuously for many hours and days uninterrupted and these operational realities are not yet compatible with current zero-emission technologies. (Jesus Garcia – 15d)
- 662. Comment:** Commenter states that cities, school districts, and small geographical areas should be able to utilize BEV units without diminishing response times and needed services to whom they provide service to. (Richard Miller – 15d)
- 663. Comment:** Commenter states that based on current market conditions, zero-emission alternatives for many of their vehicle applications remain limited in availability and may not meet the operational demands required for reliable service. Commenter states the proposed modifications do not sufficiently account for these limitations, particularly where compliance obligations may be triggered regardless of technology readiness. (Erin Sasse – 15d)
- 664. Comment:** Commenter states that the realities of vehicles traveling long distances across remote terrain and operating for extended periods in extreme heat, rugged conditions, and areas are not well-aligned with current zero-emission vehicle capabilities. (Kelsey Siemer – 15d)
- 665. Comment:** Commenter states there are significant concerns regarding the operational readiness and reliability of available zero-emission refuse collection vehicles to meet daily service demands, raising risks to service continuity and performance for essential waste collection operations. (Luis Sanchez – 15d)
- 666. Comment:** Commenter states that there are no practical zero-emission alternatives capable of reliably transporting the type of heavy equipment their contractors and project partners operate under real-world rural conditions. (Nancy Wahl-Scheurich – 15d)
- 667. Comment:** Commenter states that the current availability limitations associated with ZEV technology does not reflect the practical needs of small agricultural water districts. (Kristen Lamkin – 15d)
- 668. Comment:** Commenter states at present, there are no widely available, proven zero-emission options for Class 2b and above trucks that can meet the demands of their county's terrain and climate. (Josh Hylinski – 15d)
- 669. Comment:** Commenter states that despite rapid advances in clean vehicle technology, there remain no viable ZEV/NZEV models in the Class 2b and Class 3 categories that fully meet the operational needs of animal control agencies. Commenter states reducing to a lower-class vehicle is not an option for most agencies since standard animal containment boxes are not manufactured to fit on those smaller vehicle frames, nor do those vehicles have an equivalent carrying/tow capacity. (Jill Tucker – 15d)
- 670. Comment:** Commenter states that there are currently no commercially viable ZEV replacements available for many specialized sewer maintenance vehicles. (Garrett Toy – 15d)

Agency Response: No changes were made in response to these comments. The Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet owners

range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The Daily Usage Exemption addresses ZEV usage concerns based on a fleet's historical data which allows for ICE purchases and addresses the usage concerns raised by the commenters.

The ACF regulation also includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleet owners to continue acquiring ICE vehicles where necessary to ensure operational reliability. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%.

Other provisions in the regulation that give meaningful exemptions for fleet owners when available ZE technology does not meet the operational needs of the fleet include the ZEV Purchase and Daily Usage exemptions. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. Together, these provisions ensure fleet owners are not required to deploy vehicles that cannot meet their operational range requirements while supporting a gradual phase-in as ZEV technology continues to improve. Subsequently, making additional changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

Lastly, electric vehicles have sufficient power for rural infrastructure work because electric drivetrains generally provide higher low-end torque than diesel engines, allowing strong performance in demanding, power-intensive applications. Regardless, should a ZEV lack sufficient power to meet a fleet owners needs, the improvements made to the Fleet Resiliency Exemption as part of the First 15-Day Changes would permit a fleet owner to acquire an ICE vehicle to ensure operational reliability. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

f) Technology—Zero-Emission Vehicle Range Concerns

- 671. Comment:** Commenter requests consideration for counties due to the square miles (7,200) they need to cover and the lack of range on class 6-8 trucks. (Richard Miller – 15d)
- 672. Comment:** Commenter states limited range of zero-emission heavy apparatus could delay response to time-critical incidents such as structure fires and cardiac emergencies. (Michael Rees – 15d)
- 673. Comment:** Commenter states there is very little evidence that zero-emission trucks are available to operate in the mileage required by the construction industry, particularly for heavy-duty applications. (Michael Lewis – 15d)
- 674. Comment:** Commenter states geography further compounds challenges with compliance. Commenter states crews must travel significant distances, which results in substantial energy consumption simply reaching job sites, reducing operational effectiveness for battery-electric vehicles. (Josh Hylinski – 15d)
- 675. Comment:** Commenter states that combined with the rugged requirements of off-road use, strenuous range demands of everyday operational use have a fatiguing effect on EV vehicle battery life. (Joshua Hugg – 15d)
- 676. Comment:** Commenter states current range limitations are incompatible with the continuous readiness for emergency dispatch and significant idle time to maintain safe temperatures for animals in transport. (Julianna Tetlow – 15d)
- 677. Comment:** Commenter states the steep grades and extended travel distances are an operational limitation for the use of BEVs. Commenter states that a single BEV tractor does

not have enough range to complete a round trip and up to three BEVs would be needed to replace a single diesel ICE tractor. Commenter states that the 3:1 replacement and corresponding staffing levels is unsustainable expenditures. Commenter states that the closure of their only local landfill will increase haul distances which may not be easily replaced with BEVs. (Carolyn Burke – 15d)

- 678. Comment:** Commenter states current ZEVs do not have the range capabilities to meet their mutual aid assistance requirements. (Jason Maruca – 15d)
- 679. Comment:** Commenter states that current zero-emission alternatives are not yet capable of meeting operational requirements for many heavy-duty wastewater utility vehicles due to limitations in range. Commenter states that, subsequently, applying the ACF mandate risks reduced readiness, slower response times, and potential service disruptions. (Michael T. Thornton – 15d)
- 680. Comment:** Commenter states that animal control vehicles are highly specialized, upfitted mobile units with unique equipment and energy demands that are not compatible with currently available zero-emission vehicle configurations. (Julianna Tetlow – 15d)
- 681. Comment:** Commenter states that given their need for long range, electric vehicles are not currently a practical option for their fleet. (Jessica Self – 15d)
- 682. Comment:** Commenter states that their vehicles have been required to travel long distances, which is not yet compatible with current zero-emission technologies. (Jesus Garcia – 15d)
- 683. Comment:** Commenter states district vehicles may travel hundreds of miles a day in order to promptly respond to events that arise; due to the nature and frequency of these events, they will not be able to adequately respond to these events with vehicles that the Advanced Clean Fleets mandates. (John Wiersma – 15d)
- 684. Comment:** Commenter states that delays caused by reduced range could result in prolonged water outages, water quality risks, public health impacts, and safety risks to staff. (Charlotte Holifield – 15d)
- 685. Comment:** Commenter states that during emergencies, public works vehicles must often travel long distances. Commenter states these operational realities cannot always be met with currently available zero-emission technologies. (Joubin Packpour – 15d)
- 686. Comment:** Commenter states that they operate in a rural, high fire-threat environment with long operational distances. Commenter states these constraints make compliance with the current ACF framework impractical without compromising their ability to deliver reliable water service. (Kevin Phillips – 15d)
- 687. Comment:** Commenter states that existing electric vehicle options have limited range, which is not compatible with continuous operations such as 24-hour snow removal shifts, and vehicles being staged off site. (Josh Hylinski – 15d)

Agency Response: No changes were made in response to these comments. CARB acknowledges that vehicle range is an important operational consideration for many fleet applications. However, data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles travel relatively short distances on a daily basis, with the majority operating well within the range capabilities of currently available ZEVs. For these vehicles, existing ZEV range is sufficient to meet typical daily operational needs.

The regulation phases in ZEV purchase requirements over an extended timeline, allowing fleet owners to gradually incorporate ZEVs while a substantial portion of vehicles remain combustion-powered. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the regulation's requirements with the current and expected state of the

ZEV market and allows fleet owners flexibility to better manage concerns related to ZEV technology until 2030.

In addition, the Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The data collection and calculation methodologies were improved to allow fleet owners to submit periodic vehicle data spread out over longer periods of time rather than being limited specifically to a daily data set as previously required. Further, modifications were made to allow fleet owners to utilize vehicle data already collected and submitted by other entities to determine whether they meet the exemption criteria. This exemption is based on actual vehicle usage information submitted by the fleet owner for the type of vehicle being evaluated, which directly addresses concerns raised by the commenters.

The Fleet Resiliency Exemption was also modified in the First 15-Day Changes to provide earlier access by dropping the entry threshold from an increasing threshold that started at 25% ZEVs in the fleet to flat 5% threshold. The fleet owner has discretion as to which vehicles will use the exemption to address any operational resiliency concern for up to 25% of the fleet.

The ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration to meet the primary intended function of the vehicle. Together, these provisions ensure fleet owners are not required to deploy vehicles that cannot meet their operational range requirements while supporting a gradual phase-in of ZEV technology as it continues to improve.

Lastly, three BEVs would not be needed to replace a single ICE vehicle given the described flexibilities and exemptions available to fleet owners. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

g) Technology—Zero-Emission Vehicle Duty Cycle Concerns

- 688. Comment:** Commenter states the operational demand on the field vehicles are incompatible with duty-cycle limitations of available zero-emission vehicles. (Peter Bonkrude – 15d)
- 689. Comment:** Commenter states that no ZEV will be able to run for extended durations, often under demanding conditions, particularly for heavy-duty and specialized utility applications. (Arman Tarzi – 15d)
- 690. Comment:** Commenter states there is very little evidence that zero-emission trucks are available to operate in the duty cycles required by the construction industry, particularly for heavy-duty applications. (Michael Lewis – 15d)
- 691. Comment:** Commenter states available ZEV models and upfits often do not meet required duty cycles. (Justin Lovell – 15d)
- 692. Comment:** Commenter states at present, there are no widely available, proven zero-emission options for Class 2b and above trucks that can meet the demands of their county's duty cycles. (Josh Hylinski – 15d)

Agency Response: No changes were made in response to these comments. CARB recognizes that duty cycle demands vary across fleet operations and may present challenges for certain applications. Data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles operate within relatively short daily distances: approximately 81% of vehicles travel fewer than 100 miles per day, and another 11% drive up to 150 miles per day. For these vehicles, the range and

operational capabilities of currently available ZEVs are sufficient to meet daily duty cycle needs.

The ACF regulation phases in ZEV purchase requirements over an extended timeline, allowing fleet owners to gradually deploy ZEVs while a substantial portion of vehicles remain combustion-powered. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage concerns related to ZEV technology until 2030.

In addition, the Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The data collection and calculation methodologies were improved to allow fleet owners to submit periodic vehicle data spread out over longer periods of time rather than being limited specifically to a daily data set as previously required. Further, modifications were made to allow fleet owners to utilize vehicle data already collected and submitted by other entities to determine whether they meet the exemption criteria. This exemption is based on actual vehicle usage information submitted by the fleet owner for the type of vehicle being evaluated, which directly addresses concerns raised by the commenters.

The Fleet Resiliency Exemption was also modified in the First 15-Day Changes to provide earlier access by dropping the entry threshold from an increasing threshold that started at 25% ZEVs in the fleet to flat 5% threshold. The fleet owner has discretion as to which vehicles will use the exemption to address any operational resiliency concern for up to 25% of the fleet.

The ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration to meet the primary intended function of the vehicle. Together, these provisions ensure fleet owners are not required to deploy vehicles that cannot meet their operational range requirements while supporting a gradual phase-in of ZEV technology as it continues to improve. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

h) Technology—Zero-Emission Vehicle Payload Capacity Concerns

- 693. Comment:** Commenter states that current zero-emission alternatives are not yet capable of meeting operational requirements for many heavy-duty wastewater utility vehicles due to limitations in payload capacity. Commenter states that, subsequently, applying the ACF mandate risks reduced readiness, slower response times, and potential service disruptions. (Michael T. Thornton – 15d)
- 694. Comment:** Commenter states available ZEV models and upfits often do not meet required payload needs. (Justin Lovell – 15d)

Agency Response: No changes were made in response to these comments. CARB recognizes that payload capacity is an important operational consideration, particularly for wastewater utility vehicles. To address these concerns, the ACF regulation provides multiple compliance flexibilities. The Daily Usage Exemption allows fleet owners to purchase a new ICE vehicle if a ZEV cannot meet demonstrated daily operational needs, including when operating at or near maximum payload. Similarly, the ZEV Purchase Exemption permits the

acquisition of a new ICE vehicle if a ZEV is not available in a configuration necessary to perform the fleet's primary intended functions. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier access to the exemption by dropping the entry threshold from 25% ZEVs in the fleet to a flat 5%. The Fleet Resiliency Exemption was also expanded to apply to all body types and give the fleet owner considerable discretion as to how to best address their resiliency needs and which vehicles they select to use the exemption. These provisions ensure fleet owners are not required to deploy vehicles that cannot meet operational requirements while supporting a gradual phase-in to ZEVs. Where a ZEV in a higher weight class is capable of equivalently performing the primary intended function of a vehicle configuration, the regulation considers that ZEV to be available, and no exemption is necessary. Weight classes are separated by small increments, typically one pound, which is not considered a significant difference in vehicle capability. This approach allows fleet owners to address higher payload requirements without relying on exemptions. Together, these provisions, along with the regulation's phased implementation schedule, provide fleet owners discretion to plan ZEV deployments in a manner that maintains operational reliability and meets payload needs while gradually phasing in zero-emission technologies. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

i) Technology—Zero-Emission Vehicle Towing Capability Concerns

- 695. Comment:** Commenter states available ZEV models and upfits often do not meet required towing needs. (Justin Lovell – 15d)
- 696. Comment:** Commenter states that comparable electric vehicles to those in their fleet often have significantly lower towing capacities, in some cases less than half, or are not rated for towing at all in some U.S. models. (Dina Breitstein – 15d)
- 697. Comment:** Commenter states that many of their vehicles must perform duties that require towing or hauling—conditions that current zero-emission technologies cannot reliably meet. (Ron Noda – 15d)
- 698. Comment:** Commenter states that at present, there are no practical zero-emission alternatives capable of reliably transporting heavy equipment, such as feller bunchers and other large machinery, under real-world rural conditions. Commenter states that requiring such a transition prematurely would create significant barriers to project implementation and further slow the pace of critical wildfire mitigation work. (Kelsey Siemer – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage concerns related to ZEV technology until 2030.

The Fleet Resiliency Exemption was also modified in the First 15-Day Changes to provide earlier access by dropping the entry threshold from an increasing threshold that started at 25% ZEVs in the fleet to a flat 5% threshold. The fleet owner has discretion as to which vehicles will use the exemption to address any operational resiliency concern for up to 25% of the fleet. This exemption was also expanded to permit fleet owners to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle as exempt from the ZEV Milestones Option, to address any fleet resiliency concerns, including towing. Specifically including towing as a fleet resiliency concern in the exemption directly addresses the comments raised. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

j) Technology—Zero-Emission Vehicle Serviceability Concerns

699. Comment: Commenter states available ZEV models and upfits often do not meet serviceability requirements. (Justin Lovell – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage concerns related to ZEV technology until 2030.

The regulation also has existing provisions that give meaningful exemptions for fleet owners when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

k) Technology—Zero-Emission Vehicle Charging Time Concerns

700. Comment: Commenter states concerns regarding charging times. (Kenneth Piguee – 15d)

701. Comment: Commenter states that delays caused by charging could result in prolonged water outages, water quality risks, public health impacts, and safety risks to staff. (Charlotte Holifield – 15d)

702. Comment: Commenter states that current zero-emission technologies do not yet consistently meet the refueling demands required for emergency response. Commenter states that, subsequently, applying the ACF mandate risks reduced readiness, slower response times, and potential service disruptions. (Michael T. Thornton 2 – 15d)

703. Comment: Commenter states their crews worked in dangerous situations during recent large fire events. Commenter states forcing a vehicle to return for charging loses time for vital emergency repairs and creates a situation where the truck may not be able to return to the yard/repair site due to debris. Commenter states that it is standard industry practice to finish an emergency repair before leaving the site, which would not be possible with ZEVs. (Jason Maruca – 15d)

704. Comment: Commenter states existing electric vehicle options require extended charging times, which are not compatible with continuous operations such as 24-hour snow removal shifts, and vehicles being staged off site. (Josh Hylinski – 15d)

Agency Response: No changes were made in response to these comments. CARB recognizes that charging time is an important operational consideration. However, data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles return to base overnight and 81% travel fewer than 100 miles per day, with another 11% that drive up to 150 miles per day. For these vehicles, overnight depot charging is sufficient to meet daily operational needs under typical duty cycles.

The regulation also phases in ZEV purchase requirements over an extended timeline, meaning a substantial portion of fleet vehicles will remain combustion-powered over the next decade. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the regulation's requirements with the current and expected state of the ZEV market and

allows fleet owners flexibility to better manage their concerns with ZEV technology until 2030. Fleet owners will subsequently have a greater ability to deploy ZEVs where most suitable and ICE vehicles where most needed.

In addition, the regulation includes multiple compliance flexibilities to address operational constraints. Where a ZEV or NZEV is not available in a configuration that meets a fleet's operational needs, including where charging time or infrastructure limitations prevent effective deployment, fleet owners may rely on the ZEV Purchase Exemption to continue acquiring ICE vehicles. Where operational demands, including energy usage patterns, cannot be met under actual usage conditions, the Daily Usage Exemption provides a compliance pathway based on demonstrated fleet needs. The Fleet Resiliency Exemption also allows eligible fleets with mutual aid agreements to purchase ICE vehicles to ensure operational readiness in emergency or high-demand situations where charging constraints may limit ZEV availability. Together, these provisions provide fleet owners with time and flexibility to manage charging-related constraints while the ZEV market and supporting infrastructure continue to develop. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

I) Technology—Zero-Emission Vehicle Extended Idling Capability Concerns

- 705. Comment:** Commenter states that many of their vehicles must remain in continuous operation during emergencies that require extended idling—conditions that current zero-emission technologies cannot reliably meet. (Ron Noda – 15d)
- 706. Comment:** Commenter states that during emergencies, public works vehicles must often operate continuously for extended periods. Commenter states these operational realities cannot always be met with currently available zero-emission technologies. (Joubin Packpour – 15d)
- 707. Comment:** Commenter states current zero-emission technology does not reliably support extended idling required during fire suppression and water shuttle operations. (Michael Rees – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation provides sufficient compliance flexibility that considers operational realities, such as extended idling time. The regulation includes multiple compliance flexibilities, delayed phase-in timelines, and exemptions designed to align ZEV deployment with market development. These provisions ensure that fleet owners are not required to deploy vehicles that cannot meet their operational needs.

In addition, the First 15-Day Changes further streamline and clarify the Daily Usage Exemption, making it more accessible for fleet owners to utilize where appropriate. Specifically, the Daily Usage Exemption provides a compliance pathway in cases where a BEV is unable to perform the equivalent daily work as the ICE vehicle it would replace. This exemption allows a fleet to demonstrate that available ZEVs cannot meet required daily mileage, energy demand, or duty-cycle requirements necessary to perform essential functions, including extended idling time, thereby ensuring that operational reliability and public service obligations are maintained while the ZEV market and supporting infrastructure continue to mature. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier access to the exemption by dropping the entry threshold from 25% ZEVs in the fleet to a flat 5%. The Fleet Resiliency Exemption was also expanded to apply to all body types and give the fleet owner considerable discretion as to how to best address their resiliency needs and which vehicles they select to use the exemption. Subsequently, further changes are not necessary. No additional changes were made because the

suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

m) Technology—High Per-Axle Weights of Zero-Emission Collection Vehicles is The Leading Cause of Damage to Local Roads

708. Comment: Commenter states current battery based, zero-emission collection vehicles typically have very high per-axle weights which is a leading cause of damage to local roads, and repairing these roads comes with significant greenhouse gas emissions and high-cost impacts. (Michael Chandler – 15d)

Agency Response: No changes were made in response to these comments. These comments are speculative and not directed at any substantive changes in the First 15-Day Changes. Overall, the amendments, including the 15-Day changes, more gradually phases-in ZEV and reduces impacts associated with the concerns raised. Battery technology is rapidly evolving which is resulting in a continued trend of higher battery energy density and lower battery weight and volume. Recently, BEVs have employed weight saving measures such as lighter materials through the replacement of vehicle components that offer weight savings and offset the differential between ICEVs and BEVs operating at maximum payload capacities. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

n) Technology—Emergency Response and Public Service Reliability

709. Comment: Commenter states the ACF mandates impose significant challenges that directly impact their ability to maintain critical emergency response capabilities. Commenter states current zero-emission technology does not reliably support sustained pump operations or drafting required during fire suppression and water shuttle operations. (Michael Rees – 15d)

710. Comment: Commenter states that many of their vehicles must remain in continuous operation during emergencies or operate in mutual aid environments—conditions that current zero-emission technologies cannot reliably meet. (Ron Noda – 15d)

711. Comment: Commenter states that electric vehicles are not a good fit for emergency vehicles. (Ronald Berg – 15d)

712. Comment: Commenter states ZEVs cannot operate during Public Safety Power Shutoffs, wildfires, earthquakes, and other critical incidents. (Arman Tarzi – 15d)

713. Comment: Commenter expresses concerns that the proposed ACF requirements could jeopardize and impair their ability to prevent outages and restore essential services, not only during emergencies but also during routine operations, by restricting and limiting the availability and utilization of critical vehicles needed to maintain and repair vital infrastructure. (Jennifer Goodsell 2 – 15d)

714. Comment: Commenter states the 15-day ACF modifications will create significant challenges for wastewater agencies in conducting maintenance and responding to emergencies, impacting essential public services. (Steve Jepsen – OCP)

715. Comment: Commenter states that mandating rigid fleet transitions without proven technology risks reduced readiness, delayed response, and compromised safety. (Anthony Mejia – 15d)

716. Comment: Commenter states that at present, there are no commercially viable zero-emission alternatives for many of the specialized vehicles required for emergency response and system restoration, heavy-duty utility operations, off-road and rugged terrain work, and extended-duration deployments. (Kevin Phillips – 15d)

- 717. Comment:** Commenter states that ZEV technology still presents serious limitations for agencies with emergency utility responsibilities. (Dina Breitstein – 15d)
- 718. Comment:** Commenter states that many essential water and emergency response vehicles still have no feasible zero-emission alternatives. Commenter states that, subsequently, forcing premature transitions jeopardizes not only regulatory compliance, but public health and safety. (Justin Caporusso – 15d)
- 719. Comment:** Commenter states the inability to procure compliant vehicles that meet operational requirements will limit their capacity to respond effectively to both routine service and emergency calls. (Jill Tucker – 15d)
- 720. Comment:** Commenter states that at present, ZEV technologies are not yet capable of meeting the operational demands of their emergency response requirements. (Dan Lewis – 15d)
- 721. Comment:** Commenter states that during emergencies, public works vehicles must often perform under severe and unpredictable conditions. Commenter states these operational realities cannot always be met with currently available zero-emission technologies. (Joubin Packpour – 15d)
- 722. Comment:** Commenter states that there are currently no zero-emissions alternatives available that can provide the level of immediate readiness and operational duration the gasoline-powered vehicles offer, especially when the power is shut off as is routinely done during red flag events. (Kimberly Thorner – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, changes were made to more gradually phase-in ZEVs and improved access to exemptions. The 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE and to place ZEVs where best suited. The change means that small fleets with 10 or fewer vehicles and those in designated counties would not start purchasing ZEV until 2030 or later because the ZEV Purchase Schedule does not require any vehicles to be retired or replaced. Those changes better align the regulations requirements with the current and expected state of the ZEV market while providing fleet owners the flexibility to better manage any functionality, operational, and availability concerns before exemptions are even considered.

The ACF regulation also includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleet owners to continue acquiring ICE vehicles where necessary to ensure operational reliability. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%. The Fleet Resiliency Exemption was also expanded to apply to all body types and give the fleet owner considerable discretion as to how to best address their resiliency needs and which vehicles they select to use exemption.

The Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The Daily Usage Exemption addresses ZEV usage concerns based on a fleet's historical data which allows for ICE purchases and addresses the usage concerns raised by the commenters.

The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. Together, the added flexibility and improved exemptions ensure that fleet owners are not required to deploy vehicles in circumstances that would compromise emergency response capabilities or public service reliability. Making additional changes

would be unnecessary and would undermine the emissions reduction goals of the regulation.

o) Technology—Establish Individualized Performance Benchmarks with Each Municipality

723. Comment: Commenter states that the market does not yet provide reliable vehicles that meet the needs of operations such as drayage or other specialized functions. Commenter states that it is therefore critical that CARB work with each municipality to establish individualized performance benchmarks that must be met before these vehicles can be effectively deployed. (Gebriel Saleh – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where duty cycle limitations exist. The data collection and calculation methodologies were improved to allow fleet owners to submit periodic vehicle data spread out over longer periods of time rather than being limited specifically to a daily data set as previously required. Further, modifications were made to allow fleet owners to utilize vehicle data already collected and submitted by other entities to determine whether they meet the exemption criteria. Given that this exemption is based on actual vehicle usage information submitted by the fleet owner for the type of vehicle being evaluated, the suggestion to establish individualized performance benchmarks with each municipality is not necessary.

Also part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage their concerns with ZEV technology until 2030. Fleet owners will subsequently have a greater ability to deploy ZEVs where most suitable and ICE vehicles where most needed.

The regulation includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleet owners to continue acquiring ICE vehicles where necessary to ensure operational reliability as well. The Fleet Resiliency Exemption also allows eligible fleets with mutual aid agreements to purchase ICE vehicles to ensure operational readiness in emergency or high-demand situations where charging constraints may limit ZEV availability. This exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%. The ZEV Purchase Exemption also addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration.

These flexibilities and provisions ensure fleet owners are not required to deploy vehicles that cannot meet their operational requirements while supporting a gradual phase-in as ZEV technology continues to improve. Making additional changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

p) Technology—Manufacturer Reliability Concerns

724. Comment: Commenter states continued concern regarding vehicle availability and repairability. Commenter states they need manufacturers that will be in existence for decades, so that warranty repair work may be performed and parts are available for in-house repairs thereafter at least through the minimum useful life of the vehicles. (Tom Greene – 15d)

725. Comment: Commenter states they have concerns about SLG fleets' ability to comply with the ACF regulation, particularly as manufacturers are pausing or withdrawing ZEV production following a decline in ZEV sales after the expiration of the \$7,500 federal tax credit in September 2025. (Roxana Ramirez – 15d)

726. Comment: Commenter states many of the currently available zero-emission heavy-duty vehicles are produced by newer or startup manufacturers. Commenter states these companies often lack established service networks, parts availability, and warranty support in their region, which creates unacceptable risks for maintaining critical fleet readiness. (Josh Hylinski – 15d)

Agency Response: No changes were made in response to these comments. Fleet owners have flexibility to purchase vehicles from any manufacturer in accordance with the ACF regulation. Large, well-established manufacturers offer a wide range of ZEVs from which fleet owners may purchase the vehicles they need to comply with the ACF regulation. The regulation includes flexibility for fleet owners to make ZEV purchase decisions according to their priorities. Specifically, the ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. The ZEV Purchase Exemption was updated as part of the First 15-Day Changes to include requirements that a manufacturer must have received an Executive Order to certify a ZEV for at least three of the previous five years and not be undergoing bankruptcy proceedings to be considered available. This criteria was added to address stakeholder concerns regarding manufacturer reliability and vehicle support. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

q) Technology—Concerns with Integrating Zero-Emission Vehicles into Rural Areas

727. Comment: Commenter states they are concerned that integrating any ZEV technology into rural, low population service areas is going to be extremely challenging. (Curtis Paxton – 15d)

Agency Response: No changes were made in response to these comments. CARB acknowledges the specific operational challenges described by rural agencies. However, the amendments, including the First 15-Day Changes, provide significant relief when compared to the original ACF regulation and have been developed with extensive consultation with public agency utilities. They attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions. CARB will continue engaging with affected agencies during implementation to support compliance and to better understand ongoing operational needs.

As mentioned previously, CARB made numerous changes in the First 15-Day Changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to the Daily Usage and ZEV Purchase Exemption. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

r) Technology—Mobile Fueling Concept Lacks Clarity to Support Implementation Planning

728. Comment: Commenter states emerging concepts such as mobile fueling lack sufficient clarity to support implementation planning. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. There are existing mobile fueling options on the market currently and CARB expects more options to become available in the future. However, as part of the First 15-Day Changes, mobile fueling requirements for the Fleet Resiliency Exemption were delayed to 2030 as it is expected for mobile fueling technology to be in a more realistically feasible state by 2030.

Other changes were made to the mobile fueling requirements as part of the First 15-Day Changes to streamline and simplify such criteria. First, the responsibility to make the evaluation was shifted from the fleet owner to the Executive Officer. The fast mobile fueling criteria is largely unchanged and will be used to determine whether fast mobile fueling options are available for ZEV chassis or complete ZEVs in the same weight class and configuration as the vehicles being requested to be designated or purchased under this exemption. The Executive Officer shall rely on information gathered from fleet owners or manufacturers, including information gathered to comply. The Executive Officer is tasked with using their good engineering judgment to determine whether the mobile fueling option is commercially available from any manufacturer for use in California. If the mobile fast fueling criteria is met for a given vehicle then mobile fueling is deemed to be a viable solution for fueling in the field comparable to similar ICE vehicles. The determination will be posted on CARB's website for public viewing to provide information for fleet owners to plan future vehicle purchases.

These changes aim to improve the mobile fueling requirements to better support implementation planning. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

s) Infrastructure—Grid Readiness

729. Comment: Commenter states that there are not enough chargers to meet fleet demand, and there is no clear solution for power grid outages. (Gebriel Saleh – 15d)

730. Comment: Commenter states that the current version of ACF will compromise critical infrastructure. (Steven Poncelet – 15d)

731. Comment: Commenter states that the current infrastructure limitations associated with ZEV technology does not reflect the practical needs of small agricultural water districts. (Kristen Lamkin – 15d)

732. Comment: Commenter states ACWA encourages CARB to continue monitoring the build out of the electric grid as a key component of future charging infrastructure to support ACF compliance. (Nick Blair – 15d)

733. Comment: Commenter states they do not own or operate any vehicles subject to ACF, but they perceive limitations in grid capacity, lack of existing charging facilities, and a lack of significant time and cost required to plan, permit, and construct charging infrastructure. (Abigail Gomez – 15d)

734. Comment: Commenter states successful implementation of ZEV depends heavily on charging infrastructure, which currently presents challenges due to limited grid capacity. (Kenneth Piguee – 15d)

735. Comment: Commenter states that the regulatory framework continues to outpace the grid capacity—particularly in rural regions. (Justin Caporusso – 15d)

- 736. Comment:** Commenter states that current zero-emission alternatives are not yet capable of meeting operational requirements for many heavy-duty wastewater utility vehicles due to limitations in and continuous operation during grid outages. (Michael T. Thornton – 15d)
- 737. Comment:** Commenter states that they operate in a rural, high fire-threat environment with limited electrical grid capacity. Commenter states these constraints make compliance with the current ACF framework impractical without compromising their ability to deliver reliable water service. (Kevin Phillips – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation is designed to provide compliance flexibility that considers infrastructure readiness. The existing ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for up to five years. Fleet owners may apply for the exemption before their next applicable ZEV Milestones compliance deadline. This flexibility ensures fleet owners avoid being out of compliance if they cannot install infrastructure on time. Additionally, the exemption delays ZEV purchases which allows fleet owners to closely align their ZEV deployments with the actual rollout of infrastructure. As part of the First 15-Day Changes, CARB also delayed the 100% ZEV purchase requirement to 2030 which gives fleet owners time to initiate early utility engagement, even before they are ready to submit a service request. The amendments broadly reduce the number of ZEVs deployed and gradually introduces ZEVs into the fleet over time. Together the changes lower capital costs and provide more time for associated infrastructure to be deployed.

t) Infrastructure—Limitations with Charging Infrastructure

- 738. Comment:** Commenter states electric vehicle charging infrastructure is insufficient in many response areas. (Thomas DeSantis – 15d)
- 739. Comment:** Commenter requests that the Board ensures adequate supporting infrastructure is available before imposing additional requirements. (Michael Grisso – 15d)
- 740. Comment:** Commenter urges CARB to guarantee infrastructure readiness before new requirements take effect. (Thomas Anderson – 15d)
- 741. Comment:** Commenter states during emergencies, public works vehicles must often operate continuously for extended periods, travel long distances, and perform under severe and unpredictable conditions. Commenter states these operational realities cannot always be met with existing charging infrastructure. (Joubin Packpour – 15d)
- 742. Comment:** Commenter states that the realities of vehicles traveling long distances across remote terrain and operating for extended periods in extreme heat, rugged conditions, and areas without access to fueling or charging infrastructure are not well-aligned with current infrastructure availability in rural areas. (Kelsey Siemer – 15d)
- 743. Comment:** Commenter states that the necessary charging infrastructure is not available in their region to support the continuous, around-the-clock use that their community depends upon. (Dan Lewis – 15d)
- 744. Comment:** Commenter states that rural and small districts lack the electrical infrastructure necessary to support rapid charging of heavy apparatus. (Peter Golling – 15d)
- 745. Comment:** Commenter states that infrastructure requirements, including charging capacity and electrical upgrades, present significant and logistical barriers, which is an exponential challenge for small agencies with limited staff and resources. (Melanie Schumacher – 15d)
- 746. Comment:** Commenter states that the infrastructure needed to support widespread electrification is not ready. (Alyson Piguee – 15d)
- 747. Comment:** Commenter states they currently lack the infrastructure needed to support widespread deployment of zero-emission heavy-duty vehicles. Commenter states charging infrastructure is limited, hydrogen fueling infrastructure is nonexistent, and until these systems are developed, large-scale adoption is not feasible. (Josh Hylinski – 15d)

- 748. Comment:** Commenter states infrastructure readiness remains a significant constraint for medium- and heavy-duty fleet electrification. (Noelle Mattock – 15d)
- 749. Comment:** Commenter states the lack of viable alternative vehicles is further compounded by a lack of rapid charging stations in the remote and rural areas served by their officers. (Jill Tucker – 15d)
- 750. Comment:** Commenter states there is insufficient charging infrastructure. (David Rothbart 1 – 15d)
- 751. Comment:** Commenter states the operational demand on the field vehicles are incompatible with charging infrastructure of available zero-emission vehicles. (Peter Bonkrude – 15d)
- 752. Comment:** Commenter states they are concerned about the service reliability of charging infrastructure. (Michael Taylor – 15d)
- 753. Comment:** Commenter states successful implementation of ZEVs depends heavily on charging infrastructure, which currently presents challenges due to lengthy utility upgrade timelines. (Kenneth Piguet – 15d)
- 754. Comment:** Commenter states that the regulatory framework continues to outpace the fueling/charging infrastructure—particularly in rural regions. (Justin Caporusso – 15d)
- 755. Comment:** Commenter states that the proposed ACF amendments are unworkable for local agencies due to infrastructure constraints. (Brittney Barsotti – 15d)
- 756. Comment:** Commenter states that current zero-emission alternatives are not yet capable of meeting operational requirements for many heavy-duty wastewater utility vehicles due to limitations in charging infrastructure. (Michael T. Thornton – 15d)
- 757. Comment:** Commenter urges CARB to align compliance timelines with actual infrastructure readiness. (Kevin Phillips – 15d)
- 758. Comment:** Commenter states current charging limitations are incompatible with the continuous readiness for emergency dispatch and significant idle time to maintain safe temperatures for animals in transport. (Julianna Tetlow – 15d)
- 759. Comment:** Commenter states that ZEV infrastructure still presents serious limitations for agencies with emergency utility responsibilities. (Dina Breitstein – 15d)

Agency Response: No changes were made in response to these comments. As ZEVs gradually phase into fleets over time, charging infrastructure is expected to gradually improve at the same time to meet the needs of ZEV technology and fleet customers. Data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles return to base overnight and travel fewer than 100 miles per day. For these vehicles, overnight depot charging is sufficient to meet daily operational needs under typical duty cycles.

CARB has not seen communication protocol incapability issues to be a major concern within the medium-duty and heavy-duty sector. In conversations with stakeholders, it was explained that this is due to how much more integrated depot charging design is than public charging.

Furthermore, newer ZEVs that are equipped with high battery voltages such as 800V capability does not necessarily preclude it from charging on a 400V charger. Instead, this just means that the vehicle is more capable than the charger and there are existing hardware and communications on the market intended to address such situations.

To address the comment regarding the lack of existing charging ZEV infrastructure, the California Energy Commission (CEC) reports that, as of September 16, 2025, there were a total of 20,093 electric charging and hydrogen fueling positions for medium- and heavy-duty vehicles in California. This includes both public and private installations. The CEC's Clean Transportation Program co-funds the development of electric charging and hydrogen fueling infrastructure for all vehicle classes and has allocated \$950 million for medium- and heavy-

duty infrastructure during the period between fiscal years 2021/22 and 2024/25.⁵¹ The 2025 - 2026 Investment Plan update allocates an additional \$103 million for additional medium- and heavy-duty infrastructure development during fiscal years 2025/26 through 2027/28 and notes that as of December 2025.⁵²

In addition, the CEC administers federal funds that California receives from the Infrastructure Investment and Jobs Act, including the National Electric Vehicle Infrastructure (NEVI) program. In early 2026, the CEC announced the availability of \$148.5 million^{53,54} rounds of NEVI solicitations, which focus on medium- and heavy-duty charging infrastructure. These solicitations require all applications to include a total of at least 3MW in new charging capability, install chargers that supply at least 150kW each, include at least eight chargers (for an average of 375kW supplied per charger), and install conduit, switchgear, and pad enabling the future installation of at least one 1MW charger. The Megawatt Charging Standard (MCS) is a new, high-speed charging standard that is increasingly becoming available to the fleet. MCS chargers are currently entering California's infrastructure network; charging station operators like Forum Mobility, WattEV, and others have installed MCS chargers across the state. The CEC also recently closed the application period for a \$10 million solicitation on charging station development focused on MCS.⁵⁵ The existing infrastructure combined with detour infrastructure expected to come offline will address the commenter's concerns regarding infrastructure.

The ACF regulation recognizes that rural parts of California face unique challenges when it comes to accessing charging infrastructure or having sufficient grid capacity to adequately supply power to charging infrastructure and therefore are exempted from meeting the requirements until 2030. The existing ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for up to five years. Fleet owners may apply for the exemption before the next applicable ZEV Milestones compliance deadline specified in section 2013.6. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time. Additionally, within the purchase schedule compliance pathway, the exemption delays ZEV purchases which allows fleets to closely align their ZEV deployments with the actual rollout of infrastructure.

For concerns regarding reliability, many fleets with installed charging infrastructure have opted to also install backup power such as generators or battery energy storage on-site to support charging in the event of a planned or unplanned power outage.

Further, flexibility has been added to the ACF regulation as part of the First 15-Day Changes to specifically address concerns raised regarding infrastructure rollout and to better align the

⁵¹ California Energy Commission 2024, California Energy Commission MDHD ZEV Station Development in California, February 23, 2024 (web link: <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/mdhd-zev>, last accessed May 2026)

⁵² California Energy Commission, 2025-2026 Investment Plan Update for the Clean Transportation Program, December 29, 2025 (web link: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=268050&DocumentContentId=105063>, last accessed May 2026)

⁵³ California Energy Commission, GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4, January 21, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

⁵⁴ California Energy Commission, GFO-25-606 - California's National Electric Vehicle Infrastructure Formula Program - Solicitation 5 (South), February 5, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-02/gfo-25-606-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

⁵⁵ EnergiIZE Commercial Vehicles Project, Funding, (web link: [https://energiize.org/funding/#MegawattChargingSystem\(MCS\)](https://energiize.org/funding/#MegawattChargingSystem(MCS)), last accessed May 2026)

requirements with the current and expected state of the ZEV market. First, the 100% ZEV purchase requirement was delayed until January 1, 2030. This change delays the start date for small fleets and those in designated low population counties by three years, while providing additional time for all other fleet owners to designate 50% of their new vehicle purchases as ICE vehicles. This change also provides more time for public ZEV infrastructure to be built, which may be necessary for some fleet owners who elect not to install their own infrastructure, and for fleet owners in rural areas who deploy ZEVs for multiple days without returning to their fleet facility to fuel at night.

The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier access to the exemption by dropping the entry threshold from 25% ZEVs in the fleet to a flat 5%. The Fleet Resiliency Exemption was also expanded to apply to all body types and give the fleet owner considerable discretion as to how to best address their resiliency needs and which vehicles they select to use the exemption.

The ZEV Infrastructure Delay Extension allows fleet owners to apply for an extension for up to two years ahead of the next applicable ZEV Milestones compliance date. This flexibility ensures that fleet owners avoid non-compliance if they do not have access to sufficient infrastructure as their compliance requirements approach. Once granted, the ZEV Infrastructure Delay Extension allows a fleet owner to delay ZEV purchases for up to five years based on a site-specific situation delaying their ZEV infrastructure installation which allows them to closely align their ZEV deployments with actual rollout of infrastructure.

Lastly, regarding comments stating concerns with operating ZEVs under conditions in which infrastructure is not readily available, there are existing mobile fueling options on the market, which are expected to be more readily available by 2030. However, until 2030, a fleet owner may request a Fleet Resiliency exemption without regard to whether mobile fueling options are available. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

u) Infrastructure—Limitations will Lead to Reduced Response Times and Operational Effectiveness

- 760. Comment:** Commenter states they are concerned that the limitations in charging infrastructure would delay response times and reduce operational effectiveness. (Kevin Phillips – 15d)
- 761. Comment:** Commenter states ZEV charging infrastructure makes these vehicles unsuited for mutual aid assistance, especially in rural areas. Commenter states that it would not have been practical for in-field charging during recent large fire conditions. (Jason Maruca – 15d)
- 762. Comment:** Commenter states that mandating rigid fleet transitions without proven infrastructure risks reduced readiness, delayed response, and compromised safety. (Anthony Mejia – 15d)
- 763. Comment:** Commenter states that the EV requirements are incompatible with real-world operations involving remote deployments and lack of access to charging infrastructure. (Charlotte Holifield – 15d)
- 764. Comment:** Commenter states that they operate in a rural, high fire-threat environment with minimal charging infrastructure. Commenter states these constraints make compliance with the current ACF framework impractical without compromising their ability to deliver reliable water service. (Kevin Phillips – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and allows fleet owners

flexibility to better manage their concerns with infrastructure until 2030. Fleet owners will subsequently have a greater ability to deploy ZEVs where most suitable and ICE vehicles where most needed with consideration for available infrastructure as ZEVs are more gradually added to the fleet.

The Fleet Resiliency Exemption allows eligible fleets with mutual aid agreements to purchase ICE vehicles to ensure operational readiness in emergency or high-demand situations where charging constraints may limit ZEV availability, which directly addresses mutual aid concerns. This exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%. The exemption was also expanded to provide fleet owners full discretion to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns. Mobile fueling requirements under the Fleet Resiliency Exemption were also delayed until 2030 when the technology is expected to be a more feasible option. These mobile fueling requirements address concerns related to charging infrastructure access in rural areas. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

v) Infrastructure—Limitations Will Lead to Untimely Exemptions or Extensions

765. Comment: Commenter states there are challenges in obtaining timely exemptions or extensions when infrastructure is unavailable. (David Rothbart 1 – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation requires that CARB notify the fleet owner by email whether the exemption has been approved within 45 calendar days from the date a complete application is received. If the Executive Officer does not respond within this timeframe, the exemption shall be deemed approved. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

w) Infrastructure—Inability to Charge Vehicles During Power Shutoffs and Risk Public Safety

766. Comment: Commenter states when power is cut off during emergency conditions, water agencies would be unable to charge their response vehicles. (Thomas DeSantis – 15d)

767. Comment: Commenter states rural districts like theirs lack the electrical infrastructure necessary to support rapid charging of heavy emergency vehicles, particularly during power outages or Public Safety Power Shutoff (PSPS) events. (Michael Rees – 15d)

768. Comment: Commenter states they are concerned that limitations in power availability would delay response times and reduce operational effectiveness. (Kevin Phillips – 15d)

769. Comment: Commenter states that currently no zero-emission alternatives can match the immediate readiness, range, and sustained operational capacity of gasoline-powered vehicles, particularly during PSPS, when electrical infrastructure is intentionally de-energized. (Socorro Pantaleon – 15d)

770. Comment: Commenter states that ACF requirements may create risks to public safety if fueling infrastructure limitations interrupt critical operations. (Steven McCracken – 15d)

771. Comment: Commenter states the continued lack of sufficient electrical infrastructure may impair their ability to respond effectively to emergencies and investor-owned utility service disruptions. (David Rothbart 1 – 15d)

772. Comment: Commenter states there are currently no zero-emission alternatives that can match the immediate readiness and operational duration of gasoline-powered vehicles, especially when the power is shut off. (Craig Miller – 15d)

773. Comment: Commenter states that the charging time of ZEVs would have delayed their power distribution system recovery time by an estimated four days after the recent large fire events. (Jason Maruca – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. In addition, in the First 15-Day Changes CARB made numerous modifications to add more flexibility. The Fleet Resiliency Exemption was expanded to allow fleet owners to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle as exempted from the ZEV Milestones Option, to address operational resiliency concerns at their own discretion. The 100% ZEV purchase requirement was delayed until January 1, 2030. As a result, this change gives more time for ZEV infrastructure to be built.

Additionally, as a part of the First 15-Day Changes the Fleet Resiliency Exemption was simplified and expanded to allow fleet owners to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle as exempted from the ZEV Milestones Option, to address any fleet resiliency concerns such as emergency response support, towing, or range limitations. This allows fleet owners to continue operating ICE vehicles in situations where there are infrastructure challenges to ensure fleet resiliency.

The Fleet Resiliency Exemption works in combination with the ZEV Infrastructure Delay Extension which allows fleet owners to apply for an exemption up to five years ahead of time before the next applicable ZEV Milestones compliance date specified in section 2013.6. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time. Additionally, the exemption delays ZEV Purchases, which allows fleet owners to closely align their ZEV deployments with the actual rollout of infrastructure.

Finally, there are existing mobile fueling options on the market currently and CARB expects more options to become available in the future to alleviate ZEV charging concerns during power shutoffs that also affect the ability to refuel conventional vehicles. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

3. Zero-Emission Vehicle Purchase Schedule and Regulation Timeline

a) Zero-Emission Vehicle Purchase Schedule—Purchase Plan Clarity

774. Comment: Commenter states the new language in section 2013.1 (f) could be misread to imply a sunset of the ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption on January 1, 2030, and states CARB should update the language in this section to ensure that there are no unintended consequences resulting from this section. (Derek Dolfie – 15d)

775. Comment: Commenter states they strongly opposes section 2013.1 (f) and (g) conditioning access to exemptions on a showing that no other ICE vehicle purchased by the fleet could have been a ZEV, effectively barring large fleets from accessing the fleet resiliency exemption. CARB must exclude the fleet resiliency exemption from the new precondition established in section 2013.1 (f) and (g) and should reconsider the necessity of applying it to daily usage and ZEV purchase exemptions. (Patricia Davy – 15d)

Agency Response: No changes were made in response to these comments. Starting 2030, it is no longer necessary for fleet owners to submit a purchase plan because of the 100% ZEV purchase requirement which requires all new vehicle purchases to be zero-emission.

As a result, any newly added internal combustion vehicle will be required to have an exemption. A purchase plan is only necessary to assess whether the 50% ZEV purchase requirement before 2030. For example, if a fleet owner purchases 2 vehicles in a given calendar year and 1 vehicle is available as a ZEV, the fleet owner can meet the 50% ZEV purchase requirement and does not need an exemption to comply even if the other vehicle is not available as a ZEV. When the ZEV purchase schedule increases to 100% ZEV purchases in 2030, every vehicle purchase must be a ZEV except for those the if the owner can demonstrate qualifies for an exemption. In this case, it does not matter how many other ZEVs are purchased that year and is not needed to evaluate eligibility. Therefore, the new language in section 2013.1 (f) does not mean the exemptions will be sunset on January 1, 2030. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

b) Zero-Emission Vehicle Purchase Schedule—Allow Agencies to Submit Good-Faith Projections

776. Comment: Commenter recommends that CARB clarify that good-faith projections satisfy this requirement and that exemptions will not be voided solely because actual purchases differ from projected figures due to normal government procurement processes. One approach would be to allow agencies to submit good-faith projections at the time of application and report actual ICE, ZEV, and exempted purchase totals during the annual reporting period specified in § 2013.3(b) without penalty. (Courtney Lee – 15d)

Agency Response: No changes were made in response to this comment. Compliance with the ZEV Purchase schedule is based on actual vehicle purchases each calendar year and would be subjective if based on highly variable fleet owner projections. The purpose of exemptions is to assist in cases where the fleet owner cannot comply due to circumstances beyond their control. As such, CARB needs to determine what is actually being purchased annually to determine if the flexibility associated with 50% ZEV Purchase schedule allows the fleet owner to make its vehicle purchases that year without exemptions. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

c) Zero-Emission Vehicle Purchase Schedule—Option to Continue 50% Zero-Emission Vehicle Purchase Requirement

777. Comment: Commenter states that at a minimum, the “public agency utility” fleet owner should be allowed to continue the 50% ZEV purchase requirement and not be forced into the 100% ZEV purchase requirement, but at the same time, an agency should not be placed in a predicament where they must decide which 50% of their emergency vehicles must remain operational during an extended power outage. (Pravani Vandeyar – 15d)

778. Comment: Commenter expresses concerns with the operational implications of requiring public agency utilities to convert, or partially convert, their fleets to ZEVs as the 15-day notice specifically refers to “the need for utilities to respond with their vehicles during severe weather events” as an issue considered in extending the 50% purchase requirement, but the ACF regulation still seeks to impose the 100% purchase requirement on public utilities starting in 2030. (Pravani Vandeyar – 15d)

Agency Response: No changes were made in response to these comments. AB 1594 directed CARB to provide additional flexibilities for public agency utilities while maintaining their overall ZEV procurement obligations. The regulation includes numerous exemptions, several of which were expanded in the First 15-Day Changes, to give fleet owners greater flexibility in deciding which vehicles to deploy as ZEV or ICE vehicles. The 100% ZEV

purchase schedule was delayed until 2030 for all fleets, and multiple exemptions were broadened to provide fleet owners more time to continue using ICE vehicles where needed. In addition, the Fleet Resiliency Exemption was modified to allow earlier access and was expanded to give fleet owners full discretion in selecting which vehicles qualify, enabling agencies to continue purchasing ICE vehicles for a substantial part of the fleet to address operational and emergency response needs. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

d) Zero-Emission Vehicle Purchase Schedule—Clarification on 50% Zero-Emission Vehicle Purchase Requirement

779. Comment: Commenter respectfully requests clarification regarding the implementation of the 50 % ZEV purchase requirement in light of the Proposed Amendments. Commenter states that based on their review of the draft language, it is unclear whether the modifications are intended to change the effective start date of the 50% ZEV purchase requirement. (Erin Sasse – 15d)

Agency Response: No changes were made in response to these comments. The 100% ZEV purchase schedule was delayed from 2027 until 2030 for all State and Local Government fleets. The 50% ZEV purchase requirement began implementation on January 1, 2024, continues until 2030 and applies to all state and local government fleets; except fleets in designated areas and those with 10 or fewer vehicles.

e) Zero-Emission Vehicle Purchase Exemption—Apply a Real-World Standard for Commercial Availability

780. Comment: Commenter requests that CARB apply a real-world standard for commercial availability. For public utility compliance purposes, vehicle availability should mean more than a manufacturer listing, announcement, or theoretical offering. CARB should treat a vehicle as commercially available only where it is truly in production, can be procured within a reasonable timeframe, can be supported by the necessary infrastructure, and can reliably perform the required function under real-world operating conditions. (Joel Sturges – 15d)

781. Comment: Commenter urges CARB to establish clearly defined and objective criteria for vehicle availability and not limit the availability criteria to be simply based on vehicle configuration. (Ellis Chiu – 15d)

Agency Response: No changes were made in response to these comments. As explained in the section “Availability—Market uncertainty has made it difficult to replace vehicles” of the 45-Day Comment Period materials, CARB adopted several First 15-Day Modifications that strengthen the criteria used to determine whether a vehicle is considered commercially available. These changes include new requirements that a manufacturer provide a valid warranty, maintain the ability to service the vehicle, not be in bankruptcy, and certify the vehicle for more than one model year. These updates ensure that vehicles counted as available reflect true commercial readiness rather than announcements or one-time offerings.

CARB also delayed the start of the 100% ZEV purchase requirement to January 1, 2030, which provides fleet owners additional flexibility as the market continues to develop. Existing compliance pathways and exemptions that address configuration availability, fleet resiliency needs, and demonstrated daily usage remain available to ensure fleet owners are not required to procure a ZEV when a suitable option does not exist. NZEV provisions and early and excess credit opportunities continue to support operational flexibility.

f) Zero-Emission Vehicle Purchase Exemption—Clarification of Exemption Limits

782. Comment: Commenter states that CARB's stated intent under section 2013.1(f), that exemptions should not be granted if other ZEV options are available, introduces a level of rigidity that undermines the purpose of the purchasing pathway. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. As explained in the rationale for section 2013.1(f), the added language preserves the original intent to deploy ZEVs where feasible and is necessary to ensure that exemptions are only used in situations where the fleet owner truly cannot comply, even after using the flexibility already provided in the regulation. The regulation requires fleet owners to demonstrate that the requested exemption is warranted by providing information on all planned vehicle purchases for the applicable calendar year. This information is needed as part of the application process so the Executive Officer can determine whether an extension request shows that the 50% ZEV Purchase requirement could not be met. For example, if a fleet owner is required to purchase four vehicles in a given year and must meet the 50% ZEV purchase requirement, the owner could still purchase two ZEVs even if one of the four vehicles cannot be purchased as a ZEV. In this situation, the exemption would apply only to the specific vehicle for which no ZEV option is available. Exemption requests will also not be evaluated for fleets that are already out of compliance with the 50% purchase requirement.

This approach is consistent with the overall objectives of the regulation. Granting exemptions when viable ZEV options exist would create a loophole that fleet owners could use to avoid purchasing ZEVs, which would undermine the purpose of the regulation to reduce emissions. The additional provisions in section 2013.1(f), including limiting this requirement to the 50% ZEV Purchase Schedule period, allowing streamlined treatment for ICE purchases on the approved list, clarifying that exemptions may be voided if conditions are not met, and allowing partial exemptions, were added to provide clarity and balance stakeholder concerns while maintaining the integrity of the exemption process. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

g) Zero-Emission Vehicle Purchase Schedule—ZEV Infrastructure Delay Extension

783. Comment: Commenter requests that CARB clarify that § 2013.1(f)(3) means prospective compliance with the ZEV purchase percentage applicable to the calendar year in which the extension ends, not retroactive compliance requiring catch-up purchases for years covered by the extension. As written, the phrase "full compliance with the ZEV Purchase Schedule" could be interpreted to require a fleet owner to retroactively meet every year's ZEV purchase percentage that was deferred during the extension period. (Courtney Lee – 15d)

Agency Response: No changes were made in response to these comments. In section 2013.1(f)(3), the added language clarifies that fleet owners may delay ZEV purchases during an approved infrastructure related extension but must be in full compliance with the ZEV Purchase Schedule at the end of that extension. The provision specifying that "ZEVs purchased under this extension during the delay count toward compliance for the calendar year of the original compliance requirement" ensures that delayed ZEV purchases are correctly credited to the year they were originally needed. This means fleet owners are not required to retroactively "catch up" across multiple years; rather, they must meet the compliance requirement for the year in which the delay occurred once the infrastructure is in place.

h) Zero-Emission Vehicle Purchase Schedule—Suggestion to Allow Fleet Owners to Bank Credits for Use Post-2030 and Carry Over Confirmation

- 784. Comment:** Commenter states that the proposed language requires that credits be used the following calendar year, which is difficult for public agencies that operate in two-year budget cycles who are then at risk of vehicle unavailability and budget uncertainty. Commenter states that allowing public agencies to bank credits for use post-2030 is a simple solution that would enable fleet owners to avoid the need to apply for future exemptions while already having purchased ZEVs to add to the overall increase in ZEVs purchase. (Michelle Musgrave – 15d)
- 785. Comment:** Commenter requests reconsideration of how early or excess purchase credits (credits) can be used. As written, the 15-day language requires that credits be used the following calendar year. This requirement can be challenging for public agencies that operate in two-year budget cycles who are then at risk of vehicle unavailability and budget uncertainty. Allowing public agencies to bank credits for use post-2030 is a simple solution that would enable fleet owners to avoid the need to apply for future exemptions while already having purchased ZEVs to add to the overall increase in ZEVs purchased. (Nick Blair – 15d)
- 786. Comment:** Commenter requests confirmation that the early or excess ZEV credits may carryover from year to year until needed, to allow flexible timing for early/excess ZEV credits to match SLG planning cycles. (Roxana Ramirez – 15d)

Agency Response: No changes were made in response to these comments Under the regulation, if a fleet exceeds ZEV purchase requirement in a given year, the resulting excess ZEV credits carry over automatically into the next calendar year. These credits continue to carry over indefinitely as long as the fleet generates excess credits. Because this structure already provides long-term flexibility that aligns with multi-year planning and budgeting cycles, the commenters' concern about the inability to bank credits beyond a single year is misplaced.

The First 15-Day Changes maintain this carryover flexibility through 2030. Allowing credits to be banked for use after 2030 would alter the regulatory structure, complicate enforcement, and reduce the near-term emissions reductions needed to meet the objectives of the regulation. Therefore, additional changes are not warranted. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

i) Zero-Emission Vehicle Purchase Schedule—Concerns with Requiring Fleet Owners to Submit Annual Vehicle Purchase Plan

- 787. Comment:** Commenter states that the annual purchase plan is unnecessary and conditioning exemptions may lead to unintended non-compliance. (Arman Tarzi – 15d)
- 788. Comment:** Commenter states the added language in Section 2013.1(f) requiring fleet owners to submit an annual vehicle purchase plan in order to access certain exemptions creates a rigid and speculative reporting environment. Commenter states that this regulatory language is vague and effectively blocks fleet owners from utilizing the 50% procurement extension to 2030. Commenter states that conditioning exemption access based on CARB's review of a detailed purchase forecast is overly prescriptive and may lead to unintentional non-compliance if CARB denies an exemption, or if the fleet needs to change purchase plans due to unforeseen service demands or ongoing manufacturer delivery delays. Commenter states this requirement also removes their ability to prioritize their ZEV

purchases based on the needs and limitations of their fleet, and in a way that is economically responsible to their customers. Commenter states it also adds administrative burden and uncertainty with how changes to plans will be handled and whether the plans will impact fleet operational flexibility. Commenter requests removal of this requirement from Section 2013.1 (f). Commenter states that at a minimum, these requirements should be removed for the Fleet Resiliency exemption. (Pacal Cornejo- Reynoso – 15d)

- 789. Comment:** Commenter states Section 2013.1(f) significantly increases administrative burden by requiring fleet to evaluate and document each ICE purchase for exemption purposes, including when multiple vehicles are purchased in a year, which could require extensive submission of exemption applications for all ICE purchases and create substantial workload impacts for larger fleets. (Derek Dolfie – 15d)
- 790. Comment:** Commenter states public agency fleets operate within dynamic, multi-year capital plans that must adapt to funding, supply chain, and operational changes. Commenter states that requiring detailed annual purchase projections raises concerns about how plans will be evaluated and limits the flexibility needed to ensure reliable service and responsible use of public funds. (Noelle Mattock – 15d)
- 791. Comment:** Commenter states § 2013.1(g)(1-3) as written, this implies that every ICE vehicle purchase requires an exemption designation. Commenter recommends that CARB clarify that exemption designation is required only for ICE vehicles that would otherwise cause the fleet owner to fall below the required ZEV purchase percentage. (Courtney Lee – 15d)
- 792. Comment:** Commenter states the requirement that exemptions should not be granted if other ZEV options are available in section 2013.1(f) limits a fleet owners ability to utilize the 50% procurement flexibility prior to 2030, which was intended to allow agencies to deploy ZEVs where feasible while maintaining ICE vehicles where necessary. Commenter states that this will result in fleets being required to justify every ICE purchase within a given year, creating a resource-intensive process, particularly for larger fleets, that runs counter to the goal of streamlining compliance. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. For sections 2013.1(g)(1–3), the language requiring fleet owners to identify the number of ICE vehicles, ZEVs, and applicable exemptions for each ICE vehicle was added during the 45-Day Changes to allow the Executive Officer to determine whether additional exemptions based on the fleet’s expected purchases in a given year are necessary. This preserves the primary purpose of the regulation to achieve emissions reductions by deploying ZEVs where feasible and prevents fleet owners from unnecessarily using exemptions. The fleet owner that meets the 50% ZEV Purchase requirement and is not seeking an exemption or is purchasing only ICE vehicles off the ZEV Streamlined List does not need to submit their annual expected vehicle purchase information. However, a fleet owner that requests an exemption would need to show the ZEV purchase requirement could not be met by providing their expected annual vehicle purchase information. For example, a fleet owner subject to the 50% ZEV purchase requirement would comply by purchasing any two of four vehicles as a ZEV in a given year by using the flexibility in the regulation without an exemption. When requesting an exemption the fleet owner must show that at least one of the four vehicles being purchased is eligible for an exemption. It would not be a good use of time for the fleet owner nor CARB to spend time evaluating a vehicle exemption application if the fleet owner could comply without an exemption. The expected vehicle purchase information helps reduce the administrative workload for the fleet owner and CARB. The regulation already includes multiple provisions that ensure fleets can continue operating ICE vehicles when no suitable ZEV options exist. The ZEV Purchase Exemption applies when a required ZEV is not available in the needed configuration, and the Daily Usage Exemption can be used when

operational needs cannot be met by an available ZEV. These exemptions are intended to address the conditions raised by the commenters without altering the structure of the purchase flexibility. The expected vehicle purchase information does not prevent fleet owners from accessing exemptions or utilizing the 50% procurement flexibility prior to 2030.

Additionally, the ACF amendments reduced administrative burden in comparison to the original ACF regulation because it allows for more flexibilities and extends compliance deadlines. Exemption applications are optional for entities that would like to receive those exemptions, and therefore any additional administrative responsibilities that arise from attempting to obtain an exemption would be voluntarily taken on by entities. If an entity determines that compliance without the exemptions or other flexibilities would place a lesser burden on the entity, that entity would be welcome to pursue compliance without submitting any requests or applications for exemptions. Therefore, no further revisions are warranted.

j) Zero-Emission Vehicle Purchase Schedule—Early Zero-Emission Vehicle Purchase Language

793. Comment: Commenter recommends removing the early ZEV Purchase language that restricts those purchases to only count towards the next calendar year, as it reduces the much-needed flexibility for public fleet owners. Fleet owners should be given the opportunity to decide which calendar year to count early ZEV purchases. (Ellis Chiu – 15d)

Agency Response: No Changes were made in response to these comments. The revisions do not reduce the value of making excess or early ZEV purchases. In the First 15-Day Changes, CARB made improvements to the ZEV Purchase Exemption to simplify the calculation methodology with an annual carryover method while retaining the same advantage of making early ZEV purchases. For example, if a fleet owner has purchased 1 more ZEV than otherwise required by 2030, they would still have 1 excess ZEV credit regardless of when the excess purchase was made. Therefore, additional changes are not warranted. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

k) Regulation Timeline—Early Replacement Requirement Negatively Impacts Rural Agencies

794. Comment: Commenter states that their existing fleet is new and fully functional, yet under the current ACF timelines, they may require replacement as early as 2030. Commenter states that requiring early replacement of recently acquired equipment represents an inefficient use of public resources and creates an additional financial burden on small rural agencies. (Kelsey Siemer – 15d)

Agency Response: No changes were made in response to these comments. The ZEV Purchase Schedule does not require fleet owners to turn over or retire any existing vehicles and fleet owner may continue operating their current vehicles for as long as they choose. Because this flexibility already addresses the commenter's concern, additional changes are not warranted. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

l) Regulation Timeline—Requests to Relax Requirements Through Timeline Changes

795. Comment: Commenter requests that CARB consider relaxing the requirements through changes in the timeline, considering exceptions for vehicles procured under existing contract terms with existing lifetimes. (Garth Schultz – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day changes, a number of amendments were made to gradually phase-in ZEVs and improve access to exemptions. CARB delayed the 100% ZEV purchase requirement until January 1, 2030, providing fleet owners additional time to plan for ZEV integration. This delay gives small fleet owners and those in low population counties an additional three years of flexibility to deploy ZEVs where most suitable and continue using ICE vehicles where needed.

The ACF regulation also includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleet owners to continue acquiring ICE vehicles where necessary to ensure operational reliability. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%. The Fleet Resiliency Exemption was also expanded to apply to all body types and give the fleet owner considerable discretion as to how to best address their resiliency needs and which vehicles the select to use exemption.

The Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The Daily Usage Exemption addresses ZEV usage concerns based on a fleet's historical data which allows for ICE purchases and addresses the usage concerns raised by the commenters.

The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. Given the described exemptions and extensions that were improved in the First 15-Day Changes, sufficient flexibility subsequently exists in the regulation to account for limited market availability of ZEVs.

Further extensions to the purchase schedule are not warranted. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

m) Regulation Timeline—Requests for Broader Relaxation of Requirements

796. Comment: Commenter requests that CARB consider relaxing the requirements by providing adequate alternative funding sources, and generally taking a more reasoned and balanced approach that recognizes the unique situations that every California community will face in implementing these regulations. (Garth Schultz – 15d)

Agency Response: No changes were made in response to these comments. The regulation already provides multiple pathways to address the varied operational needs of individual fleets, including the ZEV Purchase Exemption, the Daily Usage Exemption, and expanded access to the Fleet Resiliency Exemption. These provisions allow fleet owners to continue operating ICE vehicles when suitable ZEVs are not available or when operational constraints exist. As part of the First 15-Day Changes, a number of amendments were made to more gradually phase-in ZEVs and improve access to exemptions. The 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE and to place ZEVs where best suited. The change means that small fleets with 10 or fewer vehicles and those in designated counties would not start purchasing ZEV until 2030 or later because the ZEV Purchase Schedule does not require any vehicles to be retired or replaced. These changes better align the regulation's requirements with the current and expected state of the ZEV market while providing fleet owners the flexibility to better manage any functionality, operational, and

availability concerns before exemptions are even considered. Because these mechanisms already offer meaningful flexibility, additional relaxation of the requirements is not necessary. Achieving the anticipated emissions reductions from the State and Local Government elements of ACF remain a vital element of the State's emissions reduction strategy for criteria pollutants, toxics, and greenhouse gases. Additional broader relaxation of requirements would jeopardize those reductions.

n) Regulation Timeline—Extend Compliance Timelines

- 797. Comment:** Commenter states CARB should take a more reasoned and balanced approach. Commenter states that at a minimum, the Board should extend compliance timelines where necessary. (Kristina Owens – 15d)
- 798. Comment:** Commenter urges CARB to extend compliance deadlines to more manageable timeframes. (Thomas Anderson – 15d)
- 799. Comment:** Commenter requests amending the regulation to extend the timeline for solid waste and recycling services, consider exceptions for solid waste and recycling service trucks with existing useful life that were procured under existing contract terms, and provide adequate alternative funding sources for solid waste and recycling services. (Katelyn Scholz – 15d)
- 800. Comment:** Commenter requests that the Board extend compliance timelines where necessary, providing flexibility for fleets facing operational, geographic, demographic, or route-related constraints. (Michael Grisso – 15d)
- 801. Comment:** Commenter recommends that CARB defer until vehicle availability, reliability, and supporting infrastructure are demonstrably sufficient to support statewide implementation. (Robert Hilton 1 – 15d, Robert Hilton 2 – 15d)
- 802. Comment:** Commenter requests CARB to defer or modify these regulations until vehicle availability, reliability, weight reduction, and supporting infrastructure are sufficient to support statewide implementation. (Michael Chandler – 15d)
- 803. Comment:** Commenter requests the inclusion of reasonable timelines & exemptions in the rule. (Newell Arnerich – 15d)
- 804. Comment:** Commenter requests that CARB delay implementation of public agency heavy-duty fleets. (Joe Sturges – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was already delayed until January 1, 2030, to better align with current and anticipated ZEV market conditions. This delay provides small fleet owners and those in designated low population counties additional time and flexibility to deploy ZEVs where most suitable and continue using ICE vehicles where needed.

Delaying the purchase requirement past 2030 is not necessary. The amended ACF regulation allows fleet owners to continue operating ICE vehicles when no suitable ZEV exists. The amended ACF regulation also includes meaningful flexibility provisions. The ZEV Purchase Exemption allows continued use of ICE vehicles when a required ZEV is not available in the necessary configuration, and the Daily Usage Exemption can be applied when operational needs cannot be met by an available ZEV. CARB also expanded access to the Fleet Resiliency Exemption in the First 15-Day Changes. These mechanisms ensure that fleets with unique operational challenges can continue to comply with ICE vehicle purchases instead of ZEV without extending timelines further for those who can deploy ZEVs. Achieving the anticipated emissions reductions from the State and Local Government elements of ACF remains a vital element of the State's emissions reduction strategy for criteria pollutants, toxics, and greenhouse gases. Additional delays would jeopardize those reductions. Therefore, no changes were made in response to these comments.

o) Regulation Timeline—Retain Original 100% Zero-Emission Vehicle Purchase Schedule Timeline

805. Comment: Commenter requests that CARB retain the 100% ZEV requirements in 2027. (Yasmine Agelidis – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the Board delayed the start of the 100% ZEV purchase requirement until January 1, 2030, to better align the regulation with current and anticipated ZEV market conditions. Retaining the original 2027 start date would put the regulation out of alignment with the current state of the market and could limit the effectiveness of the flexibility provisions built into the amended ACF regulation, which could put public agencies at risk of noncompliance. The Board determined that the delay to 2030 provides a reasonable timeframe that allows fleet owners additional flexibility to deploy ZEV where feasible while ensuring that the regulation continues to achieve the needed emissions reductions.

p) Regulation Timeline—2030 Deadline Does Not Meaningfully Address Challenges

806. Comment: Commenter states that three years will not be enough to meaningfully address challenges relating to infrastructure and grid readiness, cost comparability, and vehicle configuration availability in a way that justifies a 100% ZEV requirement by 2030. Commenter states that the 2030 deadline for the 100% ZEV purchase requirement is arbitrary and ignores market realities. Commenter states that the fact that CARB continues to grant concessions on enforcement and push back compliance deadlines demonstrates that these targets are not well-informed. (Gebriel Saleh – 15d)

807. Comment: Commenter states that the efforts of transitioning to ZEVs involve long planning and construction timelines that may not align with regulatory compliance schedules. (Erin Sasse – 15d)

Agency Response: No changes were made in response to these comments. The First 15- Day Changes already delayed the 100% ZEV purchase requirement to January 1, 2030, in order to better reflect near term ZEV market conditions. In addition, the existing Infrastructure Delay Extension, which directly responds to concerns about long infrastructure planning and construction timelines by allowing fleet owners additional time when documented delays fall outside their control.

The amended ACF regulation also includes multiple flexibility provisions, such as the ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption, which allow fleet owners to continue operating internal combustion engine vehicles when suitable ZEVs are not available or when operational needs of a fleet cannot be met. Ultimately the Board determined that extending the timeline would jeopardize needed emissions reductions and is not warranted. CARB's decision to grant additional flexibility in certain circumstances and extend the compliance deadlines, as necessary, indicates that CARB is aware and responsive to market realities, not an indication that the purchase requirement is arbitrary. CARB staff determined that the 2030 deadline was appropriate to meet the policy objectives of the regulation in alignment with CARB's public health purpose. The 100% annual ZEV purchase by 2030 is not arbitrary because it reflects the Board's determination that delaying requirements further would jeopardize California's attainment of critical emissions reductions needed for public health and to meet federal air quality obligations. Also, given the 18-year useful life guarantee, any ICE vehicle purchased in 2029 could still be operating in California beyond 2045. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

4. ZEV Milestones Option

a) ZEV Milestones Option—Added Requirements for Exemptions

- 808. Comment:** Commenter has concerns regarding added requirements to successfully apply for ZEV Purchase and Daily Usage exemptions following review of all vehicles over 10 years old and the ability of the Executive Officer to deny requests based on existing fleets using older vehicles that remain functional to meet fleet needs. (Nick Blair – 15d)
- 809. Comment:** Commenter states scrutinizing all 10+ year old vehicles in a fleet changes this dynamic and will be an annual challenge to navigate while the ZEV market remains uncertain, and functional exemption pathways are essential. (Nick Blair – 15d)

Agency Response: No changes were made in response to these comments. The First 15-Day Changes reduce the number of vehicles that need to be evaluated before an exemption under the ZEV Milestones options before an exemptions from the next ZEV Milestones target would be granted. The First 15-Day Changes limit the exemption evaluation to only vehicles 10 years old or older instead of evaluating all ICE vehicles in the fleet. This significantly reduces the number of vehicles that need to be evaluated, reduced the review workload and focuses the evaluation on a smaller portion of the fleet vehicles that are most likely to be replaced. This change considerably streamlines the exemption application process while maintaining the regulation's goal of achieving emissions reductions and phasing in ZEVs where feasible. If unchanged, fleet owners would need to evaluate eligibility for exemptions for every vehicle in their fleet before securing an exemption from the next compliance date.

The ZEV Purchase and Daily Usage exemptions continue to provide meaningful flexibility when suitable ZEVs are not available. By targeting only older vehicles, these amendments balance the need for progress toward ZEV adoption with practical administrative and operational considerations. Additional changes are therefore not necessary. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

b) ZEV Milestones Option—Request to Revise Demonstration for Exemption Request to Those Made in the Proceeding 2 Years

- 810. Comment:** Commenter encourages CARB to focus the demonstration on vehicle purchases made in the two years preceding the applicable ZEV milestone to better align the exemption criteria with actions within the fleet's control. (Patricia Davy – 15d)

Agency Response: No changes were made in response to these comments. The First 15-Day Changes revised the ZEV Purchase and Daily Usage exemption process to ensure that the exemption evaluation is limited to vehicles that all ICE vehicles ten years old or older in their California fleet, except those already operating under an exemption. This approach reduces the burden on fleet owners by narrowing the scope of vehicles that must be evaluated and helps ensure that older, higher-emitting vehicles are prioritized when determining whether exemptions are needed. These revisions improve alignment with the commenter's suggestion while maintaining the intent of the ZEV Milestones Option and the Board's direction to ensure continued progress toward the State's emissions-reduction goals.

The approach suggested by the commenter is inconsistent with the framework of the ZEV Milestones Option and is redundant with the ZEV Purchase schedule that already evaluates exemptions annually which is close to the concept proposed of evaluating purchases made over the previous 2 years, retroactively. In addition, it could result in a loophole if applied in the ZEV Milestones option because the fleet owner would be able to receive exemptions to meet the ZEV Milestones Target based on their recent vehicle purchases without taking any action even if every other ICE vehicle in their fleet was available to purchase as a ZEV. For these reasons this concept was rejected. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

c) ZEV Milestones Option—Early Replacement Concerns

811. Comment: Commenter states that the ZEV Milestone Schedule means that some vehicles may need to be replaced before the end of their economic life and likely increase costs. (Katelyn Scholz – 15d)

Agency Response: No changes were made in response to these comments. The ZEV Milestones Option is an alternative to the ZEV Purchase Schedule and fleet owners may elect to use it if they consider it to be advantageous to their own situation. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs.

d) ZEV Milestones Option—Request to extend or revise milestone deadlines

812. Comment: Commenter requests that CARB extend or revise ZEV Milestone deadlines and update the milestone structure to better reflect ZEV market constraints and the operational composition of public agency utility fleets. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to these comments. The ZEV Milestones Option is a voluntary compliance pathway available to fleets if the ZEV Purchase Schedule is not a better fit for their operations. The First 15-Day Changes allow fleet owners to switch between the two compliance options until 2030 and made it easier to qualify for exemptions under either option. CARB did not extend the ZEV Milestones timeline because doing so would undermine the emissions reduction goals of the regulation. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

5. Definitions and General Requirements

a) Definitions And General Requirements—Concerns with “Emergency Operations” and “Emergency Support Vehicle” Definitions

813. Comment: Commenter states that the definitions of “emergency operations” and “emergency support vehicle” are limited to vehicles specified in California Vehicle Code section 165, which does not include vehicles used for the repairing or servicing of water or wastewater infrastructure. (Pravani Vandeyar – 15d)

Agency Response: No changes were made in response to these comments. The amendments in combination provide more flexibility for fleet owners to prioritize which vehicles are purchased as ICE vehicles or as ZEVs. The First 15-Day Changes to the Fleet

Resiliency Exemption was significantly modified to provide earlier access, was expanded to include all vehicle types and gives discretion to the fleet owner as to which vehicles will use the exemptions. Making additional changes to exclude a broad category of “emergency vehicles” would be unnecessary, difficult to enforce and would undermine the emissions reduction goals of the regulation. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

b) Definitions and General Requirements—Concerns with “Traditional Utility-Specialized” Definition

- 814. Comment:** Commenter states that the regulation does not provide the necessary exemptions for “traditional utility-specialized” vehicles and these types of vehicles are particularly critical during and following the very events that could interrupt the ability of ZEVs to operate. (Pravani Vandeyar – 15d)

Agency Response: No changes were made in response to these comments. The definition of “traditional utility-specialized vehicle” was deleted because it is not necessary after the Board extended AB 1594 flexibilities to all vehicles.

The ACF regulation already has existing provisions that give meaningful exemptions for fleets when available zero-emission technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility. The 100% ZEV purchase requirement was delayed until January 1, 2030, expanded the accessibility of the Fleet Resiliency Exemption and gives fleet owners complete discretion as to which vehicles use the exemption and can prioritize specialty vehicles for the exemption to purchase ICE vehicles, and made other improvements to the Daily Usage and ZEV Purchase Exemptions. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

c) Definitions and General Requirements—Concerns with “Fleet Owner” Definition

- 815. Comment:** Commenter states that fleet owners with long-term rental agreements should not be automatically considered the owners of rental vehicles because they do not maintain, repair, or perform mandatory regulatory inspections for these vehicles. Commenter recommends keeping the original definition of a fleet owner. (Ellis Chiu – 15d)
- 816. Comment:** Commenter requests reconsideration of language added to the fleet owner definition to include rental and lease agreements. This is a meaningful change from the original regulation language where the owner must also be specified in the terms of a rental or lease agreement, and they worry this addition will negatively impact public water agencies who rely upon these agreements to fulfill fleet needs. Identifying rented or leased vehicles as part of a public water agency fleet, for the purposes of ACF compliance, is categorically challenging because the private company providing the vehicle is performing the required maintenance and repairs of vehicles, conducting all regulatory compliance inspections, and maintaining vehicle registration. Given widespread use of this practice, across fleet functions, it is fair to question the impact it will have on public fleets that contract out for a wide range of services and to review the longer term effects of this proposed change in future conversations and amendments. (Nick Blair – 15d)

- 817. Comment:** Commenter states that the proposed definition of “Fleet Owner” may result in non-compliance where rental ZEVs are unavailable and requests that, if CARB wants to consider these rentals as part of a public agency’s fleets, they be afforded the same protections as fleet purchases. (Derek Dolfie – 15d)
- 818. Comment:** Commenter states that the regulation should clearly maintain emissions compliance responsibility with fleet owners and operators. (Frank Navarro – 15d)
- 819. Comment:** Commenter requests that CARB provide reference to any unamended regulatory language that otherwise captures fleets or vehicles owned by contracted private fleets. (John Lane – 15d)

Agency Response: Changes were made in response to these comments. The First 15-Day Changes to the fleet owner definition for vehicle lease or rental agreements of one year or longer clarify the existing requirement that State and local government fleet owners are responsible for vehicles they own or operate, including those operated under long-term rental or lease agreements, and ensure the regulatory text reflects this applicability. As part of the First 15-Day Changes, the rental fleets changes apply only to new rental or lease agreements of one year or longer entered into on or after January 1, 2027. CARB also does not consider vehicle maintenance, repair, inspection, or registration responsibilities of ICE vehicles or ZEVs relevant to enforcing ACF regulation.

d) Definitions and General Requirements—Concerns with “Good Engineering Judgment” Definition

- 820. Comment:** Commenter urges CARB to supplement the definition of § 2013(b) “Good engineering judgement” with exemption-specific criteria, particularly for the equivalent body determination under § 2013.2(d)(2) or publish guidance identifying the factors CARB will weigh when applying good engineering judgement to each exemption type. Commenter states as written, the definition provides no meaningful constraint on CARB’s discretion. It does not specify what information CARB must consider, what factors are relevant to each exemption type, or how a fleet owner could demonstrate that a determination was inconsistent with the standard. (Courtney Lee – 15d)
- 821. Comment:** Commenter states that the introduction of “good engineering judgment” as a guiding standard underscores the importance of clear, consistent application across fleets, as well as transparency in how discretionary determinations are made over time. (Jennifer Goodsell 1 – 15d, Jennifer Goodsell 2 – 15d)
- 822. Comment:** Commenter states that as drafted, reliance on “good engineering judgment” alone is insufficient to determine eligibility for exemptions and exemption applications should instead be evaluated not only on engineering considerations, but also in feasibility and maintaining appropriate preparedness for emergency response. (Jennifer Goodsell 1 – 15d, Jennifer Goodsell 2 – 15d)
- 823. Comment:** Commenter states the 15-day amendments continue to defer exemption determinations to the discretion of the CARB Executive Officer and narrow the focus to “good engineering judgment,” which is insufficient alone to determine exemption eligibility without also considering feasibility, operational impacts, and emergency response preparedness. (Derek Dolfie – 15d)
- 824. Comment:** Commenter recommends clarifying the definition of “good engineering judgment” and broadening the Executive Officer’s review of exemption applications to include practical considerations and cost impacts, not just technical feasibility. Commenter further recommends that CARB revise the scope of the Executive Officer’s evaluation to include not only good “engineering” judgment, but also consider real “business” elements including the operational impact, including safety of its systems and employees, and the cost of compliance. (Patricia Davy – 15d)

825. Comment: Commenter states that the transition to a "good engineering judgment" standard for exemption determinations, introduces a level of subjectivity that makes long-term capital planning difficult. (Pacal Cornejo-Reynoso – 15d)

Agency Response: No changes were made in response to these comments. The definition of "good engineering judgment" was added as part of the First 15-Day Changes because the term was used throughout the regulation but did not have a commonly understood meaning.

This definition does not change the criteria used to evaluate exemptions or extension requests. It was added to provide grounds that are commonly understood by the regulated community to qualify for provisions of the regulations. This definition provides an appropriate and commonly understood standard for evaluating exemption and extension related determinations, supports reaching consistent decisions, and provides transparency.

Some exemptions require the Executive Officer to apply engineering judgment about information submitted by fleet owners, manufacturers, utilities, or other parties in their determination whether exemption or extension criteria have been met. The applicants should be able to apply the regulation's exemption or extension criteria to the data submitted in their application and reach the same decision as the Executive Officer. Adding this definition allows the Executive Officer to evaluate the information and compare it to the criteria under the exemption or extension for applications that may have mistakenly submitted conflicting information. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

e) Definitions and General Requirements—Replace "Good Engineering Judgment" Definition With a Panel of External Experts

826. Comment: Commenter states that the concept of approval based on CARB staff's engineering expertise/opinion is not likely to lead to an effective regulation. Commenter requests that CARB alternatively consider independent panels consisting of a cross-section of industry experts/stakeholders when engineering expertise and opinions are needed. (Steven Poncelet – 15d)

Agency Response: No changes were made in response to this comment. This good engineer judgement definition does not change the criteria used to evaluate exemptions or extension requests. This comment implies that the criteria for approving exemptions and extensions would be better replaced with an outside panel of decision makers. CARB disagrees with this suggested approach. Independent panels, as the commenter suggests, would take significant time, resources, and planning to initiate, which would delay the regulation and is unlikely to lead to an effective regulation or provide timely changes to the regulation based on circumstances that fleets are facing. The ACF regulation uses objective criteria to determine to assess the available of vehicles and ultimately determine whether an exemption should be granted. An independent panel would use the same objective criteria which would result in the same outcome or other subjective criteria that would remove the ability of a fleet to know ahead of time whether or not an exemption would be granting introducing an element of significant uncertainty. The criteria used to evaluate exemptions and exemptions is objective and designed in a way that ensures applicants independently reach the same decision as the Executive Officer. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

f) Definitions and General Requirements—Consider Price Disparity Within “Good Engineering Judgment” Definition

827. Comment: Commenter requests that CARB explicitly recognize price disparity between a ZEV and its ICE equivalent as a factor within the good engineering judgement standard and establish a published threshold beyond which cost disparity is a relevant consideration. (Courtney Lee – 15d)

Agency Response: No change was made in response to this comment. Adding additional criteria to evaluate purchase decisions is not the intent of defining “good engineering judgment.” Adding this definition allows the Executive Officer to evaluate the information and compare it to the existing criteria under the exemption or extension for applications that may have mistakenly submitted conflicting information. No changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

g) Definitions and General Requirements—Concerns with “Configuration” Definition

828. Comment: Commenter states that the definition of configuration only considers the highest classification of a vehicle (e.g. bucket truck, work truck), but does not consider auxiliary equipment, payload, towing, or off-road capabilities. (Jennifer Goodsell 1 – 15d, Jennifer Goodsell 2 – 15d)

Agency Response: No changes were made in response to these comments. The ZEV Purchase Exemption uses fixed vehicle characteristic as the criteria to determine its configuration when determining if the configuration is available as a ZEV. This includes the weight class, body configuration, make and model, and any frame attachments necessary to support or perform the primary intended function of the vehicle, and whether the vehicle has a crew cab, cabover, or AWD, as described in section 2013.2(d).

However, criteria like payload, or range are not considered in the criteria for assessing ZEV availability. These are variable characteristics that are fleet specific and if included could create a loophole for fleet owners to specify a criteria, such as an arbitrary payload claim, when that criteria is not necessary just to receive an exemption.

The regulation already has existing provisions that provide flexibility and give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to Daily Usage and ZEV Purchase Exemption. Fleet Resiliency Exemption also allows fleet owner to decide which vehicle to apply for this exemption with if other exemptions are not available. Making additional changes would be unnecessary and would undermine the emissions reduction goals of the regulation. No changes were made in response to these comments because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

h) Definitions and General Requirements—Concerns with “Low-NOx ICE Vehicle” Definition

829. Comment: Commenter states that the amendments leave significant uncertainty, specifically in the area of the definition of “low-NOx ICE vehicle,” and without clarity, it is

nearly impossible for public agencies to plan for implementation and plan for the actual impacts of the ACF regulations. (Alyson Piguee – 15d)

- 830. Comment:** Commenter states the definition of a “low-NOx ICE vehicle” is ambiguous, and the limitations in the language do not allow wastewater facilities access to use the captive fleet provisions. (Pacal Cornejo-Reynoso – 15d)
- 831. Comment:** Commenter states CARB’s definition for a low-NOx ICE vehicle is too ambiguous as written for public agencies to confidently invest ratepayer funds in technology that is available today and “may” be compliant. (Curtin Paxton – 15d)
- 832. Comment:** Commenter states CARB’s definition for a low-NOx ICE vehicle is too ambiguous as written for public agencies to confidently invest ratepayer funds in technology that is available today and “may” be compliant. (Sarah Deslauriers 1 – 15d)
- 833. Comment:** Commenter states the definition of a “low-NOx ICE vehicle” is ambiguous, and the limitations in the language do not allow wastewater facilities access to use the captive fleet provisions. Additional revisions are needed that foster a pathway for effective partnerships in SB1383 implementation and beneficial use of renewable non-fossil fuels. (Pacal Cornejo-Reynoso – 15d)
- 834. Comment:** Commenter requests CARB redefine “Low NOx ICE Vehicle” to mean a vehicle with a 2010-2026 engine certified to operate on an Alternative Fuel at or below oxides of nitrogen exhaust emissions standard or family emissions limit of 50mg per brake horsepower-hour or a 2027 or later engine certified to operate on an Alternative Fuel at or below oxides of nitrogen exhaust emissions standard or family emissions limit of 35mg grams per brake horsepower-hour. (Ryan Kenny -15d)

Agency Response: No changes were made in response to these comments. The definition is consistent the Board decision to limit the provision to engines that have been certified to NOx emissions standards that are below the NOx standard already required of all engines for a given model year. Ultimately this is a manufacturer decision. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

i) Definitions and General Requirements—Proposed Modification to “Low-NOx ICE Vehicle” Definition

- 835. Comment:** Commenters suggested the following definition: “Low NOx ICE Vehicle” is a vehicle legally sold into California equipped with a 2024-2026 or later engine certified to operate on an Alternative Fuel at or below an applicable oxides of nitrogen exhaust emissions standard or family emissions limit of 0.050 grams per brake horsepower-hour or a 2027 or later engine certified to operate on an Alternative Fuel at or below an applicable oxides of nitrogen exhaust emissions standard or family emissions limit of 0.035 grams per brake horsepower-hour. (Curtin Paxton – 15d and Sarah Deslauriers 1 – 15d)

Agency Response: No changes were made in response to these comments. The commenters’ proposed definition states “at or below” which was not the intent of this provision. The Board directed CARB to provide more time for cleaner than required combustion engines and to exclude engines that are certified to meet the current standard. Additionally, the requirement to specify the vehicle operates on an alternative fuel is not necessary for this provision since the biofuel eligibility requirements are separate from the “low-NOx ICE vehicle” designation. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

j) Definitions and General Requirements—Change the “Waste Fleet” Definition

- 836. Comment:** Commenter states the definition of “Waste fleet” in Section 2013(b) should be revised to strike “A fleet owner that is contracted with a municipality via franchise agreement or long-term contract, with either a minimum length of ten years or more, or with a minimum length of three years but includes a renewal provision when satisfying the contract terms.” (Julia Mangin – 15d)
- 837. Comment:** Commenter states that the reference to franchised waste fleets in proposed § 2013(b) creates confusion and request that CARB clarify in its final regulatory text (by striking subpart (B) of the proposed “waste fleet” definition § 2013(b)) and expressly confirm in its Final Statement of Reasons (“FSOR”) that private waste transportation fleets are not subject to regulation under ACF. (Veronica Pardo – 15d)
- 838. Comment:** Commenter requests that CARB strike subsection (B) of the Waste Fleet definition included in Section 2013(b) of the Proposed Regulation Order issued with the 15-day Notice. (Veronica Pardo – 15d)
- 839. Comment:** Commenter states that because the regulations do not apply to private fleets, subsection (B) of the “waste fleet” definition is rendered meaningless and should be deleted. (Julia Mangin – 15d)
- 840. Comment:** Commenter states the proposed definition of “waste fleet” is unclear whether the revised language is intended to substantively extend regulatory obligations to private, contracted fleets, or whether it is limited to specific programmatic contexts (e.g., waste, wastewater, or biomethane-related provisions). (Ryan Kenny – 15d)

Agency Response: No changes were made in response to these comments. The definition of “waste fleet” does not regulate private fleet owners. The definition of “waste fleet” is used within the Waste and Wastewater Fleet Option, and Captive Biofuel Use Exemption. Exemptions and extensions themselves are relevant to State and local government agencies. The ZEV Purchase Schedule of Section 2013.1 is the only ZEV purchase requirement for State and local government agencies, which the Board significantly extended at its September 2025 Hearing. State and local government agency fleet owners also have the flexibility to comply with the ZEV Purchase Requirements by using the ZEV Milestone Schedule if they opt-in. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

k) Definitions and General Requirements—Concerns with “Backup Vehicles” Definition

- 841. Comment:** Commenter is requesting clarification that “backup vehicles” as specified in section 2013.1(a) do not count against the “fleet” calculation. (Carolina Herrera – 15d)

Agency Response: No changes were made in response to these comments. No amendments were made to the Backup Vehicle Exemption. Yes, vehicles that are reported and designated backup vehicles are excluded from the compliance calculation from the ZEV purchase schedule and ZEV Milestones Option requirement as long as the designated backup vehicle is operated less than 1,000 miles per year excluding any mileage travelled while performing emergency operations in support of a declared emergency event.

l) Definitions and General Requirements—Expanding “NZEVs” Definition

- 842. Comment:** Commenter recommends expanding the scope of the definition of NZEV to include hybrid vehicles (diesel with electric power take-off), compressed natural gas, etc. (Ellis Chiu – 15d)

Agency Response: No changes were made in response to these comments. This is a general comment on the ACF regulation that was addressed by CARB and is part of the original rulemaking record. As mentioned previously, the ACF regulation is a zero-emission phase-in requirement, which both BEV and FCEV technologies have demonstrated they can meet. Allowing CNG trucks or diesel with ePTO undermines this performance-based standard. The ACF amendments provide a more gradual phase-in schedule for ZEVs, allowing fleet owners increased flexibility, including the ability to purchase more ICE vehicles when exemptions apply. Making additional changes would be unnecessary and would undermine the emissions reduction goals of the regulation. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

m) Definitions and General Requirements—Request to Earn Credits for Transit Zero-Emission Vehicles

843. Comment: Commenter would like credit for transit ZEV. (Brett Taylor – 15d)

Agency Response: No changes were made in response to these comments. Transit vehicles are exempted from the ACF regulation because they are already subject to the Innovative Clean Transit (ICT) regulation. Making the suggested changes would result in added complexity and would be unnecessary and undermine the emissions reduction goals of the ACF regulation.

n) Definitions and General Requirements—Reconsider Zero-Emission Vehicle Requirement

844. Comment: Commenter states a one-size-fits-all mandate is not appropriate for California's diverse communities. Commenter states that fleet sizes, service territories, population density, topography, route conditions, and contract structures vary significantly across the state. Commenter states that regulations that fail to account for those differences risk serious unintended consequences, including higher rates, reduced service flexibility, disruption of essential public services, and conglomeration of private solid waste enterprises. (Kristina Owens – 15d, Sydney Simonson – 15d, Nicole Rinauro – 15d, Julie Bryant – 15d, Joey Hejnowicz – 15d, John Davis – 15d, Christina Leard – 15d)

845. Comment: Commenter states that a one-size-fits-all approach does not account for differences in fleet size, geography, and service conditions across California and may result in unintended consequences, including higher rates, reduced service flexibility, and disruption of essential services. Commenter requests that CARB revise the proposal to better reflect real-world conditions. (Michael Grisso – 15d)

846. Comment: Commenter states California is too diverse for a rigid, universal mandate and that factors like topography, population density, and contract types vary wildly from one region to another. (Thomas Anderson – 15d)

Agency Response: No changes were made in response to these comments. Due to inaction at the federal level and to resolve several pending legal challenges, CARB repealed significant portions of the ACF regulation and CARB is only implementing the SLG elements of the regulation. Retaining the anticipated emissions reductions from the state and local elements of the regulation has become even more critical.

The ACF regulation contains different compliance options that reflect the operational need for fleets, including ZEV Milestones Option and ZEV Purchase Schedule, and it has multiple exemptions and extensions to address fleet specific situations. Therefore, it is not accurate to consider the ACF regulation a one-size-fits-all mandate.

However, changes prior to these comments were made to provide additional flexibilities for fleets to phase-in ZE technologies. As part of the First 15-Day Changes, a number of changes were made to reduce the number of ZEVs required. For example, the 100% ZEV purchase requirement was delayed from 2027 to 2030 and the minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5% and the provision was expanded to all truck types. When fleets phase-in ZEV technology, they are also allowed to switch between ZEV Milestones Option and ZEV Purchase Schedule without limitation until January 1, 2030. No additional changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

o) Definitions and General Requirements—Ensure that the Unique Operational Demands of Utility Fleets Remain Fully Understood and Evaluated

847. Comment: Commenter states extending AB 1594 flexibilities to all SLG fleets reduces administrative requirements and improves access to exemptions, but CARB should continue to consider the unique operational demands of utility fleets related to grid reliability, water system integrity, and public health and safety when evaluating exemptions. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation already has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, access to Fleet Resiliency Exemption was greatly improved and simplified, and other improvements were also made to the Daily Usage and ZEV Purchase Exemption. Making changes would be unnecessary and would be unnecessary and undermine the emissions reduction goals of the regulation.

6. General Concerns with Advanced Clean Fleets and the Amendments

a) General Concerns—Advanced Clean Fleets Creates Significant Challenges for Rural Agencies and Regions

- 848. Comment:** Commenter states the ACF mandates are creating significant challenges for rural agencies attempting to comply while maintaining essential wildfire mitigation and land stewardship activities. (Kelsey Siemer – 15d, Ann Baldridge – 15d)
- 849. Comment:** Commenter states that emergency support and land management vehicles are essential to wildfire fuels reduction, forest health treatments, and watershed protection across a large rural and high fire-risk service area, and that ACF requirements create compliance challenges for conducting critical wildfire mitigation work in remote terrain. (Jon Barrett – 15d)
- 850. Comment:** Commenter states while they appreciate CARB's continued efforts to refine the regulation, the Proposed Amendments do not adequately address the operational, safety, and infrastructure challenges facing small and rural water agencies. (Kevin Phillips – 15d)
- 851. Comment:** Commenter states that the regulatory framework continues to outpace the availability of vehicles, particularly in rural regions. (Justin Caporusso – 15d)

- 852. Comment:** Commenter states that the proposed mandate does not adequately account for the realities facing small rural districts that provide basic services with minimal budgets. (Kristen Lamkin – 15d)
- 853. Comment:** Commenter urges CARB to provide additional flexibility for rural, high fire-threat, and disaster-impacted communities. (Kevin Phillips – 15d)

Agency Response: No changes were made in response to these comments. The amendments, including the First 15-Day Changes, provide significant relief when compared to the original ACF regulation and have been developed with extensive consultation with public agency utilities. The changes strike a balance between government agency fleet needs and California's needs for significant air quality improvements and GHG reductions.

The First 15-Day Changes were sufficient to add more flexibility. The 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to the Daily Usage and ZEV Purchase Exemption. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. Making changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

b) General Concerns—Advanced Clean Fleets Risks Slowing Fire Reduction and Forest Health Treatment

- 854. Comment:** Commenter states that the ACF mandates, as currently structured, risk slowing critical fire reduction and forest health treatment work across California by limiting access to the reliable vehicles needed to implement projects in remote and high-risk areas. Commenter states that this creates a direct conflict between statewide climate policies and wildfire resilience objectives, making it more difficult to achieve their agency's goals of reducing catastrophic wildfire risk and protecting communities. Commenter states that requiring a premature zero-emission transition would create significant barriers to project implementation and further slow the pace of critical wildfire mitigation work. (Kelsey Siemer – 15d, Nancy Wahl-Scheurich – 15d)
- 855. Comment:** Commenter states the ACF mandates risk slowing their goals to significantly increase the pace and scale of fuels reduction and forest health treatments by limiting access to the reliable vehicles needed to implement projects in remote and high-risk areas. (Ann Baldrige – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation does not require a premature zero-emission phase-in. The ACF regulation has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. The ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption up to five years ahead of time before the next applicable ZEV Milestones compliance date. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, to better align the regulations requirements with the current and expected state of the ZEV market while providing fleets the flexibility to better manage any functionality, operational, and availability concerns. CARB also expanded the accessibility to the Fleet Resiliency Exemption, and made other improvements to Daily Usage and ZEV Purchase

Exemption. Making changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

c) General Concerns—Limiting the Scope of Advanced Clean Fleets Will Not Achieve Clean Air Goals

856. Comment: Commenter states regulating only a small portion of fleets (public fleets) will not achieve clean air goals and will limit charging infrastructure development needed for public services. (David Rothbart 2 – OCP)

857. Comment: Commenter claims the regulation has a relatively minimal effect on clean air in a state with over 36 million registered vehicles. (Chuck Duffy – 15d)

Agency Response: No changes were made in response to these comments. State and local government fleet owners operate vehicles in communities across the state and the regulation's requirements maintain momentum in deploying the cleanest vehicles and achieving real emissions reductions. By continuing to regulate State and local government fleets, emissions benefits will be realized across all sectors given the diverse scope of work performed by the regulated entities. The ACF regulation is a key measure in the federally mandated 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy), and retaining the regulation for State and local government fleets has become even more critical considering the 60 tons per day NO_x emissions shortfall projected for on-road heavy-duty sources and up to 165 tons per day NO_x from all sources in 2037. No changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

d) General Concerns—Advanced Clean Fleets Presents or Does Not Adequately Address Significant Operational Hardships

858. Comment: Commenter states the ACF mandates on local agencies are creating unnecessary challenges in complying while maintaining the many critical services Californians rely upon for their most essential daily needs as well as during emergencies and disasters. (Matt Ball – 15d, Rigo Ball – 15d, Greg Hammett – 15d, Erica Wolski – 15d, Paul J. Bushee – 15d, Brett L. Hodgkiss – 15d, Andy Lawler – 15d, Abbigail Parcon – 15d, Jon Barrett – 15d, Kyle Swanson – 15d, Kat Wuelfing – 15d, Kimberly Thorner – 15d, Keith McReynolds – 15d, Brent Byrne – 15d, Curtis Jorritsma – 15d, Thai Thao – 15d, Sara Tom – 15d, Paul Hughes – 15d, Terry Gorman Brown – 15d, Timothy Ruiz – 15d, Ronald Berg – 15d, Clay Murray – 15d, Richard Miller – 15d, Leann Verdick – 15d, Jeff Frye – 15d, La Thao – 15d, Bradley A. Johnson – 15d, Isam Hireish – 15d, Jack Bebee – 15d, Glen Jacklin – 15d, Shelley L. Redding – 15d, Jennifer Spindler – 15d, Jeff Umbrasas – 15d, Laura Lynne Wyatt – 15d, Dan Lewis – 15d, Jeff Stock – 15d, Judy Shay – 15d, Ben Dewell – 15d, John Wiersma – 15d, Daniel Gaytan – 15d, David Youngblood – 15d, Josef G. Napier – 15d, Victor Jimenez – 15d, Jose Rodrugues – 15d, Tom Walker – 15d, Stacy Taylor – 15d, Anthony Firenzi – 15d, Omar Khweiss – 15d, Lilia Corona – 15d, Ryan McNeil – 15d, Mark Greenall 1 – 15d, Mark Greenall 2 – 15d, Robert Marsheck – 15d, Jessica Self – 15d, Dana Ferreira – 15d, Brian Weber – 15d, Bill Stretch – 15d, Brett Sanders – 15d, Socorro Pantaleon – 15d, Joshua Hugg – 15d, Nancy Wahl-Scheurich – 15d, Craig Miller – 15d, Joe McDermott – 15d, Jeff Sullivan – 15d, Greg Bundesen – 15d, Tenile Otero – 15d, Mary Rogan – 15d, Jim Pruett – 15d, Steven Renten – 15d, Veronica Cazares – 15d)

859. Comment: Commenter states that the proposed modifications do not adequately account for the operational realities of local government fleets, particularly those that support emergency response and essential infrastructure. (Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Anthony Choi –

15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Janet Jernigan – 15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Brian Villalobos – 15d, Frank Navarro – 15d, Tyler Foltz – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Chris Tavaréz – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Jason Haber – 15d, Jōvan Grogan – 15d, Wendy Bucknum – 15d, Stephanie Klopfenstein – OCP)

- 860. Comment:** Commenter states compliance presents significant operational hardships for their county, particularly for medium and heavy-duty public works vehicles. (Josh Hylinski – 15d)
- 861. Comment:** Commenter states that of critical concern is the ACF and its unnecessary compliance challenges that local agencies face while maintaining the many critical services Californians rely upon for their most essential needs, like drinking water, both daily as well as during emergencies and disasters. (Kelley Donaldson – 15d)
- 862. Comment:** Commenter states the Proposed Amendments would only add additional hurdles in achieving their decarbonization goals. (Brian Villalobos – 15d)
- 863. Comment:** Commenter states the Proposed Amendments do not adequately address the operational challenges facing their members. (David Rothbart 1 – 15d)
- 864. Comment:** Commenter states that the ACF mandates and aggressive compliance timelines present significant operational challenges. (Lindsay Leahy – 15d)
- 865. Comment:** Commenter states that the Proposed Amendments as currently structured impose significant new burdens on local governments that are neither accompanied by resources nor consistent with the operational realities of delivering essential public services. (Andy Su – 15d)
- 866. Comment:** Commenter states that the Proposed Amendments do not go far enough to protect local agencies that must maintain essential services during emergencies, particularly water and wastewater utilities that depend on reliable, immediately deployable vehicles under severe conditions. (Dina Breitstein – 15d)
- 867. Comment:** Commenter states that the proposed ACF amendments are unworkable for local agencies due to operational constraints. (Brittney Barsotti – 15d)
- 868. Comment:** Commenter expresses concerns that the proposed changes fail to account for the operational realities of municipal fleets, particularly for emergency response and essential services. (Tyler Foltz – 15d)
- 869. Comment:** Commenter requests that CARB revisit key elements of the regulation that do not reflect the operational realities of public utility service, including commercial availability, workable exemption pathways, infrastructure readiness, and the need to preserve mission-critical operational capacity. (Joe Sturges – 15d)
- 870. Comment:** Commenter states the proposed changes will restrict wastewater sector operations. (Steve Jepsen – OCP)
- 871. Comment:** Commenter states that the current ACF requirements create significant operational challenges, particularly for vehicles that support critical and emergency functions. Commenter states that without appropriate flexibility, agencies may face untenable tradeoffs between regulatory compliance and the ability to protect public health and safety. (Joubin Pakpour – 15d)
- 872. Comment:** Commenter states they are concerned that the proposed 15-day modifications, while providing clarification in certain areas, do not fully address the operational constraints faced by public water and wastewater agencies. (Erin Sasse – 15d)
- 873. Comment:** Commenter requests that CARB further revise the Proposed Amendments prior to final adoption to ensure they reflect real-world operational conditions. (Kevin Phillips – 15d)
- 874. Comment:** Commenter suggests the proposed ACF modifications do not adequately account for the operational realities of large distances, various geography, and associated

service demands, particularly for emergency response, public works, and essential infrastructure. (Andrew Antwih – 15d)

- 875. Comment:** Commenter states that in order for the ACF regulation to be workable over time, CARB must remain willing to implement the spirit and intent of AB 1594, and revisit, refine and acknowledge elements of the regulation as it is affected by evolving real-world conditions. (Jennifer Goodsell 1 – 15d)

Agency Response: No changes were made in response to these comments. CARB acknowledges the operational concerns raised by public agencies; however, the amendments reflect the Board's direction and the scope of this rulemaking action. The amendments fully meet the requirements of AB 1594 which directs CARB to make limited modifications to two of the rule's exemptions. The amendments go above and beyond AB 1594 to delay the overall regulation's requirements and provide significant flexibility beyond what is required in the bill. These amendments, including the First 15-Day Changes, provide significant relief when compared to the original ACF regulation and have been developed with extensive consultation with public agency utilities. They attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions.

The ACF regulation has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to Daily Usage and ZEV Purchase Exemption. Making changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

The ACF regulation may require public agencies to make some changes in planning or assigning vehicles to meet the compliance requirements. However, public agencies have the ability to acquire vehicles that meet their needs, and the ACF regulation provides sufficient flexibilities for the agencies to deploy ZEVs where best suited and ICE vehicles where most needed.

e) General Concerns—Advanced Clean Fleets Threatens the Reliability of Essential Public Services

- 876. Comment:** Commenter states that these mandates threaten the reliability of essential public services. Commenter states that any disruption in contractor availability or affordability directly impacts public health, safety, and infrastructure operations. (Tim Hepburn – 15d)
- 877. Comment:** Commenter states the current approach will reduce reliability of public fleets and undermine critical services necessary to protect public health and safety. (David Rothbart 2 – OCP)
- 878. Comment:** Commenter states as currently structured, the ACF regulation undermines their members' ability to protect public health and the environment, and for this reason, they cannot support an ACF framework that applies solely to public fleets. (David Rothbart 1 – 15d)
- 879. Comment:** Commenter states that without targeted amendments, the requirements risk limiting the availability of water and wastewater agencies to maintain essential services, particularly during emergencies and disaster response when reliability, flexibility, and rapid deployment are critical. (Lindsay Leahy – 15d)

880. **Comment:** Commenter states the proposed regulation will significantly restrict water agency responses to emergency situations. (Thomas DeSantis – 15d)
881. **Comment:** Commenter states the ACF ZEV regulation should not result in a degradation to the ability of local Special Districts to provide the services they deliver to constituents. (Rick Verbanec – 15d)
882. **Comment:** Commenter states that specialized wastewater utility, utility, and emergency support vehicles are critical to maintaining and providing reliable water, wastewater treatment, recycled water production, system reliability, and public health services, particularly during emergencies requiring extended travel distances and prolonged operating hours under all conditions, and that ACF requirements create compliance challenges for local agencies in maintaining these essential services during emergencies and disasters. Commenter states that the requirements create compliance challenges for maintaining continuous operations during emergencies and adverse conditions. (Chris Robbins – 15d, Michael T. Thornton 1 – 15d, Matthew Shragge – 15d)
883. **Comment:** Commenter states that ACF requirements may restrict first responders, including fire and police services. (Steven McCracken – 15d)
884. **Comment:** Commenter states that the current version of ACF will compromise emergency response and endanger the public. (Steven Poncelet – 15d)
885. **Comment:** Commenter states without phased timelines, financial assistance, or targeted exemptions, local agencies face the prospect of diverting critical resources away from core infrastructure and public safety services to meet compliance deadlines. (Kerry Schmitz – 15d)
886. **Comment:** Commenter states the ACF mandates on local agencies are creating unnecessary challenges in complying while maintaining the many critical services Californians rely upon for their most essential daily needs as well as during emergencies and disasters. (Justin M. Hopkins – OCP, Dan Jagers – OCP)
887. **Comment:** Commenter states that for a small general-law city with limited staffing and financial capacity, the new administrative, legal, and procurement burdens, combined with the need for substantial infrastructure investment, would divert resources away from ongoing decarbonization initiatives and core community services. (Ron Noda – 15d)

Agency Response: No changes were made in response to these comments. The First 15-Day Changes were sufficient to provide more time and flexibility to deploy ZEVs. Specifically, the 100% ZEV purchase requirement was delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This 100% delay means that ZEV purchases for small fleets in designated counties do not start until 2030. These changes better align the regulations requirements with the current and expected state of the ZEV market while providing fleets the flexibility to better manage any functionality, operational, and availability concerns. Fleet owners can focus their ZEV purchases on best-fit applications and ICE vehicle purchases in applications currently less ideal for a ZEV. In addition, because the ZEV Purchase Schedule does not require fleet owners to replace existing vehicles, fleet owners may retain their current ICE vehicles indefinitely. Fleet owners are also now permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations.

Also part of the First 15-Day Changes, the Fleet Resiliency Exemption's entry threshold was lowered from an increasing amount starting at 25% of ZEVs within a fleet to a flat rate of 5% of ZEVs in a fleet for them to access the exemption, allowing fleet owners to claim up to 25% of their fleet as exempt ICE vehicles. The Fleet Resiliency Exemption was also expanded to apply to all body types. Together the changes give fleet owner more flexibility in addressing their resiliency needs and which vehicles they choose to exempt. Access to

the ZEV Purchase and Daily Usage exemptions was also improved as part of the First 15-Day Changes. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. These provisions and exemptions ensure that fleet owners are not required to deploy vehicles that would compromise emergency response capabilities.

CARB acknowledges the emergency and essential service response concerns raised by public agencies; however, the amendments reflect the Board's direction and the scope of this rulemaking action. The amendments fully meet the requirements of AB 1594 which directs CARB to make limited modifications to two of the rule's exemptions. The amendments go above and beyond AB 1594 to delay the overall regulation's requirements and provide significant flexibility beyond what is required in the bill. These amendments, including the First 15-Day Changes, provide significant relief when compared to the original ACF regulation and have been developed with extensive consultation with public agency utilities. They attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation. CARB will continue to engage with stakeholders during implementation to support compliance and assess ongoing needs.

f) General Concerns—Advanced Clean Fleets needs to Account for Market Readiness and Uncertainty

- 888. Comment:** Commenter states imposing strict compliance deadlines without accounting for market readiness places agencies in the untenable position of being penalized for circumstances beyond their control. (Kerry Schmitz – 15d)
- 889. Comment:** Commenter recommends replacing fixed compliance timelines with readiness-based benchmarks tied to infrastructure deployment, vehicle availability, and demonstrated real-world performance. (Jason Cole – 15d)
- 890. Comment:** Commenter urges CARB to align compliance timelines with actual market readiness. (Kevin Phillips – 15d)
- 891. Comment:** Commenter recommends that CARB align regulatory requirements with market readiness, including suspending further ZEV purchase mandate escalation until vehicle availability, infrastructure, and operational feasibility improve. (Jason Cole – 15d)
- 892. Comment:** Commenter states that current market and technology conditions are creating a widening gap between regulatory timelines and real-world readiness of ZEVs. (Michael Taylor – 15d)
- 893. Comment:** Commenter recommends phasing implementation based on market readiness. (Han Kang – 15d)
- 894. Comment:** Commenter advocates that the ACF regulation should reflect current market conditions, especially regarding how the Ford F-150 Lightning ceasing production will significantly shift the ZEV market, negatively impact public utility fleets, and compromise their ability to comply with the ACF regulation. (Ellis Chiu – 15d)
- 895. Comment:** Commenter states that market realities are tightening supply further and major manufacturers like Ford have paused and even discontinued production of the F-150 Lightning, reflecting both supply chain challenges and shifting strategy away from large electric trucks, leaving agencies with even fewer viable options to meet regulatory requirements. (Nader Heydari – 15d)
- 896. Comment:** Commenter states that they remain concerned that current regulatory timelines are outpacing both vehicle manufacturer production capacity and broader market readiness.

Commenter states recent shifts in vehicle production planning indicate a pullback that may limit the availability of compliant zero-emission fleet vehicles in the near term. Commenter states this misalignment between regulatory requirements and market conditions presents a challenge for local agencies seeking to comply, despite ongoing investments in infrastructure and planning efforts. (Isaac Bravo – 15d)

897. **Comment:** Commenter states that the First 15-Day Changes fail to reflect the fact that the medium- and heavy-duty ZEV market for utility vehicles continues to face significant uncertainty related to vehicle availability, delivery timelines, infrastructure readiness, availability of federal and state incentives, and vehicle performance across diverse and demanding operating conditions. (Jennifer, Goodsell 1 – 15d, Jennifer Goodsell 2 – 15d)
898. **Comment:** Commenter states that despite some meaningful improvements reflected in the First 15-Day Changes, those changes fail to reflect the fact that the ZEV market for utility vehicles continues to face significant uncertainty related to vehicle availability, delivery timelines, infrastructure readiness, availability of federal and state incentives, and vehicle performance across diverse and demanding operating conditions. (Derek Dolfie – 15d)
899. **Comment:** Commenter requests that compliance timelines reflect real-world technology availability, towing needs, charging limitations, and rural or small-agency budget constraints. (Dina Breitstein – 15d)
900. **Comment:** Commenter requests that CARB align compliance timelines with actual market and infrastructure readiness, particularly in rural and mountainous regions. (Justin Caporusso – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation accounts for market readiness and uncertainty because the existing provisions and flexibilities in the ACF regulation directly address these concerns. In the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030, specifically to improve alignment between the regulation's requirements and the current and expected state of the market. The ZEV Purchase Exemption also addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. The ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption up to five years ahead of time before the next applicable ZEV Milestones compliance date. In addition, in the First 15-Day Changes, CARB made other changes to add more flexibility - CARB expanded the accessibility of the Fleet Resiliency Exemption and made improvements to the Daily Usage and ZEV Purchase Exemptions. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation. Given the described flexibilities and exemptions that currently exist in the regulation to address infrastructure deployment, vehicle availability, and real-world performance, compliance timelines with readiness-based benchmarks are not necessary.

g) General Concerns—Advanced Clean Fleets Does not Meet the Intent of Assembly Bill 1594

901. **Comment:** Commenter states that the proposed regulation does not meet the intent of AB 1594 and by eliminating specialized utility vehicles, everyone loses the opportunity to address the unique role of these vehicles in a way that does not weaken the regulation for the vast majority of the fleet. Commenter states that while AB 1594 was specific to the Daily Use Exemption and end of life, the legislative intent was clearly for CARB to recognize and accommodate the unique role of the public utility and the specialized utility vehicle. (Steven Poncelet – 15d)

Agency Response: No changes were made in response to this comment. The amendments fully meet the requirements of AB 1594, which directs CARB to make limited modifications to two of the rule's exemptions. The amendments go above and beyond AB 1594 to delay the overall regulation's requirements and provide significant flexibility beyond what is required in the bill. These amendments, including the First 15-Day Changes, provide significant relief when compared to the original ACF regulation and have been developed with extensive consultation with public agency utilities. They attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions.

Further, the Board directed CARB to extend the AB 1594 flexibilities to all fleets which means a definition for TUSV is no longer necessary. The First 15-Day Changes delete this definition entirely and such vehicles are not losing flexibilities granted to them previously. These changes demonstrate that CARB recognizes and accommodates the unique role of public utility and specialized utility vehicles. No changes were made in response to these comments because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

h) General Concerns—Advanced Clean Fleets Places a Disproportionate Burden on the Communities Least Able to Absorb it

- 902. Comment:** Commenter states that without meaningful adjustments, the regulation risks placing a disproportionate burden on the very communities least able to absorb it. (Justin Caporusso – 15d)

Agency Response: No changes were made in response to this comment. The ACF regulation provides meaningful exemptions for fleets. Specifically, the ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, which delays the start date for small fleets and those in designated low population counties by three years. CARB also expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to the Daily Usage and ZEV Purchase Exemption. Subsequently, sufficient flexibilities exist in the regulation that allow fleet owners to manage potential challenges appropriately through prioritization of ICE vehicles and ZEV purchases in their fleet planning. No changes were made in response to these comments because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

i) General Concerns—Advanced Clean Fleets places a Disproportionate Burden on Public Agencies

- 903. Comment:** Commenter states the regulation imposes disproportionate burdens on public agencies and this approach undermines the reliability of essential water and wastewater services. (David Rothbart 1 – 15d)
- 904. Comment:** Commenter states that the regulation's approach places the burden of achieving statewide policy goals on a narrow group of public entities and their ratepayers, rather than across the broader fleet where the majority of emissions occur. (Noelle Mattock – 15d)
- 905. Comment:** Commenter states that having the ACF framework rely on public agencies is concerning as they consist of a small portion of the state's vehicles, which is especially concerning when combined with ZEV market uncertainty, ZEV affordability, and the potential

increased risk to the reliability and resilience of the essential public services they provide. (Pacal Cornejo-Reynoso – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation has existing provisions that consider ZEV market uncertainty, ZEV affordability, and public service reliability assurance. Specifically, the ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, the Fleet Resiliency Exemption's entry threshold was lowered in the First 15-Day Changes from an increasing amount starting at 25% of ZEVs within a fleet to a flat rate of 5%. This allows fleet owners to claim up to 25% of their fleet as exempt ICE vehicles for more difficult tasks, such as utility emergency response purposes. The Fleet Resiliency Exemption was also expanded to apply to all body types. It is at the discretion of the fleet operator as to how to best address their resiliency needs and which vehicles they choose to exempt. No changes were made in response to these comments because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

j) General Concerns—Advanced Clean Fleets should be Repealed as it Will Not Improve Safety for Californians

906. Comment: Commenter expresses general opposition to the proposed ACF amendments, stating that the changes would not improve safety for Californians and asserting that the standards are broadly opposed by the public. Commenter asserts that the regulations increase costs and risk and expresses a preference for the standards to be repealed in their entirety. (Helen Barber – 15d)

Agency Response: No changes were made in response to this comment. CARB is charged with protecting the public from the harmful effects of air pollution and developing programs and actions to fight climate change. While the ACF regulation, like all regulations, imposes costs, the benefits have been determined to exceed the costs of the rule overall, which the Board has deemed this a reasonable and necessary trade-off. Repealing the regulation entirely would undermine California's overall strategy to accelerate a large-scale reduction in tailpipe emissions to achieve long-term air quality, climate, and public health goals by eliminating emissions from medium- and heavy-duty vehicles where feasible over the upcoming decades. No changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

7. Exemptions—General

a) Exempt—Expand Categorical Exemptions for Emergency Response, Emergency Support and Public Service Vehicles

907. Comment: Commenter states that emergency support and specialized public health vehicles, including vector control and aircraft support trucks, must be exempted to ensure continued protection of public health and effective emergency response, and that ACF requirements may hinder local agencies' ability to maintain critical emergency and public health services. (Matt Ball – 15d)

908. Comment: Commenter states that water utility and water supply emergency response vehicles, flood protection and levee maintenance vehicles, stormwater and drainage emergency response vehicles, vehicles supporting fire prevention, fire protection, and

evacuation operations, search and rescue support vehicles, and disease and vector control vehicle categories be exempt. (Kerry Schmitz – 15d)

- 909. Comment:** Commenter states that CARB amends the ACF exemptions to allow their vehicles that support emergency services when they need them most. (Veronica Cazares – 15d, Joe McDermott – 15d)
- 910. Comment:** Commenter states that CARB needs to establish clear, categorical exemptions, consistent with those provided in Section 2013(c) of Title 13 of the California Code of Regulations, for city vehicles and contracted fleets that support emergency response, disaster recovery, public works, sanitation, and critical infrastructure operations. (Andrew Antwih – 15d)
- 911. Comment:** Commenter states that while they support California’s clean air and climate goals, the ACF regulation should include meaningful exemptions for vehicles performing essential public safety and emergency response functions. Commenter states the current regulation does not adequately account for the mission-critical nature of public utility emergency response. (Kerry Schmitz – 15d)
- 912. Comment:** Commenter states that emergency support and water utility vehicles operating in extreme conditions, including long distances, high temperatures, and extended operating hours, must be exempted to ensure reliable delivery of essential water, wastewater, and stormwater services, and that ACF requirements may limit operational reliability. (Rigo Castro – 15d)
- 913. Comment:** Commenter requests that CARB amend the ACF exemptions to allow their vehicles that support emergency services when they need them most. (Jim Pruett – 15d)
- 914. Comment:** Commenter states that emergency support and water utility vehicles serving remote and disadvantaged communities must be exempted to ensure timely response to service disruptions and emergencies, and that ACF requirements may compromise reliable potable water delivery. (Greg Hammett – 15d)
- 915. Comment:** Commenter requests that CARB expand categorical exemptions to include emergency response and utility service vehicles consistent with existing exemptions for disaster response, water delivery, and other essential public services. (Matthew Shragge – 15d)
- 916. Comment:** Commenter states that emergency response and water/wastewater service vehicles operating in high fire risk and outage-prone areas must be exempted to ensure continuity of essential services during emergencies, and that ACF requirements create operational challenges for smaller agencies with limited fleet capacity. (Erica Wolski – 15d)
- 917. Comment:** Commenter states that while the goals of these regulations are laudable and/ or commendable, the reality remains that they cannot safely serve their communities unless emergency support vehicles are exempted. (Andy Lawler – 15d, Abigail Parcon – 15d, Jon Barrett – 15d, Kat Wuelfing – 15d, Kimberly Thorner – 15d, Keith McReynolds – 15d, Brent Byrne – 15d, Curtis Jorritsma – 15d, Thai Thao – 15d, Sara Tom – 15d, Paul Hughes – 15d, Terry Gorman Brown – 15d, Timothy Ruiz – 15d, Ronald Berg – 15d, Richard Miller – 15d, Leann Verdick – 15d, Jeff Frye – 15d, La Thao – 15d, Bradley A. Johnson – 15d, Isam Hireish – 15d, Jack Bebee – 15d, Glen Jacklin – 15d, Shelley L. Redding – 15d, Jennifer Spindler – 15d, Jeff Umbrasas – 15d, Laura Lynne Wyatt – 15d, Dan Lewis – 15d, Jeff Stock – 15d, Judy Shay – 15d, Ben Dewell – 15d, John Wiersma – 15d, Daniel Gaytan – 15d, Josef G. Napier – 15d, Victor Jimenez – 15d, Jose Rodrugues – 15d, Tom Walker – 15d, Stacy Taylor – 15d, Anthony Firenzi – 15d, Omar Khweiss – 15d, Lilia Corona – 15d, Ryan McNeil – 15d, Mark Greenall 1 – 15d, Mark Greenall 2 – 15d, Robert Marsheck – 15d, Jessica Self – 15d, Dana Ferreira – 15d, Brian Weber – 15d, Bill Stretch – 15d, Kelley Donaldson – 15d, Brett Sanders – 15d, Joshua Hugg – 15d, Nancy Wahl-Scheurich – 15d, Craig Miller – 15d, Joe McDermott – 15d, Jeff Sullivan – 15d, Greg Bundesen – 15d, Socorro Pantaleon – 15d, Mary Rogan – 15d, Kyle Swanson – 15d, Clay Murray – 15d,

Tenile Otero – 15d, Ann Baldridge – 15d, Kelsey Siemer – 15d, Jose Rodrigues – 15d, Brian Weber – 15d)

- 918. Comment:** Commenter states that while the goals of the regulations are commendable, the reality remains that they cannot safely serve their community unless vehicles supporting wildfire prevention and land management are appropriately considered. (Kelsey Siemer – 15d)
- 919. Comment:** Commenter states that emergency response and support vehicles are essential to public health and safety and should be categorically exempted from the regulation, citing risks to disaster response, utility operations, and public safety services if excluded vehicles are not expanded. (Brittney Barsotti – 15d)
- 920. Comment:** Commenter requests that CARB revise the regulation to expand exemptions for emergency response and support vehicles. (Brittney Barsotti – 15d)
- 921. Comment:** Commenter requests that CARB consider specifically exempting fleets that support the critical services of water service and wastewater treatment. (Pravani Vandeyar – 15d)
- 922. Comment:** Commenter states during emergencies, city fleet vehicles must operate continuously for extended periods, often in extreme conditions, to support fire prevention and response, search and rescue, medical response, and the delivery and maintenance of essential utilities such as water, wastewater, stormwater, and electricity. Commenter states without appropriate and durable exemptions, ACF strict requirements risk constraining cities' ability to respond effectively to disasters, maintain critical infrastructure, and safeguard the communities they serve. (Eleanor Granflor – 15d, Drew Bessinger – 15d)
- 923. Comment:** Commenter states without appropriate and durable exemptions, ACF strict requirements risk constraining cities' ability to respond effectively to disasters, maintain critical infrastructure, and safeguard the communities they serve. (Wendy Bucknum – 15d)
- 924. Comment:** Commenter states that CARB needs to expand exemptions for essential public service fleets, including water utility vehicles. (Kevin Phillips – 15d)
- 925. Comment:** Commenter urges CARB to recognize the full range of vehicles required for emergency response and infrastructure protection. (Kevin Phillips – 15d)
- 926. Comment:** Commenter requests that the Board adopt a categorical exemption consistent with Section 2013(c) of Title 13 of the California Code of Regulations for critical public utility and emergency response vehicles, including water utility vehicles and other critical service vehicles such as, flood protection, sewer, electric utility, fire prevention and protection, search and rescue, and vector control. (Melanie Schumacher – 15d)
- 927. Comment:** Commenter states that without clear, categorical exemptions for vehicles supporting emergency response, fire prevention, search and rescue, and critical infrastructure, the ACF's strict purchase and compliance requirements risk impairing their ability to protect their residents when it matters most. (Andy Su – 15d)
- 928. Comment:** Commenter requests exemption expansion and flexibility for essential service fleets, including water, wastewater, and emergency response vehicles. (Justin Caporusso – 15d)
- 929. Comment:** Commenter requests that CARB categorically exclude vehicles reasonably anticipated to respond to emergency situations, or that support those efforts, from the regulation, similar to the existing exclusion for snow removal vehicles. Commenter states that this request is consistent with the Legislature's direction in AB 1594, which was intended to provide public agency utilities with flexibility when replacing specialized vehicles needed to maintain reliable service or respond to severe events such as wildfires, storms, natural disasters, and other large-scale emergencies. (Dina Breitstein – 15d)
- 930. Comment:** Commenter states CARB must exempt a broader range of emergency vehicles so that California can respond to emergencies especially when the power is out. Commenter

states support vehicles such as trucks that tow fuel to water pumps must be exempt. (John Levi – 15d)

- 931. Comment:** Commenter states that vehicles reasonably anticipated to respond to emergency situations or support such efforts should be excluded from the regulation, consistent with other excluded vehicle categories identified in the rule and as supported by CVC Section 165. (Jennifer Goodsell – 15d)
- 932. Comment:** Commenter requests that CARB expand categorical exemptions to include emergency response and utility service vehicles consistent with existing exemptions for disaster response, water delivery, and other essential public services. (Matthew Shragge – 15d)
- 933. Comment:** Commenter requests that CARB expand exemptions to include specialized wastewater utility and emergency response vehicles and remove or increase caps on exempt vehicles. Commenter requests that CARB recognizes operational realities during extended emergencies and power outages to ensure continuity of essential wastewater services and protection of public health and the environment. (Michael T. Thornton 1 – 15d)
- 934. Comment:** Commenter requests that CARB revise the regulation to expand exemptions for emergency response and support vehicles. (Brittney Barsotti – 15d)
- 935. Comment:** Commenter states during emergencies, city fleet vehicles must operate continuously for extended periods, often in extreme conditions, to support fire prevention and response, search and rescue, medical response, and the delivery and maintenance of essential utilities such as water, wastewater, stormwater, and electricity. Commenter states that without appropriate and durable exemptions, ACF strict requirements risk constraining cities' ability to respond effectively to disasters, maintain critical infrastructure, and safeguard the communities they serve. (Eleanor Granflor – 15d, Jövan Grogan – 15d)
- 936. Comment:** Commenter states cities provide essential services that must operate continuously during emergencies. Without durable and practical exemptions, ACF requirements risk limiting their ability to respond to disasters, protect public safety, and maintain critical infrastructure. (Drew Bessinger – 15d)
- 937. Comment:** Commenter states that CARB needs to expand exemptions for essential public service fleets, including water utility vehicles. Commenter states that CARB needs to recognize the full range of vehicles required for emergency response and infrastructure protection. (Kevin Phillips – 15d)
- 938. Comment:** Commenter requests broader flexibility for water, wastewater, flood control, and related utility vehicles that must remain available during storms, outages, and other disasters. (Dina Breitstein – 15d)
- 939. Comment:** Commenter states that CARB should provide greater flexibility for public fleets by expanding exemptions or compliance pathways and remove the barriers for vehicles that are critical to emergency response, outage restoration, and essential infrastructure maintenance. (Jennifer Goodsell 1 – 15d)
- 940. Comment:** Commenter requests that all vehicles, including those operated by retail water suppliers/special districts that support emergency response, be categorically excluded from the mandate. (Michelle Musgrave – 15d)
- 941. Comment:** Commenter states vehicles that need to be categorically exempted from the regulations the same manner as those found in part (c) of section 2013 of title 13 of the California code of regulations to include those vehicles that respond to, assist in and recover from disasters and emergencies to include: water utility vehicles, flood protection vehicles, sewer utility vehicles, electric utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles, road repair vehicles, signal light repair vehicles, and tree removal vehicles. (Matt Ball – 15d, Rigo Ball – 15d, Greg Hammett – 15d, Ronald Berg – 15d, Erica Wolski – 15d, Paul J. Bushee – 15d, Brett L. Hodgkiss – 15d, Amber Rowland – 15d, Andy Lawler – 15d, Abbigail Parcon – 15d, Jon

Barrett – 15d, Kyle Swanson – 15d, Clay Murray – 15d, Kat Wuelfing – 15d, Dorothy Norkus – 15d, Kimberly Thorner – 15d, Keith McReynolds – 15d, Brent Byrne – 15d, Curtis Jorritsma – 15d, Thai Thao – 15d, Sara Tom – 15d, Paul Hughes – 15d, Terry Gorman Brown – 15d, Timothy Ruiz – 15d, Leann Verdick – 15d, Jeff Frye – 15d, La Thao – 15d, Bradley A. Johnson – 15d, Isam Hireish – 15d, Jack Bebee – 15d, Glen Jacklin – 15d, Shelley L. Redding – 15d, Jennifer Spindler – 15d, Jeff Umbrasas – 15d, Laura Lynne Wyatt – 15d, Dan Lewis – 15d, Jeff Stock – 15d, Judy Shay – 15d, Ben Dewell – 15d, John Wiersma – 15d, Daniel Gaytan – 15d, David Youngblood – 15d, Josef G. Napier – 15d, Victor Jimenez – 15d, Jose Rodrugues – 15d, Tom Walker – 15d, Stacy Taylor – 15d, Anthony Firenzi – 15d, Omar Khweiss – 15d, Lilia Corona – 15d, Ryan McNeil – 15d, Mark Greenall 1 – 15d, Mark Greenall 2 – 15d, Robert Marsheck – 15d, Dana Ferreira – 15d, Brian Weber – 15d, Bill Stretch – 15d, Garrett Toy – 15d, Kelley Donaldson – 15d, Brett Sanders – 15d, Socorro Pantaleon – 15d, Joshua Hugg – 15d, Craig Miller – 15d, Joe McDermott – 15d, Jeff Sullivan – 15d, Greg Bundesen – 15d, Tenile Otero – 15d, Mary Rogan – 15d, Teresa Penunuri – 15d, Chuck Duffy – 15d, Carolyn Burke – 15d, Veronica Cazares – 15d, Steve Renten – 15d, Richard Miller – 15d, Chris Robbins – 15d, Joubin Packpour – 15d, Jim Pruett – 15d, Mary Rogren – 15d)

- 942. Comment:** Commenter requests broader flexibility for water, wastewater, flood control, and related utility vehicles that must remain available during storms, outages, and other disasters. (Dina Breitstein – 15d)
- 943. Comment:** Commenter states CARB must exempt a broader range of emergency vehicles so that California can respond to emergencies especially when the power is out. Commenter states support vehicles such as trucks that tow fuel to water pumps must be exempt. (John Levi – 15d)
- 944. Comment:** Commenter states while the ACF rule provides exemptions for emergency vehicles equipped with lights and sirens, low use equipment, and certain permanent snow removal equipment, it does not extend similar consideration to many public works vehicles. (Josh Hylinski – 15d)
- 945. Comment:** Commenter states that without clear exemptions for emergency-supporting vehicles and contracted essential services, the proposed changes risk slowing their progress toward sustainability rather than accelerating it. (Ron Noda – 15d)
- 946. Comment:** Commenter requests that all vehicles, including those operated by retail water suppliers/special districts that support emergency response, be categorically excluded from the mandate. (Michelle Musgrave – 15d)
- 947. Comment:** Commenter states that CARB should provide greater flexibility for public fleets by expanding exemptions or compliance pathways and remove the barriers for vehicles that are critical to emergency response, outage restoration, and essential infrastructure maintenance. (Jennifer Goodsell – 15d)
- 948. Comment:** Commenter states that vehicles reasonably anticipated to respond to emergency situations or support such efforts should be excluded from the regulation, consistent with other excluded vehicle categories identified in the rule and as supported by CVC Section 165. (Jennifer Goodsell – 15d, Jennifer Goodsell 2 – 15d)
- 949. Comment:** Commenter states that CARB should ensure that the unique operational demands of utility fleets, particularly those related to grid reliability and public health and safety, remain fully understood as exemptions are re-evaluated. (Jennifer Goodsell 1 – 15d)
- 950. Comment:** Commenter states vehicles that support wildfire prevention, land management, and community protection efforts, in addition to those that respond to and recover from disasters should be exempt from the regulations. (Ann Baldridge – 15d)
- 951. Comment:** Commenter states CalAnimals is respectfully resubmitting a petition to the Board to recognize and facilitate the essential role Animal Control Officers (ACOs) and Humane Law Enforcement Officers (HELOs) play in preserving their communities' public safety by

including the vehicles used by these officers together with other emergency response and law enforcement vehicles as exempt from the Clean Fleet standards. Commenter states their concerns could be mitigated through the addition of a targeted and narrowly worded exemption as follows: *“Vehicles owned by an entity employing officers whose authorities are established by California Penal Code §830.9 (Animal Control Officers) or Corporations Code §14502 (Humane Law Enforcement Officers), and used exclusively by those officers in the performance of their duties.”* This wording - while it provides an exemption for vehicles operated by ACOs and HELOs - would still ensure any vehicles that do not have a direct function in support of those essential services would remain subject to the Clean Fleet standards. (Jill Tucker – 15d)

- 952. Comment:** Commenter states that animal care and control vehicles must be exempted or provided targeted flexibility, as they function as frontline public safety and emergency response units requiring immediate deployment, extended operation, and climate-controlled conditions to protect animal welfare and public safety. (Julianna Tetlow – 15d)
- 953. Comment:** Commenter states that providing a clear, categorical exemption or extended compliance pathway for animal control vehicles is consistent with ACF’s intent, as flexibility is needed where zero-emission vehicles cannot meet operational requirements, and asserts that without such accommodation, standard electrification requirements risk undermining public safety, animal welfare, and the sustainability of essential services. (Julianna Tetlow – 15d)
- 954. Comment:** Commenter states the regulation as written presents significant operational risks that jeopardize their agency’s ability to provide essential services, especially during emergencies. (Jesus Martinez Ramirez – 15d)
- 955. Comment:** Commenter requests that CARB amends the ACF exemptions to allow their vehicles that support emergency services when they need them most. (Steve Renten – 15d)
- 956. Comment:** Commenter requests targeted amendments to ensure that essential emergency response and critical infrastructure vehicles can continue operating reliably when communities need them most. (Justin Lovell – 15d)
- 957. Comment:** Commenter requests that CARB expand categorical exemptions to include emergency response and utility service vehicles, including water, sewer, flood control, electric utility, fire prevention and protection, search and rescue, and vector control vehicles. (Chris Robbins – 15d)
- 958. Comment:** Commenter requests additional exemptions for vehicles that respond to, assist in and recover from disasters and emergencies to include water utility vehicles, flood protection vehicles, sewer utility vehicles, electric utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles. (Kenneth Piguee – 15d, Lindsay Leahy – 15d, Jason Haber – 15d, Justin Lovell – 15d)
- 959. Comment:** Commenter states that vehicles that need to be categorically exempted from the regulations in the same manner as those found in part (c) of § 2013 of title 13 of the California code of regulations include those vehicles that respond to, assist in and recover from disasters and emergencies, including: Fire protection and fire prevention vehicles, Emergency response command and support vehicles, Search and rescue vehicles and Utility and infrastructure support vehicles essential to disaster response. (Michael Rees – 15d)
- 960. Comment:** Commenter states support vehicles for fire, police, and sanitation services, among others, must be kept available for the primary service to be viable. Restriction of such availability is essentially a state government edict that the local service is not always necessary, an unjustified slap in the face of constituents that have chosen to pay for them. (Rick Verbanec – 15d)
- 961. Comment:** Commenter states that emergency support vehicles used for animal control and public safety response are critical to protecting public health and safety, including rabies

vector control, animal rescue, disaster response, and field operations requiring extended travel, off-road access, and prolonged deployment in mountainous terrain, and that ACF requirements create compliance challenges for maintaining these services. Commenter requests that CARB expand categorical exemptions to include animal control and public safety response vehicles consistent with other emergency and disaster-response exemptions. (Amber Rowland – 15d)

- 962. Comment:** Commenter states vehicles that need to be categorically exempted from the regulations, in the same manner as those found in part (c) of § 2013 of Title 13 of the California Code of Regulations, should include vehicles that support wildfire prevention, land management, and community protection efforts, in addition to those that respond to and recover from disasters. (Kelsey Siemer – 15d, Nancy Wahl-Scheurich – 15d)
- 963. Comment:** Commenter request CARB update the proposed rule to exempt a broader range of emergency vehicles. Water districts and other agencies that provide support in emergencies should not be handicapped by rules restricting which vehicles they are allowed to use. (Linda Halbur – 15d)
- 964. Comment:** Commenter requests that CARB establish clear, categorical exemptions – consistent with those in Section 2013(c) of Title 13 of the California Code of Regulations – for city vehicles that respond to, support, and recover from emergencies and disasters. (Frank Navarro – 15dc, Danielle Jones – 15d, Julie Ryan – 15d, Karen Goh – 15d, Kristin Griffith – 15d, Linda Reich – 15d, Mayor Connor Traut – 15d, T. Jarb Thaipejr – 15d, Michelle Bender – 15d)
- 965. Comment:** Commenter states that vehicles that need to be categorically exempted from the regulations in the same manner as those found in part (c) of section 2013 of title 13 of the California code of regulations include those vehicles that respond to, assist in and recover from disasters and emergencies, including: water utility vehicles. (Jessica Self – 15d)
- 966. Comment:** Commenter states water utility vehicles need to be categorically exempted from the regulations in the same manner as those found in part (c) of §2013 of Title 13 of the California Code of Regulations, which include those vehicles that respond to, assist in, and recover from disasters and emergencies. (Charlotte Holifield – 15d)
- 967. Comment:** Commenter states CARB must amend the ACF exemptions to allow vehicles that support emergency services to continue serving their communities when we need them most. (Dorothy Norkus – 15d, Joshua Hugg – 15d)
- 968. Comment:** Commenter states the rule must exempt a broader range of emergency vehicles. (Thomas DeSantis – 15d)
- 969. Comment:** Commenter states without expanded exemptions, communities throughout California may be unable to respond adequately to emergencies—especially when the power is out. (Thomas DeSantis – 15d)
- 970. Comment:** Commenter states that as with existing exemptions for snow removal vehicles, emergency response vehicles used for water, wastewater, and flood protection should be excluded until zero-emission technology can fully support these critical functions. (Michael T. Thornton 2 – 15d)
- 971. Comment:** Commenter states the American Public Works Association is concerned that without additional targeted exemptions, these regulations will impair local agencies' ability to deliver essential public services—particularly during emergencies. (Joubin Packpour – 15d)
- 972. Comment:** Commenter requests that valve trucks, welding trucks, and other vehicles essential to the repair and maintenance of flood control channels; vehicles used by transportation, open space, regional park, and other agencies to spot wildfires, mitigate wildfires, rescue lost or injured hikers, and prevent poaching of animals; and vehicles used by mosquito abatement and vector control agencies to prevent and disrupt the proliferation and uncontrolled spread of dangerous known and unknown vectors be exempt in addition

be categorically exempted from the regulations the same manner as those found in part (c) of section 2013 of Title 13. (Carolina Herrera – 15d)

- 973. Comment:** Commenter states the following vehicles should be excluded from the ACF regulations; vehicles used for fire prevention/mitigation, public safety, search and rescue, medical response, and poacher prevention should be excluded. Commenter states that vehicles used to prevent and respond to the spread of disease and dangerous vector outbreaks should be excluded from the ACF regulations. Commenter states vehicles that are essential to the delivery, repair, and maintenance of electricity, water, wastewater, stormwater, and flood protection should be excluded. (Kristin O-Hara – 15d)
- 974. Comment:** Commenter request that the Board reconsider exemptions for vehicles essential to emergency public health response, including those operated by mosquito and vector control districts. This exemption should explicitly cover disease and vector control vehicles alongside water utility, flood protection, sewer utility, electric utility, fire prevention, fire protection, and search and rescue vehicles. (Peter Bonkrude – 15d)
- 975. Comment:** Commenter states they appreciated the receptive consideration the Board gave this matter when this issue was first presented on September 25, 2025, and – at CARB direction – attempted to work collaboratively with CARB staff to identify a solution to the concerns we had identified at that time. Unfortunately, CARB staff were resistant to even a very specific and targeted exemption for the vehicles used by these first responders, maintaining that the commenter identify accommodations within the existing exemptions. That position was not consistent with the direction provided by CARB and CalAnimals remains deeply concerned that these regulations will create a serious impediment on their officers' ability to provide vital community services. (Jill Tucker – 15d)
- 976. Comment:** Commenter states that CARB should provide greater flexibility for public fleets by expanding exemptions or compliance pathways and remove the barriers for vehicles that are critical to emergency response, outage restoration, and essential infrastructure maintenance. (Jennifer Goodsell 2 – 15d)
- 977. Comment:** Commenter is requesting a categorical exemption for vehicles used to respond to, support, and recover from emergencies and disasters such as water, wastewater, and other utility service vehicles. (Arman Tarzi – 15d)
- 978. Comment:** Commenter recommends expanding categorical exemptions, similar to ones proposed for emergency response needs, infrastructure constraints, and operational limitations and consistent with Section 2013(c) of Title 13 of the California Code of Regulations. (Han King – 15d)
- 979. Comment:** Commenters request that CARB establish clear, categorical exemptions, consistent with those in Section 2013(c) of Title 13 of the California Code of Regulations for city vehicles that respond to, support, and recover from emergencies and disasters. (Bryan Bravo – 15d, Jason Machado – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Chris Tavarez – 15d, Afshin Oskoui – 15d, Art Kiesel – 15d, Jason Haber – 15d, Gabrielle de Farcy – 15d, Damien Arrula – 15d, Helen Tran – 15d, Wendy Bucknum – 15d)
- 980. Comment:** Commenter requests that the Board adopt clear, categorical exemptions consistent with Section 2013(c) of Title 13 of the California Code of Regulations for vehicles used in emergency response, infrastructure support, and disaster recovery. (Anthony Mejia – 15d)
- 981. Comment:** Commenter requests CARB establish clear, categorical exemptions consistent with those outlined in Section 2013(c) of Title 13 of the California Code of Regulations for city vehicles that respond to, support, and recover from emergencies and disasters. (Brett Taylor – 15d, Nader Heydari – 15d, John Jansons – 15d, Drew Bessinger – 15d, Jövan

Grogan – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d)

- 982. Comment:** Commenter requests that the Board establish clear, categorical exemptions for vehicles and services critical to emergency response, infrastructure, and public safety. (Janet Jernigan – 15d)
- 983. Comment:** Commenter requests the Board adopt clear exemptions for emergency and critical service vehicles to avoid unintended risks to public safety, infrastructure, and service delivery. (Tyler Foltz – 15d)
- 984. Comment:** Commenter states Department of Water Resources joins the California Special Districts Association, League of California Cities and California State Association of Counties in respectfully requesting that the Board amend the ACF regulations to provide categorical exemptions - consistent with the framework established in part (c) of § 2013 of title 13 of the California Code of Regulations - for vehicles that respond to, assist in, and recover from disasters and emergencies. (Kerry Schmitz – 15d)
- 985. Comment:** Commenter states to amend the Advanced Clean Fleets exemptions to categorically include vehicles that respond to, assist in, and recover from disasters and emergencies, consistent with part (c) of § 2013 of title 13 of the California Code of Regulations. (Peter Bonkrude – 15d)
- 986. Comment:** Commenter requests CARB establish clear, categorical exemptions consistent with those outlined in Section 2013(c) of Title 13 of the California Code of Regulations for city vehicles that respond to, support, and recover from emergencies and disasters. (Abigail Gomez – 15d)
- 987. Comment:** Commenter requests that the Board reject the newly proposed mandates on cities and rather request that CARB establish clear, categorical exemptions, consistent with those in section 2013(c) of Title 13 of the California Code of Regulations for city vehicles that respond to, support, and recover from emergencies and disasters. (Stephanie Klopfenstein – OCP)
- 988. Comment:** Commenter states that without appropriate and durable exemptions, ACF's strict requirements risk constraining their ability to respond effectively to disasters, maintain critical infrastructure, and safeguard the communities they serve. (Stephanie Klopfenstein – OCP)
- 989. Comment:** Commenter states while the goals of these regulations are laudable, the reality remains that they cannot safely serve their communities unless emergency support vehicles are exempted. (Justin M. Hopkins – OCP, Dan Jaggars – OCP)
- 990. Comment:** Commenter states that vehicles that need to be categorically exempted from the regulations in the same manner as those found in part (c) of section 2013 of Title 13 of the California code of regulations include those vehicles that respond to, assist in and recover from disasters and emergencies, including: water utility vehicles, flood protection vehicles, sewer utility vehicles, electric utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles. (Justin M. Hopkins – OCP, Dan Jaggars – OCP, Mary Rogren – 15d, Tenille Otero – 15d)
- 991. Comment:** Commenter requests that CARB amend the Advanced Clean Fleets regulation to exempt specialized wastewater utility vehicles and support vehicles necessary to respond to, inspect, diagnose, repair, and restore critical sewer infrastructure during emergencies, system failures, spill events, and other urgent situations affecting public health, water quality, and continuity of service. (Paul J. Bushee – OCP)
- 992. Comment:** Commenter requests to keep space in the ACF rules for essential public fleet vehicles. (Craig K. Murray – OCP)

Agency Response: No changes were made in response to these comments. The ACF regulation aligns with the Emergency Vehicle definition in the California Vehicle Code

section 165 and excludes those vehicles from the regulation. Specifically, the California Vehicle Code section 165 defines an authorized emergency vehicle as:

“(a) Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the California Highway Patrol to operate in response to emergency calls.

(b) Any publicly owned vehicle operated by the following persons, agencies, or organizations:

(1) Any federal, state, or local agency, department, or district employing peace officers as that term is defined in Chapter 4.5 (commencing with Section 830) of Part 2 of Title 3 of the Penal Code, for use by those officers in the performance of their duties.

(2) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue, or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned the vehicle.

(e)(1) Any vehicle owned or operated by a federally recognized Indian tribe used in responding to emergency, fire, ambulance, or lifesaving calls. For the purposes of this section and the provisions of Sections 2501 and 2510, a vehicle used in responding to emergency, fire, ambulance, or lifesaving calls owned or operated by a federally recognized Indian tribe is considered an authorized emergency vehicle.

(2) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.

(f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.” (Cal. Veh. Code § 165.)

The ACF amendments exclude emergency vehicles from the regulatory requirements. (see Cal. Code Regs., tit. 13, § 2013, subd. (c)(4).) Creating a separate, broader definition would be inconsistent with the California Vehicle Code section 165. CARB recognizes the critical role public agencies play in emergency response and has made amendments to provide additional flexibility in the exemptions that are consistent with the Boards direction and intent of AB 1594.

The regulation includes provisions that provide compliance flexibility that allows fleets to prioritize ZEV and ICE purchases. ACF includes a blanket exemption allowing for any vehicle that is used to support a declared emergency and is dispatched by a local, state, federal, or other responsible emergency management agency or its contractors, is temporarily exempt from the requirements of the regulation for the duration of the emergency.

As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change provides fleet owners the flexibility to better manage any functionality and availability concerns. The Fleet Resiliency Exemption (previously the

Mutual Aid Exemption) gives fleet owners earlier access to the exemption, reducing the access threshold from 25% down to 5% ZEVs in the fleet, removing vehicle type restrictions and delaying the fast-fueling requirements until 2030. These changes provide fleet owners greater flexibility to manage and plan for their public agency emergency response support and recovery needs. They allow fleet owners to better address concerns that arise during emergency situations while still ensuring continued progress toward the regulation's emissions-reduction goals. The Fleet Resiliency Exemption gives fleet owners full discretion in choosing which vehicles to apply the exemption to, and the 100% ZEV purchase delay offers additional flexibility in how fleet owners phase in zero-emissions and internal-combustion vehicles. Further, the Daily Usage Exemption removed the 13-year threshold, allows fleet owners to use existing data already collected, allows for periodic data collection, ability to use real-world test data instead of default mileage factors and a streamlined application process. Fleets can use the flexibility in the exemptions to focus their ZEV purchases on best-fit applications and to use ICE vehicles in other applications.

The ZEV Milestones Option provides a longer phase-in for specialty vehicles. Fleet owners are also permitted to switch between the ZEV Purchase Schedule and ZEV Milestones Option without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations. Making changes in response to these comments would be unnecessary and undermine the emissions reduction goals of the regulation.

b) Exempt—Fire Service Emergency Vehicles

993. Comment: Commenter states that fire service emergency response vehicles, including engines, tenders, rescue units, command vehicles, and registered emergency chief vehicles, must be fully exempted from ACF requirements, as fire districts exist to protect life, property, and public safety and any regulatory action that compromises response capability is unacceptable. Commenter further requests written clarification that no compliance timelines apply to fire districts and recognition of the unique operational, financial, and infrastructure constraints faced by small and rural fire districts. (Peter Golling – 15d)

Agency Response: No changes were made in response to this comment. The regulation already exempts emergency vehicles that are defined in the California Vehicle Code section 165, which includes “any vehicle publicly owned by fire department of any public agency or fire department organized as provided in the Health and Safety Code.” (see Cal. Code Regs., tit. 13, § 2013, subd. (c)(4).)

c) Exempt—Small and Rural Special Districts

994. Comment: Commenter requests that CARB exempt small rural special districts whose limited budgets and operational demands make compliance impracticable. (Kristen Lamkin – 15d)

995. Comment: Commenter states that extending the 50% ZEV purchase requirement provides benefit, but rural systems remain at high risk due to limited real-world ZEV readiness and integrating any ZEV technology into rural, low population service areas is going to be extremely challenging as these areas typically do not have ZEVs, let alone charging or filling stations to support them. (Sarah Deslauriers 1 – 15d)

996. Comment: Commenter requests that CARB recognize the disproportionate effect of the ACF requirements on small districts that exist solely to provide basic services such as irrigation water delivery and provide meaningful flexibility before considering any future application of such requirements to small rural public agencies. (Kristen Lamkin – 15d)

997. Comment: Commenter requests that CARB excludes government fleets with fewer than 50 vehicles from the purchase mandates. (Justin Lovell – 15d)

Agency Response: No changes were made in response to these comments. CARB acknowledges the specific operational challenges in small and rural areas and has existing provisions for designated low-population areas and small fleets. Small government fleet owners (those with 10 or fewer vehicles) and those operating in designated low population counties that are using the ZEV Purchase Schedule can delay the start of their ZEV purchases until January 1, 2030. Additionally, the ZEV Infrastructure Delay extension addresses situations where compliance cannot be met due to infrastructure installation delays for circumstances beyond their control. No changes were made in response to these comments because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

d) Exempt—Contracted Fleets

998. Comment: Commenter requests a clear exemption in the rule for construction work performed by private firms on behalf of public agencies. (Michael Lewis – 15d)

Agency Response: No changes were made in response to this comment because the changes requested would be unnecessary. Private fleet owners are not subject to the ACF amendments as the portion that would have applied to private fleet owners is being repealed. The ACF Regulation only applies to SLGs and places the regulatory obligations on the SLGs. CARB issued a Second 15-Day Changes to make explicit the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between SLG agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR⁵⁶ on page 37.

e) Exempt—Allow Use of Combustion Vehicles

999. Comment: Commenter urges CARB to allow continued use of low-emissions technologies where zero-emission options are not yet feasible. (Kevin Phillips – 15d)

1000. Comment: Commenter requests that CARB allow continued use of viable low-emissions technologies where zero-emission options are not yet feasible. (Justin Caporusso – 15d)

1001. Comment: Commenter states that gasoline and diesel-powered vehicles offer immediate operational readiness and sustained performance, advantages that zero-emission alternatives may not consistently provide, particularly during power outages. (Dina Breitstein – 15d)

⁵⁶ California Air Resources Board, Public Hearing to Consider Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations - Staff Report: Initial Statement of Reasons, August 1, 2025, (web link: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2025/acf_lcfs/isor...pdf, last accessed January 20, 2026)

1002. Comment: Commenter requests CARB allow flexibility for low-NOx or transitional technologies where zero-emission options are not yet feasible. (Michael T. Thornton 1 – 15d)

Agency Response: No changes were made in response to these comments. The ACF includes flexibility to continue operating ICE vehicles for the next two decades and has numerous existing exemptions that allow for the use of ICE vehicles where zero-emission options are not feasible. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. The Fleet Resiliency Exemption is directly intended to be a viable option to give fleet owners the ability to keep needed vehicles as combustion powered to address resiliency concerns. The Proposed Amendments provide the appropriate level of flexibility for fleet owners to continue to operate ICE vehicles when necessary, making additional changes is unnecessary and undermine the emissions reduction goals of the regulation. No changes were made in response to these comments because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

f) Criteria—General Improvements

1003. Comment: Commenter states exemption applications should be evaluated not only on engineering considerations, but also on feasibility and operational impacts, including maintaining appropriate preparedness for emergency response. (Derek Dolfie – 15d)

1004. Comment: Commenter requests an exemption when geography, population, and existing infrastructure are cost barriers to building EV infrastructure. (Carolina Herrera – 15d)

1005. Comment: Commenter states that existing exemptions and compliance pathways remain too narrow, temporary, or conditional to support continuous essential services. (Justin Caporusso – 15d)

1006. Comment: Commenter states that they will be forced to purchase extra ZEVs that it does not actually need without the ability to rely on exemptions, simply to ensure compliance with the ACF regulation. (Patricia Davy – 15d)

1007. Comment: Commenter requests alternative compliance pathways for specialty vehicles. (Newell Arnerich – 15d)

1008. Comment: Commenter states that many of the updated exemptions remain constrained by narrow thresholds, limiting assumptions, and procedural hurdles and, in practice, these limitations, combined with the lack of commercially available, operationally viable ZEVs for many use cases, create the appearance of flexibility without providing a workable path to compliance. (Alyson Piguee – 15d)

1009. Comment: Commenter states that many of the exemption pathways remain too narrow, too conditional, or too interdependent to provide realistic relief in practice for public utility fleets with specialized vehicles, intermittent but mission-critical operations, and infrastructure constraints. Several remain gated by threshold conditions, narrow assumptions, or procedural requirements that are unlikely to be available for fleets whose compliance challenges stem from the lack of commercially and operationally viable zero-emission alternatives. Commenter states as a result, the proposal risks offering the appearance of flexibility without creating a realistic path to compliance for many public agencies in practice. (Joe Sturges – 15d)

1010. Comment: Commenter request that CARB revise exemption pathways so that they are workable in practice for public utility fleets. Commenter states CARB should reconsider exemption criteria that remain gated by threshold requirements, numerical limitations, or procedural conditions that many public agencies cannot realistically satisfy where suitable

zero-emission vehicles and supporting infrastructure are not yet available. (Joe Sturges – 15d)

- 1011. Comment:** Commenter states that without appropriate and durable exemptions, ACF strict requirements risk constraining cities' ability to respond effectively to disasters, maintain critical infrastructure, and safeguard the communities they serve. (John Jansons – 15d, Melissa Wilcox – 15d, Carlos Zamano – 15d, Bryan Bravo – 15d, David Shawver – 15d, Ron Noda – 15d, Jesus Garcia – 15d, Janet Jernigan – 15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Brian Villalobos – 15d, Frank Navarro – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Tyler Foltz – 15d, Chris Tavarez – 15d, Garrett Toy - 15d)
- 1012. Comment:** Commenter states that CARB should ensure that the unique operational demands of utility fleets, particularly those related to grid reliability and public health and safety, remain fully understood as exemptions are re-evaluated. (Jennifer Goodsell 2 – 15d)
- 1013. Comment:** Commenter states that as they look to replace some of their utility-specialized vehicles, they have found that there aren't any ZEVs like them. (Kelley Donaldson – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation already has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption and made other improvements to the Daily Usage and ZEV Purchase Exemption. Making changes would be unnecessary and would undermine the emissions reduction goals of the regulation.

g) Criteria—Fleets Facing Unique Constraints

- 1014. Comment:** Commenter states CARB should take a more reasoned and balanced approach. At a minimum, the Board should: provide clear exceptions or flexibility for fleets facing unique operational, geographic, demographic, or route-related constraints. (Kristina Owens – 15d)
- 1015. Comment:** Commenter urges CARB to incorporate flexible exemptions for fleets facing specific geographic, demographic, or operational hurdles. (Eric Lucan – OCP, Thomas Anderson – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation already has existing provisions that give meaningful exemptions for fleet owners when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed till 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change provides fleets the flexibility to better manage any functionality and availability concerns. Changes to the Fleet Resiliency Exemption (previously the Mutual Aid Exemption)

gives fleet owners earlier access to the exemption, reducing the access threshold from 25% down to 5% ZEVs in the fleet, removing vehicle type restrictions and delaying the fast-fueling requirements until 2030. Further, the Daily Usage Exemption removed the 13-year threshold, allows fleet owners to use existing data already collected, allows for periodic data collection, ability to use real-world test data instead of default mileage factors and a streamlined application process. Fleet owners can use the flexibility in the exemptions to focus their ZEV purchases on best-fit applications and to use ICE vehicles in other applications. No changes were made because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

h) Criteria—Affordability Exemption

- 1016. Comment:** Commenter suggests an “affordability exemption” if the ZEV price exceeds 5% of the cost of a similar traditional vehicle. (Carolina Herrera – 15d)
- 1017. Comment:** Commenter requests that CARB explicitly recognize price disparity between a ZEV and its ICE equivalent as a factor within the good engineering judgement standard and establish a published threshold beyond which cost disparity is a relevant consideration. (Courtney Lee – 15d)
- 1018. Comment:** Commenter states that CARB should conduct additional stakeholder research to determine what cost differential between ZEV and ICE, or CNG and Liquefied Natural Gas vehicles, would allow municipalities to transition independently. (Gebriel Saleh – 15d)
- 1019. Comment:** Commenter states the current regulation does not adequately account for the affordability constraints facing local government agencies. (Kerry Schmitz – 15d)

Agency Response: No changes were made in response to these comments. Vehicle costs of all types fluctuate for a wide range of reasons, making individual vehicle cost as an exemption criteria difficult to assess and implement in a uniform and objective manner. Further, both ICE vehicles and ZEVs vary widely in price depending on the requested specifications unique to each fleet. The incremental upfront cost between ZEVs and ICE vehicles and TCO of ZEVs are both expected to decrease. ZEVs generally have a higher upfront costs but reduced operational costs. CARB's incentive programs can assist in early adopter purchases by reducing incremental costs and supporting vehicle cost reductions over time. Cost concerns are expected to decrease as the ZEV market develops and expands as well. As part of the 15-day package, the 100% ZEV Purchase requirement has been delayed till 2030, allowing fleets the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change better aligns the ACF regulations requirements with the current and expected state of the ZEV market while providing fleets flexibility to better manage cost concerns. Fleets can focus their ZEV purchases on best-fit applications and internal combustion engine purchases in less ideal applications.

Additionally, the ACF regulation already has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to Daily Usage and ZEV Purchase Exemption. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

i) Penalty—Fine Fleets for Exempting Emergency Response Vehicles

1020. Comment: Commenter states that in regard to emergency response vehicles, fleets that are purposely “deleting” should face heavy fines. (PW Henderson – 15d)

Agency Response: No changes were made in response to this comment. Tampering with a vehicle’s emissions control systems is already a violation of various state and federal laws. See Cal. Veh. Code §§ 27156 and 38391; Cal. Health & Saf. Code 43151 et seq.; Cal. Code Regs., tit. 13, § 2220 et seq.; Cal. Code Regs., tit. 16, 3340.41.5; 42 U.S.C. § 7521; and 40 C.F.R. § 1068.101(b). There is not enough context in the comment letter to understand commenters intent beyond this, and therefore no changes are necessary.

j) Process—Proposed Vehicle Alternatives are Not Operationally Appropriate

1021. Comment: Commenter states that they have experienced situations where waiver requests were denied and proposed alternatives were operationally inappropriate—such as suggesting the use of a van to transport a generator in place of a utility truck. Commenter states that these types of substitutions are not just impractical—they are unsafe. (Melanie Schumacher – 15d)

Agency Response: No changes were made in response to this comment. Exemption requests are reviewed and decided based on the information provided in the application and the criteria specified in the regulation associated with the exemption. The comment does not include enough detail about the statement to identify a specific application to explain the reason for the claimed denial. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. How the vehicle is used is not part of the criteria used to verify the vehicle configuration and is not consistent with the process used by CARB to evaluate exemption requests. Fleet owners can email ZEVFleet@arb.ca.gov to communicate with CARB to clarify or resolve the issue.

8. Captive Biofuel Use Exemption

a) Captive Biofuel Use Exemption—Forces Fleets to Use ZEV Milestones Option

1022. Comment: Commenter states wastewater facilities need access to the Captive Biofuel Use Exemption from within the ZEV Purchase Schedule since it aligns compliance with natural asset replacement cycles, reducing financial risk by ensuring vehicles are only replaced when they reach the end of their useful life. (Sarah Deslauriers 1 – 15d)

1023. Comment: Commenter states most wastewater facilities follow the ZEV Purchase Schedule for flexibility, but the captive biofuel use exemption is still only available to facilities in the Milestones Option. (Curtis Paxton – 15d)

1024. Comment: Commenter states as currently structured, RNG is not recognized as a compliance pathway under the ZEV Purchase Schedule requirements (Section 2013.1). (Noelle Mattock – 15d)

1025. Comment: Commenter states that RNG use remains constrained within the Milestones compliance pathway (Section 2013.6) and limited to narrow, conditional exemptions that are not scalable across fleet operations. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. The Board approved a limited exemption to give captive waste and wastewater fleet owners more time

until they would need to purchase ZEVs. The Board directed CARB to extend the timeline for these fleet owners which is consistent with the timeline that allows an NZEV to count as ZEV as requested by stakeholders. The Captive Biofuel Use Exemption is designed to work in conjunction with the Waste and Wastewater Fleet Option that is only available for those fleets who comply using the ZEV Milestones Option. These provisions give a qualifying waste and wastewater fleet owners a longer timeline, up to 2030, before they need to demonstrate 10% of their fleet is ZEV or NZEV. This excludes any purchases made under the Captive Biofuel Use Exemption.

A fleet owner has until calendar year 2035 to purchase a low-NOx ICE vehicle to use excess biogas generated at the waste or wastewater facility and the designated low-NOx ICE vehicle will get its full useful life which aligns within the natural replacement cycle for public fleets. Lastly, fleet owners can subdivide and keep a portion of their vehicles on the ZEV Purchase Schedule should they wish. For these reasons, limiting this exemption to the ZEV Milestones option is appropriate and meets the Board's direction.

Lastly, the State or local government agency has flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. For example, any State or local government entity can put vehicles in once department or division on the ZEV Milestone Option compliance flexibility and keep other vehicles on the default compliance pathway, the ZEV Purchase Schedule. Changes made after the initial staff proposal give a State and local government agencies until January 1, 2030, to decide what compliance flexibility, the ZEV Milestones Option of section 2013.6 or the ZEV Purchase Schedule of section 2013.1, works best, and until then they may switch between the two options.

b) Captive Biofuel Use Exemption—Eligibility, Concerns with Recordkeeping

1026. Comment: Commenters are concerned about Section 2013.4(m)(1) that grants eligibility for the exemption to only those entities that are explicitly mandated to handle organic waste, stating that no wastewater facility is legally required to haul, transfer or process diverted organic waste, and claiming that no wastewater facility will be eligible to qualify for the Captive Biofuel Use Exemption. The commenters suggest this effectively removes the incentive for wastewater agencies to accept diverted organic waste which will greatly impact implementation of SB 1383 and the reduction of landfill methane emissions. Commenter requests that CARB remove applicability of Section 2013.4(m)(1) to wastewater facilities and revert back to the language proposed in September 2025 that requires "Documentation to show a wastewater fleet's eligibility are a copy of a permit or license to operate, or proof of ownership of, a wastewater treatment facility." (Curtis Paxton – 15d and Sarah Deslauriers 1 – 15d).

1027. Comment: Commenter states that the Proposed Amendments continue to pose significant risks to the health and safety of their communities, including unnecessarily limiting specific exemptions such as the Captive Biofuel Use exemption, which would now prohibit wastewater agencies from accessing due to ineligibility. (Alyson Piguee – 15d)

Agency Response: No changes were made in response to these comments. Section 2013.4(m)(1) is the recordkeeping requirements for the Captive Biofuel Use Exemption, not the eligibility requirements which are contained in section 2013.6(h)(1)(A).

Regardless, section 2013.6(h)(1)(A), the eligibility requirements, state that "The fleet owner shall be subject to a requirement to haul, transfer, or process in-state organic waste, or shall be in a contract with another entity subject to a requirement to haul, transfer, or process

in- state organic waste.”⁵⁷ This language is necessary to ensure that the exemption is needed to help implement SB 1383.

The second comment is presumed to convey the commenter’s concerns that they think they might be ineligible after these revisions, however, not enough detail is provided to fully understand why. Wastewater facility owners who are not legally required to haul, transfer or process diverted organic waste may still be eligible for the Captive Biofuel Use Exemption if the waste hauler transporting the organic waste to their facility is legally responsible to haul, transfer, or process in-state organic waste. The State or local government agency will need to obtain the facility permit which is publicly available and posted at the facility to verify that their contractor has a requirement to haul, transfer, or process in-state organic waste.

c) Captive Biofuel Use Exemption—Limiting Exemption to Internal Combustion Engine Vehicles That Fuel at a Single Facility Was Not Vetted

- 1028. Comment:** Commenter states waste and wastewater facilities often produce highly variable amounts of biomethane due to fluctuations in organic waste streams, making it impractical to meet a fixed minimum biomethane threshold and conditioning exemption eligibility on the ability to produce a specific level of excess biomethane and limiting a vehicle to only fuel at a single facility was not vetted through the public process and does not reflect the reality of the operational realities. (Sarah Deslauriers – 15d)

Agency Response: No changes were made in response to this comment. These First 15-Day Changes were vetted through stakeholder engagement before and during the APA required 15-day public comment period.

The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize any excess biofuel generated on-site rather than flaring it. The eligibility criteria of section 2013.6(g)(1)(D) states that the “The low-NOx ICE vehicle shall be fueled exclusively at the facility where the excess renewable biofuel is produced” and section 2013.6(g)(1)(E) states that, “The facility shall have enough excess renewable biofuel capacity to fully fuel the low-NOx ICE vehicle as demonstrated by fuel production and usage data from the prior year.” The reason for these criteria are to continue to allow the purchase of new low-NOx ICE vehicles because they are needed to use excess biogas and to reduce the potential for flaring gas at the facility. Giving more low-NOx ICE vehicle exemptions beyond what is needed to utilize the excess biogas would not meet the objectives of the Board and does not conflict with SB 1383. As discussed in the original rulemaking, the objectives of the ACF regulation are to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act), among others. Lastly, the daily fluctuation in biofuel volumes is not a contributing factor to eligibility since it is the previous year’s annual biogas volume that is used to determine the facility’s excess biofuel capacity. Also, nothing in this regulation prevents a waste or wastewater treatment facility from using on-site storage that could smooth out the daily biogas volume fluctuations.

d) Captive Biofuel Use Exemption—Requirement to Demonstrate “Excess” Capacity Creates Uncertainty

- 1029. Comment:** Commenter states that the 15-day amendments introduce a framework tied to “excess” renewable biofuel production, which does not align with how Roseville designed

⁵⁷ The Captive Biofuel Use Exemption was not included in the September 2025 (45-day version of the regulatory text) it was added in response to Board direction after the September Hearing. The commenter is referring to a early release draft release shared with utilities.

and operates its system to produce and utilize RNG as a primary transportation fuel. Commenter states the requirement to demonstrate “excess” capacity creates uncertainty regarding how existing uses are treated. Commenter states that this approach may constrain future fleet use of RNG, even where sufficient production exists. (Noelle Mattock – 15d)

- 1030. Comment:** Commenter seeks clarification on the definition of the term excess renewable biofuel capacity. (Noam Elroi – 15d-E)

Agency Response: No changes were made in response to these comments. The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize excess biogas generated on-site rather than flaring it. The provision provides certainty to captive biofuel fleets and gives them more time before they need to phase in ZEVs. The commenter did not provide enough detailed information about why the requirement to demonstrate “excess” capacity would create uncertainty regarding how their existing uses are treated. The commenter should be aware that the ZEV Milestones Option does not require ZEV purchases, instead it requires a fleetwide ZEV percentage by key milestone dates. The replaced ICE vehicle biofuel needs would be subsumed into the demand of the captive biofuel ICE fleet, which includes the prior year’s biofuel demand of the ICE vehicle that was replaced. The commenter may be concerned that directing biomethane from vehicles to on-site heating or electricity generation would be limited under the requirement to prove the facility has excess biofuel capacity. There is nothing in this provision that limits a facility to direct biomethane to other uses besides for use directly as a drop-in biofuel.

e) Captive Biofuel Use Exemption—Exemption Does Nothing for Their Fleet

- 1031. Comment:** Commenter states that the Captive Biofuel Use Exemption does nothing for their fleet which is already using renewable natural gas distributed by a common carrier pipeline. (Alex Braicovich – 15d)

Agency Response: No changes were made in response to this comment. The Captive Biofuel Use Exemption was designed in response to Board direction to limit access to the provision to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize excess biogas generated on-site rather than flaring it. If a facility has a pipeline to export biogas, then this exemption is not necessary because flaring would be minimized through exporting any excess biogas off-site via pipeline.

f) Captive Biofuel Use Exemption—Remove from the Advanced Clean Fleets Regulation or Limit to Two Years

- 1032. Comment:** Commenter requests the Captive Biofuel Use Exemption be removed from the regulation, or at the very least limited to two years, instead of until 2035. (Yasmine Agelidis – 15d)

Agency Response: No changes were made in response to this comment. The Board directed CARB to provide a limited exemption for renewable biofuels through the Captive Biofuel Use Exemption. Calendar year 2035 was selected as the last year for eligible low-NOx ICE vehicles to apply for this exemption because it was consistent with stakeholders’ request to extend the pathways for use of biogas in the transportation sector while still providing a date to phase-in ZEVs.

CalRecycle estimates that six wastewater treatment plants are anticipated to start co-digesting food waste and will bring an additional 140,000 tons of capacity online by 2025. This represents 6% of the estimated statewide wastewater treatment plant capacity utilized,

and 4% of the State's organic waste diversion goal. Limiting the Captive Biofuel Use Exemption to two years was deemed to be insufficient time to incentivize captive biofuel fleets to accept landfill diverted organic waste long enough to increase these percentages. Extending the deadline indefinitely will also not meet the objectives of this regulation. Establishing a clear timeline when wastewater treatment plants should start accepting more organic waste meets the objectives of this regulation and those of SB1383.

g) Captive Biofuel Use Exemption—Concern Over Limitations on Use of Biogas

1033. Comment: Commenter states concern over the limitations on the use of biogas, which is continuously produced, and has the ability to support multiple environmental goals. Fairfield-Suisun Sewer District is currently exploring a co-digestion project with a private entity and the limitations on the ability to use the biogas as biofuel can have significant impacts on this and any future co-digestion projects. (Amanda Roa – 15d)

Agency Response: No changes were made in response to this comment. There is nothing in this regulation that restricts or limits a private or public entity from selling biofuel directly to a private fleet or on the open market. In fact, given the repeal of the High Priority Fleets portion of ACF there are many more opportunities for a biofuel provider to find new markets for biogas. Also, given the longer timeline the Waste and Wastewater Provision and Biofuel Use Exemption provides to captive fleets, and considering any new low-NOx ICE vehicle is guaranteed a full useful life, there will still be ICE vehicles on the road well into mid-century. For background, the Board directed CARB to provide a longer offramp for low-NOx vehicles in captive waste and wastewater fleets that utilize their own biomethane. The Board asked CARB to engage with waste and wastewater agencies about adjusting their original timeline as part of the existing Waste and Wastewater Fleet Option under the ZEV Milestones Option. CARB met with waste and wastewater entities over 15 times after the September Board Hearing, and as part of the 15-Day change proposal added the "Captive Biofuel Use Exemption." This compliance option is available to the same fleet owners that have access to the Waste and Wastewater Fleet Option under the ZEV Milestones Option, as directed by the Board. The new Captive Biofuel Use Exemption will give fleet owners complying with the mandates of SB 1383 the option to purchase as many ICE vehicles as the excess renewable biofuel capacity can support, and any vehicle purchase made through this exemption is guaranteed its full useful life. Qualifying waste and wastewater fleet owners can make new ICE vehicle purchases up to 2035, and since these vehicles are guaranteed their full useful life, they could still be in service mid-century."

h) Captive Biofuel Use Exemption—Exemption Does Not Reflect the Practicalities of Fleet Operations

1034. Comment: Commenter states the amended provisions for the Captive Biofuel Use Exemption represent a considerable departure from the original intent of this exemption and do not reflect the practicalities of private fleet operations. Commenter states that if the goal is to provide additional flexibility for fleets to utilize produced RNG under California's circular economy policies, the modified text does the opposite by imposing additional restrictions and hurdles to RNG production and use. (Katie Vassalli – 15d)

Agency Response: No changes were made in response to this comment. The Board direction was to provide a limited exemption for SB 1383 generated renewable biofuels through the Captive Biofuel Use Exemption primarily to support waste and wastewater agencies who are implementing SB 1383 and dispense RNG into vehicles at the same site. As mentioned in the previous response, there is nothing in this regulation that restricts or limits a private entity from selling biofuel directly to a private fleet or on the open market.

Also, as discussed previously, the goals of the original ACF rulemaking are to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act), among others.

9. Fleet Resiliency Exemption

a) Fleet Resiliency Exemption—Demonstrating Necessity Under Section 2013.1(f)

- 1035. Comment:** Commenter states that the Fleet Resiliency Exemption should be excluded from section 2013.1(f) to be more accessible, as resiliency planning is distinct from ZEV availability and is essential for maintaining reliable service. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to this comment. The clarifying language added to section 2013.1(f) requires vehicle purchase information to be provided with exemption applications until 2030 to identify whether an exemption is necessary because 50% of purchases can be ICE without an exemption. For example, if the fleet owner is purchasing 4 vehicles and 3 are available as ZEV, there is no need to apply for an exemption because only 2 of the 4 vehicle purchases need to be ZEV. These revisions specify how fleet owners must demonstrate that requested exemptions would reduce required ZEV purchases, clarify when annual purchase information is needed, and identify circumstances in which an exemption may be voided or partially granted. These provisions apply uniformly to all exemptions processed under section 2013.1(f), including the Fleet Resiliency Exemption, and are necessary to maintain the integrity of the exemption process while preserving the expanded access to the Fleet Resiliency Exemption provided in the First 15-Day Changes.

b) Fleet Resiliency Exemption—Internal Combustion Engine Vehicle Cap Adjustments

- 1036. Comment:** Commenter requests that CARB revise the regulation to remove or modify the 25% resiliency cap to better reflect real-world fleet operations and emergency conditions. (Brittney Barsotti – 15d)
- 1037. Comment:** Commenter requests that the Board reconsiders provisions—such as the proposed resiliency cap—that do not reflect operational realities and risk unintended consequences for public health and safety. (Melanie Schumacher – 15d)
- 1038. Comment:** Commenter states that the proposed requirement that total fleet exemptions not exceed 25% introduces an unwarranted and inflexible constraint on agencies already struggling to comply with ACF requirements as emergencies are unpredictable, do not occur on a percentage basis, and response capacity cannot be scaled to fit an arbitrary threshold. Commenter states that there should be no cap on vehicles that qualify as emergency response vehicles. (Melanie Schumacher – 15d)
- 1039. Comment:** Commenter requests future consideration of flexibility to allow public fleets use of the Fleet Resilience Exemption beyond 25% of their respective fleets, and independent of other exemption pathways utilized. (Michelle Musgrave – 15d)
- 1040. Comment:** Commenter suggests the 25% cap to the fleet resiliency exemption is arbitrary and is requesting the cap be removed. (Arman Tarzi – 15d)
- 1041. Comment:** Commenter is concerned by the new 25% cap on total fleet exemptions. For a utility responsible for life-sustaining services, an arbitrary ceiling on exemptions could leave their community vulnerable if more than a quarter of their fleet requires specialized capabilities for emergency response or grid restoration. Commenter states this cap introduces a level of subjectivity that makes long-term capital planning difficult. (Pacal Cornejo-Reynoso – 15d)

- 1042. Comment:** Commenter requests future consideration of flexibility to allow public fleets use of the Fleet Resilience Exemption beyond 25% of their respective fleets, and independent of other exemption pathways utilized. Commenter states that fleets, large and small, may rely upon more than 25% of their fleet to perform fleet resilience activities and be unable to rely upon available ZEVs to meet fleet resilience activities. (Nick Blair – 15d)
- 1043. Comment:** Commenter states that while updates to the Fleet Resiliency Exemption are improvements, additional flexibility is needed, including removing or adjusting the 25% cap and ensuring other exemptions do not count against it, so fleets can maintain emergency response and operational readiness. (Derek Dolfie – 15d)
- 1044. Comment:** Commenter states the Fleet Resiliency Exemption is capped at 25% of the fleet, but requests that this be extended to 50% of the fleet for those vehicles whose range and payload needs cannot be met by available ZEVs. (Tom Greene – 15d)
- 1045. Comment:** Commenter states that the 25% limit on Fleet Resiliency Exemption, under California Code of Regulations (Cal. Code Regs.) 2013.2(e)(1)(D) is not currently sufficient for Los Angeles Department of Water and Power (LADWP) to respond throughout LADWP's service territory. A percentage limit on the number of vehicles is not sufficient due to the diversity in fleet sizes and operations. (Ellis Chiu – 15d)
- 1046. Comment:** Commenter recommends CARB revise the Fleet Resiliency Exemption to allow greater flexibility for public fleets beyond the current 25% ICE cap under specific conditions. Commenter states CARB should provide additional flexibility in the rule to accommodate future adjustments based on specific criteria, including; size of service area, ZEV performance limitations during emergency deployments and other factors affecting the appropriate ICE percentage for mutual aid and emergency response. (Roxana Ramirez – 15d)
- 1047. Comment:** Commenter states that the proposed ACF amendments are unworkable for local agencies due to varying constraints, particularly the 25% fleet resiliency cap and limitations on emergency-use flexibility. (Brittney Barsotti – 15d)
- 1048. Comment:** Commenter states that under the current CARB proposal, resiliency is effectively capped by limiting exemptions to just 25% of their fleet and this constraint fails to reflect the unpredictable and demanding nature of emergencies as disasters do not adhere to compliance timelines or arbitrary thresholds. (Socorro Pantaleon – 15d)
- 1049. Comment:** Commenter states that depending on the nature and scale of the incident, the City may need to mobilize its full fleet to maintain continuity of service and protect public health and safety. Commenter states limiting flexibility to a capped portion of the fleet does not reflect these operational realities and introduces risk during critical response scenarios. (Noelle Mattock – 15d)
- 1050. Comment:** Commenter states the Fleet Resiliency Exemption (Section 2013.2(e)), formerly the Mutual Aid provision, has been expanded; however, it remains constrained, including a cap limiting use to a portion of the fleet, and does not provide sufficient flexibility for essential service fleets operating in emergency response and mutual aid environments. (Noelle Mattock – 15d)
- 1051. Comment:** Commenter requests removal of the 25% cap to allow emergency service entities flexibility in maintaining operational readiness. (Steven McCracken – 15d)
- 1052. Comment:** Commenter states it is not tenable if only 25% of their fleet can be available for gas vehicles, and immediately available for emergency response, this translates to 7 vehicles over the 48 square mile service area for emergency response. (Dorothy Norkus – 15d)
- 1053. Comment:** Commenter states the 25% of fleet being exempt from conversion to ZEV ignores the realities they face and that local agencies cannot have their ability to respond to emergencies constrained. (Kimberly Thorner – 15d)

Agency Response: No changes were made in response to these comments. The maximum 25% exempt vehicles cap in a fleet was not changed from what was initially

adopted and remains the maximum limit of vehicles that may be claimed exempt under a fleet's total exemptions. The threshold cap was not removed or modified to ensure that fleet owners continue to make progress towards meeting the regulation's emissions reduction goals. California is committed to achieving significant reductions in the amount of NOx from medium- and heavy-duty vehicles. The repeal of the Drayage and High Priority Fleets sections of the ACF Regulation does not change the emissions reduction commitments made in the SIP nor does it eliminate California's obligation to realize those emissions reductions.

With the 100% ZEV Purchase delayed until 2030, fleets have more flexibility in how they phase in ZEVs and ICE and directly reduce the number of ZEVs required to be purchased. Small fleet owners and those in designated counties won't need to purchase any ZEVs until 2030. The Fleet Resiliency Exemption minimum entry threshold of 25% ZEVs in a fleet has been lowered to 5% and the exemption has been expanded to include all vehicle types, as several body types were excluded previously. Fleet owners often do not send out a high percentage of their fleet to provide mutual aid. The added flexibility with the extended compliance timeframe and the expanded exemptions means it will be about a decade or more before most fleet owners reach 50% ZEVs in their fleet.

Finally any vehicle in a fleet can be used during a Declared Emergency Event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during any of the conditions or degrees of emergency described in California Government Code, section 8558, without affecting compliance. When a fleet owner is claiming the Fleet Resiliency Exemption, they have the discretion to exempt any of their vehicles to address any operational concern, even those that they are not planning to send out on mutual aid events.

c) Fleet Resiliency Exemption—Exempt Vehicles Should Not Count Against the Internal Combustion Engine Vehicle Cap

- 1054. Comment:** Commenter states in order to fulfill the requirements of AB1594 and provide a realistic compliance path in a volatile EV market, we believe CARB should continue working on removing the count of other approved exemptions towards the Fleet Resiliency 25% cap limit which defeats the purpose of the whole exemption process. Commenter states that the current language would penalize fleets and if the fleet was successful in receiving an exemption, then they have demonstrated that the ZEV market cannot support their operations and therefore, those exemptions should not count towards the 25% fleet resiliency cap. (Jesus Martinez Ramirez – 15d)
- 1055. Comment:** Commenter recommends that the calculation of the total number of Fleet Resiliency Exemptions allowed not deduct prior granted exemptions. Commenter states it would be punitive to limit the number of fleet resiliency vehicle exemptions based on exemptions received for vehicles needed for entirely separate functions. (Roxana Ramirez – 15d)
- 1056. Comment:** Commenter recommends that CARB changes the vehicles purchased under the ZEV Purchase and Daily Usage Exemption should not count against the 25% Fleet Resiliency Exemption limit especially if they do not necessarily serve fleet resiliency needs. (Ellis Chiu – 15d)
- 1057. Comment:** Commenter states that while updates to the Fleet Resiliency Exemption are improvements, additional flexibility is needed, including removing or adjusting the 25% cap and ensuring other exemptions do not count against it, so fleets can maintain emergency response and operational readiness. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to these comments. This requirement is necessary to provide a fleet owner flexibility to respond to mutual aid emergencies with up to a quarter of the fleet, while also ensuring progress towards CARB's emissions goals. These amendments attempt to strike a balance between government agency needs and California's needs for significant air quality improvements and GHG reductions. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation. If a portion of the fleet is already composed of ICE vehicles, the exemption would not be needed for that part of the fleet, as they are already able to respond to mutual aid events and emergencies. Fleet owners may still apply for and be granted other vehicle exemptions, such as Daily Usage Exemption or ZEV Purchase Exemption, aside from their 25% Fleet Resiliency vehicles.

d) Fleet Resiliency Exemption—Permit New Internal Combustion Engine Vehicles to Exceed the Total Number of Zero-Emission Vehicles

- 1058. Comment:** Commenter recommends that CARB remove the requirement under Cal. Code Regs. 2013.2(e)(1)(C) that new Internal Combustion Engine Vehicles purchased under this exemption must not exceed the total number of ZEVs. (Ellis Chiu – 15d)
- 1059. Comment:** Commenter states that to require that the number of exemptions cannot exceed the number of ZEVs in the fleet defeats the whole purpose of the fleet resiliency exemption. Commenter states that by limiting the number of exemptions to the number of ZEVs in the fleet, it will jeopardize their ability to respond during emergencies. (Jesus Martinez Ramirez – 15d)

Agency Response: No changes were made in response to these comments. In the First 15- Day Changes, CARB delayed the 100% ZEV Purchase Schedule and made other changes providing earlier access to the Fleet Resiliency Exemption, however there was no change made regarding the requirement that the total number of exemptions must not exceed the number of ZEVs in the fleet. That change would have created a loophole scenario where fleet owners would be able to apply for the Fleet Resiliency Exemption and then halt ZEV progress for several years just to avoid ZEV purchases for unrelated reasons. The additional language that limits the number of exemptions ensures that fleet owners continue to make progress towards meeting the regulation's emissions reduction goals, while still providing significantly more flexibility than the previous regulation text, which did not allow for any Mutual Aid Exemptions (renamed to Fleet Resiliency Exemption) prior to the fleet reaching 25% ZEVs.

e) Fleet Resiliency Exemption—Exemption Should be More Flexible and Account for the Scale of Emergency Events

- 1060. Comment:** Commenter states that while the expanded Fleet Resiliency Exemption seeks to address resiliency concerns, it still does not adequately account for emergency situations that can persist for many days and that require a large and continuous mobilization of a fleet that is not dependent on electricity to remain operable. (Pravani Vandeyar – 15d)
- 1061. Comment:** Commenter requests in regard to § 2013.2(e) that CARB explicitly include flood, fire, earthquake and other emergency response and water infrastructure emergency operations as recognized fleet resiliency concerns under this exemption to eliminate any ambiguity in its application. Commenter requests that CARB remove or broaden the language in § 2013.2(e)(1)(A). Commenter states requiring a mutual aid agreement tied to declared emergency events directly contradicts the exemption's stated purpose of addressing "any fleet resiliency concerns." Commenter states that public agencies respond daily to infrastructure emergencies such as flooding, water main failures, drainage failures,

downed trees and power lines, etc., that are critical public safety functions but are not formally declared emergency events and are not covered by mutual aid agreements.

(Courtney Lee – 15d)

- 1062. Comment:** Commenter states that their services rely on a diverse and specialized fleet that must remain operational under all conditions, including emergency response and mutual aid. In practice, emergency events often require simultaneous response across multiple service areas, including maintaining water supply and wastewater operations, debris removal, and electric system restoration. Commenter states these events do not occur in a manner that allows for partial fleet deployment. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. CARB acknowledges the emergency and essential service response concerns raised by public agencies; however, the amendments reflect the Board’s direction and the scope of this rulemaking action. The amendments fully meet the requirements of AB 1594 which directs CARB to make limited modifications to two of the rule’s exemptions. The amendments go considerably beyond AB 1594 to delay the overall regulation’s requirements and provide significant flexibility beyond what is required in the bill. These amendments, including the First 15-Day Changes, provide significant relief when compared to the original ACF regulation and have been developed with extensive consultation with public agency utilities. They attempt to strike a balance between government agency needs and California’s needs for significant air quality improvements and GHG reductions. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

To ensure clarity and maintain alignment with existing statutory language, the regulation uses the definition of “emergency vehicle” as set forth in California Vehicle Code section 165. It is necessary for the ACF regulation to clearly state and define what is considered an “emergency operation” and a declared emergency event to avoid loopholes, maintain clarity, and ensure that exemptions are not abused. The ACF regulation does not specifically state that the Fleet Resiliency Exemption is only available for vehicles during certain declared emergency events. Instead, the relevant criteria is that fleet owners need to have a mutual aid agreement to assist other entities during a declared emergency event to be eligible. The Fleet Resiliency Exemption already gives fleet owners complete discretion as to what vehicles they decide to use the exemption, including beyond just mutual aid events.

The ACF regulation and changes made in the First 15-Day Changes already have existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet, including the ZEV Purchase Exemption and Daily Usage Exemption. As a part of the First 15-Day Changes the Fleet Resiliency Exemption’s entry threshold of 25% ZEVs in a fleet has been lowered to 5%, and the exemption has been expanded to include all vehicle types since several body types were previously excluded.

10. Zero-Emission Vehicle Purchase Exemption

a) Zero-Emission Vehicle Purchase Exemption – Streamlined List During 50% ZEV Purchase Requirements

- 1063. Comment:** Commenter states that changes made to Section 2013.1(f) undermines the Streamlined ZEV Purchase Exemption by allowing CARB to retroactively deny ICE purchases, making the exemption unreliable and shifting administrative burden to after purchases are completed. (Derek Dolfie – 15d)

- 1064. Comment:** Commenter states that while the Streamlined ZEV Purchase Exemption is intended to reduce upfront requirements, the potential for retroactive review and denial

introduces uncertainty and shifts the burden to year-end reporting, when corrective action is far more difficult and costly. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. The online ZEV Purchase Exemption Streamlined List is straight-forward for fleet owners to use because it does not need an application or approval process. Vehicles on the ZEV Purchase Exemption Streamlined List are automatically eligible to be purchased as ICE vehicles within the specified dates and no aspect of the list can change retroactively. No exemption application is needed if all ICE vehicles purchased in the year are on the ZEV Purchase Exemption Streamlined List.

The vehicle purchase information in Section 2013.1 is only necessary when other types of exemption applications are submitted for a given year. The clarifying language added to section 2013.1(f) requires vehicle purchase information to be provided with exemption applications until 2030 to identify whether an exemption is necessary because 50% of purchases must be ZEV and the other 50% can be ICE with or without an exemption. For example, if the fleet owner is purchasing 4 vehicles and 3 are available as ZEV (where one is on the ZEV Purchase Exemption Streamlined List), the fleet owner can still purchase 2 ZEV and does not need to apply for another exemption. CARB staff and the fleet owner do not need to spend time submitting and reviewing exemption requests when ZEVs are available to meet the 50% ZEV purchase requirement.

b) Zero-Emission Vehicle Purchase Exemption—Designation of Vehicles for Fleet Resiliency Should be Different From Availability Determinations of Zero-Emission Vehicle Purchase Exemption

1065. Comment: Commenter states at a minimum, the Fleet Resiliency exemption should be removed from the 2013.1(f) process, as the decision to designate a vehicle for fleet resiliency should be treated differently than the availability determinations of the ZEV Purchase Exemption. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to this comment. The vehicle purchase information in Section 2013.1 is only necessary when exemption applications are submitted for a given year. The clarifying language added to section 2013.1(f) requires vehicle purchase information to be provided with exemption applications until 2030 to identify whether an exemption is necessary because 50% of purchases must be ZEV and the other 50% can be ICE with or without an exemption. For example, if the fleet owner is purchasing 4 vehicles and 3 are available as ZEV (where one would be claimed for the Fleet Resiliency Exemption), the fleet owner can still purchase 2 ZEV and does not need to apply for another exemption. CARB staff and the fleet owner do not need to spend time submitting and reviewing exemption requests when ZEVs are available to meet the 50% ZEV purchase requirement. By collecting this information, CARB can also notify the fleet owner if the flexibility of the regulation means they can purchase an ICE vehicle while meeting their resiliency concerns without using the resiliency exemption and keeping the exemption for vehicle purchases in another year.

c) Zero-Emission Vehicle Purchase Exemption—Establish a Working Group to Evaluate ZEV Availability

1066. Comment: Commenter recommends that CARB establish a working group to evaluate whether new ZEVs can effectively replace ICE vehicles and ascertain if there are viable mobile refueling options after 2030, as mobile refueling options must be able to consistently

recharge vehicles for extended deployments in the field. Commenter states the group should have access to a minimum of 12 months of field data to inform their decisions, ensuring that the ZEVs meet or exceed the performance standards set by ICE vehicles. (Roxana Ramirez – 15d)

Agency Response: No changes were made in response to this comment. The approach suggested by the commenter, to create a working group, would require the creation of a decision-making body whose function would require coordination and decision-making outside of CARB's direct control and unlikely to result in immediate relief and changes necessary for the ACF regulation that the commenter requests. This comment is outside the scope of the rulemaking, therefore, CARB is not required to respond.

d) General—Requests for Additional Clarity and Flexibility

1067. Comment: Commenter requests that CARB provide additional clarity in the regulatory language, as well as flexibility in implementation timelines and compliance pathways, particularly for fleets that rely on specialized heavy-duty vehicles with limited zero-emission options. (Erin Sasse – 15d)

Agency Response: No changes were made in response to this comment. The regulation already includes multiple flexibility provisions designed to address situations where fleet owners rely on specialized heavy-duty vehicles with limited zero-emission options. These provisions include the ZEV Purchase Exemption, which applies when a fleet owner cannot meet the 50% ZEV purchase requirement because a needed vehicle is not available in a comparable ZEV configuration, and other exemptions that address operational and usage constraints. These mechanisms are intended to provide the necessary flexibility for fleets with unique equipment needs while maintaining the structure of the regulation and ensuring continued progress toward emissions reduction goals. Making changes to timelines or compliance pathways in response to these comments is not warranted. Furthermore, it is unclear from the comment what additional clarity the commenter seeks in the regulatory language. Due to the lack of specificity in the comment, CARB is not required to respond. CARB has reviewed the regulatory language for clarity and determined the language meets the California Administrative Procedure Act standard of clarity.

e) General—Revise Language to Ensure it Does Not Restrict the Use of Exemptions and the 50% Procurement Requirement Remains Available

1068. Comment: Commenter states they are concerned about changes to Cal. Code Regs. 2013.1(f) and Cal. Code Regs. 2013.1(g) that suggest that until 2030, exemptions would not be granted unless a fleet demonstrates that all other vehicles in the purchase plan could not be purchased as ZEVs. They state this severely limits a fleet's flexibility and forces fleets to either rely solely on the 50% purchase requirement in the next few years or submit a substantial amount of documentation for all vehicles that a fleet intends to purchase that's year in order to receive an exemption. (Ellis Chiu – 15d)

1069. Comment: Commenter states Section 2013.1(f) undermines the 50% procurement framework by requiring fleet owners to demonstrate that exemptions reduce required ZEV purchases, which in practice limits use of the 50% procurement flexibility prior to 2030 and allows CARB to analyze and potentially override individual ICE purchase decisions, thereby restricting intended fleet-level discretion in balancing ZEV and ICE deployment. Commenter states CARB should remove or amend this limitation to ensure the 50% procurement framework and exemptions remain available as intended. (Derek Dolfie – 15d)

1070. Comment: Commenter recommends ensuring that the new language in section 2013.1 (f) does not restrict the use of exemptions when those purchases are covered by the 50% procurement requirement. This provision would create an unreasonable administrative burden for fleets and limit fleets' purchasing flexibility. (Kristian Corby – 15d)

Agency Response: No changes were made in response to these comments. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. More specifically, a ZEV Purchase Exemption is only necessary or meaningful if a fleet owner cannot meet the 50% ZEV purchase requirement in the given calendar year. The requirement to assess a fleet's purchase plan and take into account all purchases made during a calendar year prevents a loophole where the flexibility of the 50% purchase requirement can be exploited to circumvent the requirement by changing the order of purchases and exemption requests during the calendar year. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

f) General—Need for Field-Testing

1071. Comment: Commenter states their previous concerns regarding vehicle availability and field-testing also remain relevant. While the new language addresses manufacturer warranty and bankruptcy, it does not yet account for the need for vehicles to be field-tested in the specific, rigorous conditions faced by local agencies before mandates are enforced. The lack of mature ZEV options for heavy-duty applications—such as those requiring high-capacity towing and stationary power for hours—continues to pose a risk to their ability to restore service following Public Safety Power Shutoff (PSPS) events, wildfires, earthquakes, or other emergency scenarios. (Pacal Cornejo-Reynoso – 15d)

Agency Response: No changes were made in response to this comment. The criteria in the exemptions are designed to be objective and straightforward to give clear determination. The commenters request for fleet specific field testing would be difficult to apply uniformly to the entire state. Additionally, the ACF regulation already has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the operational needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. In addition, in the First 15-Day Changes, CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption, and made other improvements to the Daily Usage and ZEV Purchase Exemption. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

g) General—Does Not Allow Fleets to Use Lack of Manufacturer Responses as Evidence

1072. Comment: Commenter states that the ZEV purchase exemption does not allow fleets to use lack of manufacturer responses as evidence. (Patricia Davy – 15d)

Agency Response: No changes were made in response to this comment. Sufficient flexibilities exist in the ACF regulation that allow fleet owners to acquire and deploy ZEVs where best suited and ICE vehicles where most needed. The criteria in the exemptions are designed to be objective and straightforward to give clear determination. The ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration to meet the primary intended function of the vehicle. More specifically, the ZEV Purchase Exemption requires that fleet owners submit documentation from two or more manufacturers or authorized dealers that offer for sale a ZEV or NZEV chassis, or a complete ZEV or NZEV, in the same or next higher weight class as the ICE vehicle being purchased (except for Class 8 vehicles, which shall only be in the same weight class). Ultimately, fleet owners have the ability to purchase vehicles from manufacturers that meet their needs. When one manufacturer is unresponsive, fleet owners may still meet the exemption application requirement by going to a different manufacturer or authorized dealer. Therefore, the suggested change is not necessary.

As part of the exemption determination process, CARB will continue to reach out to manufacturers and/or authorized dealers to verify product availability for fleet owners. If CARB is unsuccessful, the exemption will be granted to the fleet owner. Fleet owners can email ZEVFleet@arb.ca.gov to communicate with CARB to clarify or resolve the issue.

h) General—Add Core Vehicle Specification Capabilities

1073. Comment: Commenter states that the ZEV Purchase Exemption does not adequately account for core vehicle specifications, and requests that CARB revise the exemption to incorporate operational requirements such as payload, towing, and equipment needs. (Derek Dolfie – 15d)

1074. Comment: Commenter recommends adding consideration of core specifications such as towing, payload, and off-road capabilities to the ZEV Purchase Exemption. These core specifications are critical for public utilities, especially smaller public utilities that need their vehicles to perform a wide range of duties in variable conditions and environments. (Kristian Corby – 15d)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change provides fleet owners full flexibility to make 50% of their vehicle purchases as ICE for an additional three years. This change ensures that ZEVs can be deployed where most suitable and ICE vehicles where most needed. As part of the First 15-Day Changes, fleet owners may request the Fleet Resiliency Exemption to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle to address any fleet resiliency concerns, such as mutual aid response support, towing, or range limitations. The access threshold of the Fleet Resiliency Exemption was also reduced from 25% ZEVs in a fleet to 5%. This change provides additional flexibility that permits fleet owners to access the exemption more quickly and to maintain certain ICE vehicles in their fleet. Further, fleets are permitted to switch between the two compliance pathways without limitation until January 1, 2030, so fleet owners may choose which pathway best aligns with their specific needs and meet their compliance obligations. Improvements and changes were made to the Daily Usage and ZEV Purchase Exemptions to provide more flexibility and streamlining.

The information to be submitted with the application contains key parameters directly related to the operational criteria of the vehicle. This includes the weight class, body configuration,

make and model, a list of the frame attachments other than the body itself necessary to support or perform the primary intended function of the vehicle, and whether the vehicle has a crew cab, cabover, or AWD. These characteristics are essential to the basic functionality of the configuration.

Certain specifications for specialty vehicles, such as wheelbase and payload, are not considered in the criteria for assessing ZEV availability, as they vary highly amongst fleets and the regulation intends to prioritize turnover of vehicles that perform more common functions. Therefore, it would not be workable to deem ZEVs outside of certain specification thresholds as unavailable if the ZEVs suit the needs of regulated fleets. Manufacturers also typically advertise or inform fleet owners of a vehicle's capabilities prior to establishing a purchase agreement. Therefore, in the instance that more than one available ZEV meets the fleet's needs, fleet owners have the opportunity to select an appropriate ZEV elsewhere should a manufacturer not be able to provide what is needed. Fleet owners are expected to place ZEVs where they are best suited. Lastly, the ZEV Purchase Exemption includes a case-by-case process that permits fleet owners to purchase an ICE vehicle if it is demonstrated that no manufacturers or body builders can supply a ZEV in the needed configuration.

Regarding duty cycle concerns, the Daily Usage Exemption already permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. Therefore, additional criteria related to duty cycle is not necessary under the ZEV Purchase Exemption. Thus, making changes in response to these comments is unnecessary.

i) General—Request for a More Concise Exemptions Process

1075. Comment: Commenter recommends that CARB create a clearer, more concise process for ZEV Purchase Exemptions. Commenter was recently given a quote of a delivery time of two years for an electric bucket truck. The process outlined in the current rulemaking would make it difficult to plan for and purchase future vehicles. (Jason Maruca – 15d)

Agency Response: No changes were made in response to this comment. CARB has taken numerous steps to improve the regulation language and ensure clarity when granting exemptions and has a streamlined list that identifies vehicle types that can be purchased as ICE without applying for an exemption. Making changes to create a clearer and more concise process in response to this comment would be unnecessary.

Similar to ICE vehicles, ZEV or NZEV delivery times vary by manufacturer, final configuration, and a wide range of reasons. Compliance determination is based on the purchase date rather than the delivery date when a fleet chooses to comply with the ZEV Purchase Schedule. Fleets using the ZEV Milestones Option have access to the Vehicle Delivery Delay Extension which provides fleets the flexibility to count an ICE vehicle as a ZEV for circumstances involving manufacturer delays of ZEV deliveries to the fleet owner. Fleet owners are expected to continue to plan their vehicle purchases while considering vehicle lead times, similar to existing practices for any vehicle purchase. Making changes to the ZEV Purchase Exemptions process in response to this comment is not necessary.

j) General—Create and Maintain a List of Qualifying Zero-Emission Vehicle Manufacturers on the Advanced Clean Fleets Webpage

1076. Comment: Commenter states, in regard to § 2013.2(d)(2)(D) (6-8), that the City recommends that CARB publish and maintain a current list of qualifying ZEV manufacturers on the Advanced Clean Fleets webpage so that fleet owners can direct their outreach efficiently and avoid submitting manufacturer statements that CARB might disregard. (Courtney Lee – 15d)

Agency Response: No changes were made in response to this comment. CARB already maintains a list of available ZEVs that are certified for sale in California that is available on the ACF webpage to help fleet owners more easily identify the vehicle solutions they need.

k) General—Expand Manufacturer Reliability Criteria

1077. Comment: Commenter request that CARB expand the criteria in § 2013.2(d)(2)(D)(6-8) to address the viability of the battery or energy storage system supplier used by the manufacturer. (Courtney Lee – 15d)

1078. Comment: Commenter states the ZEV Purchase Exemption should incorporate additional considerations to meaningfully address manufacturer longevity, reliability and support, such as requiring field testing and local availability of warranty services. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to these comments. SLG fleet owners have the ability to purchase vehicles from manufacturers that meet their needs. As part of the First 15-Day Changes, the ZEV Purchase Exemption was updated to include a requirement that a manufacturer must have received an Executive Order to certify a ZEV for at least three of the previous five years and not be undergoing bankruptcy proceedings to be considered available. This criterion was added to address stakeholder concerns regarding manufacturer reliability and vehicle support.

ACF does not regulate manufacturers and therefore, it is unnecessary to add additional manufacturer requirements to the existing language as it is considered outside the scope of this rulemaking process. Sufficient flexibilities exist in the ACF regulation that allow fleet owners to acquire and deploy ZEVs where best suited and ICE vehicles where most needed. As part of the First 15-Day Changes, CARB expanded the accessibility of the Fleet Resiliency Exemption. This change allows fleet owners to request for an exemption to purchase a new ICE vehicle or use this exemption to designate an existing ICE vehicle to address any fleet resiliency concerns such as business viability of the vehicle battery supplier, emergency response support, towing, or range limitations for any ICE vehicle in the fleet as specified in section 2013.1(f)(5) or 2013.6(f)(6).

l) General—Require a Minimum of Two Qualifying Manufacturers

1079. Comment: Commenter requests that CARB amend § 2013.2(d)(2)(D) to require a minimum of two qualifying manufacturers (per D. 1-8) offering a ZEV in the needed configuration before that configuration is deemed available for purchase. (Courtney Lee – 15d)

Agency Response: No changes were made in response to these comments. CARB has added in these amendments appropriate criteria to ensure manufacturers have a properly established history of certifying vehicles in California. Requiring a minimum of two qualifying manufacturers is not necessary when there is at least one manufacturer who meets all the

criteria and has produced vehicles that are ready for fleet owners to purchase. Since there are currently only a handful of ICE OEMs on the market, CARB does not believe it is necessary to hold ZEVs to a potentially higher standard. Making changes in response to this comment would be unnecessary and would undermine the emissions reduction goals of the regulation.

**m) Streamlined Zero-Emission Vehicle Purchase Exemption
List—Include Involvement of Manufacturer and
Stakeholder Input**

- 1080. Comment:** Commenter states that improvements made to the ZEV Purchase Exemption Streamlined List and acknowledgement of the ZEV maintenance process will provide enhanced clarity. Such improvements include the involvement of manufacturer and stakeholder input that results in a process government fleets can support. (Jennifer Goodsell 2 – 15d)

Agency Response: No changes were made in response to this comment. While not entirely clear, CARB is interpreting this comment to mean that additional improvements made to the ZEV Purchase Exemption Streamlined List would enhance clarity for the commenter as well as acknowledgement of the ZEV maintenance process. However, the commenter did not leave any suggestions for additional edits and did not clarify what type of acknowledgments or which ZEV maintenance process would enhance such clarity. As a response to this interpretation, CARB believes the ZEV Purchase Exemption Streamlined List already has a straight-forward process for creating exemptions so changes in response to this comment are not necessary.

CARB is also interpreting the second portion of the comment to mean that the involvement of manufacturer and stakeholder input would result in a process that SLG fleet owners can support. As a response to this interpretation, there were numerous opportunities for manufacturer and stakeholder to provide input during the rulemaking process. CARB has worked with stakeholders extensively to develop the Streamlined List and intends to continue doing so in the future.

**n) Streamlined Zero-Emission Vehicle Purchase Exemption
List—Should Not Limit Vehicle Types When Considering
Eligibility**

- 1081. Comment:** Commenter states CARB should not limit the vehicle types eligible for the Streamlined exemption process, as market conditions change and there are no guarantees about which vehicle types may be available going forward as it pertains to the ZEV Purchase Exemption. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to these comments. The purpose of the list is for CARB to provide information about common body types and whether they are available on the market. This approach addresses a vast majority of vehicles in a fairly simplified manner. Expanding the list to uncommon vehicle types would take significantly more resources and would add complexity for little benefit. For less common vehicles, fleet owners can use the standard application process. Making changes in response to this comment was deemed unnecessary.

11. Daily Usage Exemption

a) Daily Usage Eligibility—Request To Remove Eligibility Threshold

- 1082. Comment:** Commenter requests CARB delete the 10% ZEV fleet requirement from section 2013.2(b)(1). Commenter requests this requirement is arbitrary and says nothing about the legitimacy of a request for an exemption. (James Emmons – 15d)
- 1083. Comment:** Commenter requests that CARB reduce the 10% ZEV threshold, at least to 5%, to allow fleets to access the exemption based on operational need rather than prior ZEV procurement. (Derek Dolfie – 15d)
- 1084. Comment:** Commenter recommends removing the 10% threshold before fleets can access the Daily Usage Exemption. Commenter states that based on the current ZEV market conditions, the minimum proportions of ZEVs make access to this exemption unattainable in the near term, while existing vehicles continually need to be replaced. (Ellis Chiu – 15d)
- 1085. Comment:** Commenter states that the type of minimum EV fleet threshold, like under the Daily Usage Exemption, is illogical – if an EV can't meet daily usage demands, that fact remains true whether or not the fleet is comprised of at least 10% EVs. Commenter states that the minimum EV thresholds should therefore be eliminated from the exemptions, to ensure that the exemptions are available from the start. (Pravani Vandeyar – 15d)

Agency Response: No changes were made in response to these comments. The requirement that the fleet should be comprised of 10% ZEVs to qualify for the Daily Usage Exemption is necessary to ensure progress is being made by every fleet in purchasing ZEVs before exemptions based on duty-cycle are granted. Fleet owners will have to consider where ZEVs will fit best into their operations and take the initial steps to phase-in ZEVs in their fleet. This requirement will help fleets gain experience with ZEV technology and ensure they have a vested interest in moving the market forward. Additionally, as part of the First 15-Day Changes, a number of changes were made to provide additional flexibilities for fleets so that it would be less challenging for fleets to phase-in ZEV technology. For example, the 100% ZEV purchase requirement was delayed from 2027 to 2030, and the minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5% and expanded to all truck types. Therefore, prior to 2030, fleet owners can purchase fewer ZEVs and apply for the Fleet Resiliency Exemption if they prefer ICE vehicles for certain responsibilities. After 2030, when 100% of vehicle purchases need to be ZEVs, CARB expects the fleet to make progress toward the phase-in of ZEV technology and to exceed the 10% ZEV threshold to qualify for the Daily Usage Exemption, assuming vehicle turnover rates between 10 to 13 years. Therefore, removing the threshold in response to this comment is not necessary.

b) Daily Usage Eligibility—Request to Receive Exemptions Prior to Any Zero-Emission Vehicle Purchase

- 1086. Comment:** Commenter states that CARB should remove the requirement in Cal. Code Regs. 2013.2(b)(6) where BEVs that do not meet the daily usage criteria and must be purchased before an exemption for ICE vehicles can be granted. A vehicle's replacement criteria are approved by the fleet's governing board, chief executive, or the chief executive's designee due to age, maintenance issues, mileage, and other operational needs. (Ellis Chiu – 15d)

Agency Response: No changes were made in response to this comment. The ZEV Purchase schedule does not require any vehicle to be replaced and fleet owners can keep vehicles as long as they want. Data collected through Large Entity Reporting and analyzed in the staff report indicate that most public fleet vehicles return to base overnight and 81%

travel fewer than 100 miles per day, with another 11% that drive up to 150 miles per day. For these vehicles, overnight depot charging is sufficient to meet daily operational needs under typical duty cycles. The requirement of section 2013.2(b)(6) maintains the integrity of the Daily Usage Exemption. This requirement does not conflict with the fleet owner's replacement criteria. Nothing in section 2013.2(b)(6) prevents a fleet owner from replacing their vehicle due to any reason. However, the commenter should be aware that this exemption may require the fleet owner to adjust daily assignments where BEVs are most suitable.

c) Daily Usage Calculation Methodology—Concerns on Real-World Test Data Collection

1087. Comment: Commenter states that even if they could apply for the Real-World Test Data Collection methodology of section 2013.2(b)(4)(C), the required data would paint a false picture of what the district needs from a ZEV. (James Emmons – 15d)

1088. Comment: Commenter does not like the requirement that fleets obtain real-world ZEV data in order to prove that a ZEV cannot meet the fleet's needed energy use requirements. (Patricia Davy – 15d)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes, the Daily Usage Exemption requirement was modified so SLG fleet owners could opt into either the Mileage Data method or the Total Energy Usage method to apply for the Daily Usage Exemption. Only the latter method requires the Real-World Test Data Collection. If commenters do not think the Real-World Test Data Collection method represents the operational need of their district, they can use their actual fleet mileage data with the default BEV mileage factors included in the regulation. As part of the First 15-Day Changes, additional flexibility was provided to SLG fleets to improve their ability to use existing maintenance or other periodic data. For example, when daily data is unavailable, SLG owners can submit data of four mileage intervals over 30 workdays. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

d) Daily Usage Calculation Methodology—Request to Use Highest Mileage Reading

1089. Comment: Commenter states that instead of compiling daily usage reports of all existing ICE vehicles of the same weight class and configuration, fleet owners should only have to demonstrate that vehicles with the same duty cycle exceed the capabilities of a BEV during the worst-case scenario. (Ellis Chiu – 15d)

Agency Response: No changes were made in response to these comments. It is unclear what the commenter means by same duty cycle and why grouping different types of vehicles together would be meaningful. The Daily Usage Exemption is based on actual vehicle operation data for a group of the same weight class and configuration. The vehicle operation data can be selected by the fleet owner for any 30-day period within the previous year, or within the previous 5 years if they have a mutual aid agreement. The method of identifying the lowest daily mileage (or usage) reading from the group of vehicles is an objective method to determine the range or energy capacity needed each day during the analysis period. If the results show a BEV could not meet the daily needs for all 30 days the vehicle would be eligible for an extension.

Moreover, the ACF regulation already has existing provisions that give meaningful exemptions for fleets when available ZE technology does not meet the needs of the fleet. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due

to circumstances beyond their control if a required ZEV is not available to purchase in the same configuration as the vehicle being replaced. In addition, in the First 15-Day Changes CARB made numerous changes to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, CARB expanded the accessibility of the Fleet Resiliency Exemption and made other improvements to Daily Usage and ZEV Purchase Exemption. Making changes in response to this comment would be unnecessary and would undermine the emissions reduction goals of the regulation.

e) Daily Usage Calculation Methodology—Request to Consider Extreme Weather Conditions

1090. Comment: Commenter requests CARB amend all the methodologies to allow for accurate conversion to cold weather performance of the ZEV under consideration. (James Emmons – 15d)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes a new methodology was added named “Total Energy Usage” to determine Daily Usage Exemption Eligibility by comparing the real-world vehicle energy use with the vehicle energy use. The fleet owner can use this new method during cold weather conditions and collect data to show if energy consumed by BEVs exceeds the available BEVs in the market. Making changes in response to this comment would be unnecessary and would undermine the emissions reduction goals of the regulation.

f) Daily Usage Calculation Methodology—Request to Consider Energy Consumed Under Stationary Work

1091. Comment: Commenter recommends under Daily Usage Exemption Revisions, CARB allow the calculation of fuel equivalency to capture stationary work usage rather than require burdensome vehicle testing and real-world BEV energy usage data. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to this comment. It is not entirely clear what the commenter means by calculating fuel equivalency, but this response assumes the comment means the method should assume the BEV energy usage is proportional to the ICE vehicles usage. The assumption does not hold because conventional ICE vehicles use energy when coasting and idling during stationary operation when ZEVs do not.

In the First 15-Day changes, the Daily Usage exemption was revised to be more intuitive and the Total Energy Usage methodology was improved and gives fleet owners the option to use real-world vehicle test data from a 5-day period to determine Daily Usage Exemption Eligibility. During the real-world vehicle test data collection process, the data needs to include the mileage travelled to the job site, and the hours and energy used by the vehicle while in operation at the job site, which captures the stationary work usage as requested by the commenters. The Total Energy Usage methodology more accurately compares the energy consumption of ZEVs and ICE vehicles. In addition, as part of the First 15-Day changes, the fleet owner can use test data collected by other fleets if they have similar vehicles. Thus, no changes were made in response to this comment because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

g) Daily Usage Calculation Methodology—Request to Consider Towing Capability

1092. Comment: Commenter requests that vehicle specification issues such as range and towing should continue to be addressed by further improving the ZEV Purchase and Daily Usage Exemption. (Ellis Chiu – 15d)

Agency Response: No changes were made in response to this comment. The ZEV Purchase exemption was drafted to address whether a vehicle is available to purchase to keep the provision as simple as possible. It does not include other factors, like daily vehicle usage that varies by fleet. The Daily Usage Exemption addresses situations when ZEVs are available but do not meet daily usage needs. In the First 15-Day Changes, the Daily Usage Exemption application process was modified to be more intuitive and simplified where feasible. The criteria evaluated includes equipment attached to the frame of the vehicle and if such equipment necessary to meet the vehicles intended function like a hitch is not available for the needed configuration an exemption could be granted. If the vehicle in question is not eligible for either of these exemptions the owner could use the Fleet Resiliency Exemption to address other needs. The changes made to the Fleet Resiliency Exemption in the First 15-Day Changes lowered the threshold to access the exemption to 5% of the total fleet, it was expanded to include all vehicle types and was modified to give fleet owners discretion on which vehicles to use the exemption to address any concern such as towing to meet their operational and resiliency needs. Making changes in response to this comment would be unnecessary.

h) Daily Usage Calculation Methodology—Request to Change or Remove the Comparison of Vehicles Within the Same Weight Class or Configuration Group

- 1093. Comment:** Commenter recommends CARB allows fleet to limit Daily Usage Exemption data comparisons to vehicles performing the same duty cycle because specialized vehicles cannot be easily swapped throughout the fleet, even within the same class and configuration. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to this comment. The requests made in the comments align with processes that are already incorporated in the current review procedures. In other words, when the fleet owner submits the application for a Daily Usage Exemption, CARB will review relevant information on the vehicles, including their primary intended use information, to determine their eligibility. For example, if the fleet owner has two vehicles under the same weight class but one with insulated boom and the other one without, CARB will evaluate the two applications separately because their primary intended functions are different. During real-world test data collection, the fleet owner may also choose to collect data from BEVs and ICE vehicles with the same primary intended function and apply the energy usage factors from the 5 day real-world test instead of the default mileage-based values to determine eligibility.

This response incorporates the response to issues raised in section “Daily Usage Calculation Methodology—Request to change or remove the comparison of vehicles within the same weight class or configuration group” in “Daily Usage Exemption” of the “45-Day Comment Period and First Board Hearing Public Comments with Agency Responses.”

i) Daily Usage Calculation Methodology—Request to Add Consideration for Small Districts

- 1094. Comment:** Commenter states the Daily Usage Exemption methodologies unfairly discriminate against their district due to its small size, how infrequently it purchases new vehicles, and the extreme conditions the staff sometimes must endure during a winter storm. (James Emmons – 15d)

Agency Response: No changes were made in response to this comment. The Daily Usage Exemption is based on data specific to the fleet operation and will vary for different fleets, but the method is consistent for all fleets. For example, infrequent purchases also mean

fewer ZEV purchases to meet the minimum threshold to access the Daily Usage Exemption. The method is also designed to allow ICE vehicle purchases when the daily vehicle usage of the vehicle to be replaced exceeds the maximum range of a ZEV in a single charge. Therefore, if the vehicle from a smaller district does not have a high mileage requirement during its daily operation, the fleet will not be eligible for the Daily Usage Exemption. However, since the fleet owner must provide mileage data for all vehicles in the same configuration group, small fleets are more likely to have fewer vehicles in the given group and thus fewer vehicles need to be evaluated. If all of the fewer number of evaluated vehicles in the small fleets need to be operated with higher mileages, it is easier for small fleet owners to receive the exemptions. Alternatively, if the small district fleet owner can provide data that the vehicle consumes more energy than ZEVs under extreme weather conditions, the fleet will be eligible for the Daily Usage Exemption. In the ACF Regulation, SLG agencies receive exemptions based on a set of criteria to determine necessity. On the other hand, if the vehicle does have a high mileage requirement but it is challenging for the fleet to achieve the 10% threshold to access the Daily Usage Exemption, the fleet owner can apply for other exemptions such as the ZEV Purchase Exemption and Fleet Resiliency Exemption, which have a lower threshold and are easier to access.

12. Cost Analysis

a) Cost—Concerns on Vehicle Cost

- 1095. Comment:** Commenter states E-vehicles are becoming less available both at affordable prices and in sufficient numbers due to the President's turn away from renewable energy technology. (Ben Dewell – 15d)
- 1096. Comment:** Commenter states that the current cost associated with ZEV technology does not reflect the practical needs of small agricultural water districts. (Kristen Lamkin – 15d)
- 1097. Comment:** Commenter states that ZEVs come at a substantially higher cost than traditional ICE vehicles. (Newell Arnerich – 15d)
- 1098. Comment:** Commenter states cost is a major barrier and electric heavy-duty vehicles can cost nearly twice as much as their internal combustion counterparts. (Josh Hylinski – 15d)
- 1099. Comment:** Commenter states the cost to purchase a ZEV can be twice the cost of an ICE vehicle and more ZEVs may be needed to perform the same amount of work. (Katelyn Scholz – 15d)
- 1100. Comment:** Commenter states transitioning to electric vehicles remains extremely costly and operationally unproven for many fleet types. For example, their CNG solid-waste trucks cost about \$800,000 and operate 8–10 hours per day. Commenter states equivalent EV units cost roughly \$1.5 million and provide only about six hours of service before charging. (Drew Bessinger – 15d)
- 1101. Comment:** Commenter states that affordability is a significant and growing issue for small public agencies and ZEV pricing continues to increase. (Melanie Schumacher – 15d)
- 1102. Comment:** Commenter states that they are concerned about the lack of analysis of affordability of ZEVs. Commenter states CARB has an obligation to disclose the economic impacts of the regulatory proposals and what CARB has supplied is not adequate. (Mark Gingrich – 15d)
- 1103. Comment:** Commenter states that affordability is a significant and growing issue for small public agencies and ZEV pricing continues to increase. (Melanie Schumacher – 15d)
- 1104. Comment:** Commenter states replacement e-vehicles are still expensive. (Ben Dewell – 15d)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes, CARB made numerous changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase

as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed until January 1, 2030. The accessibility of the Fleet Resiliency Exemption was expanded and gives fleet owners complete discretion as to which vehicles use the exemption and can prioritize specialty vehicles for the exemption to purchase ICE vehicles or can be used by the fleet owner to address particularly high costs vehicles if the situation is encountered.

Improvements were made to the Daily Usage and ZEV Purchase Exemptions. The capital costs of vehicles are expected to become lower for SLG agencies since fewer ZEV purchases are required. It also means that fleet owners can manage their purchase decisions and overall operating costs. In other words, easier and earlier access to the exemptions is expected to lower costs for fleet owners. Thus, no changes were made in response to this comment because the suggested changes would be unnecessary and undermine the air quality benefits of the regulation.

CARB respectfully disagrees with the comment on adequacy of the economic analysis. CARB's economic impact assessment does address the cost of ZEVs – please see section IX starting on page 111 of the Initial Statement of Reasons, which is incorporated into this Final Statement of Reasons by reference.

In regard to the commenters' general comment about ZEVs being more expensive than ICE vehicles. ZEVs are expected to have a lower TCO than ICE vehicle counterparts due to operational savings and future ZEV purchases are expected to have a declining incremental difference in upfront vehicle costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development.

b) Cost—Concerns on Electricity Charging and Charging Facilities Installation Cost

- 1105. Comment:** Commenter states that installing electric vehicle supply equipment (EVSE) could exceed 5.5 million dollars for all of their facilities. (Carolyn Burke – 15d)
- 1106. Comment:** Commenter states the capital costs associated with installing charging or fueling infrastructure will be passed through to municipal agreements. This shift will significantly increase the cost of delivering core services and place additional strain on the General Fund and enterprise funds and reducing service levels to residents. (Han Kang – 15d)
- 1107. Comment:** Commenter states they are concerned about the costs of charging infrastructure. (Michael Taylor – 15d)
- 1108. Comment:** Commenter states the proposed modifications continue to present significant challenges related to infrastructure deployment and cost. Commenter states transitioning to zero-emission vehicles requires substantial investment in charging infrastructure, facility upgrades, and coordination with electric utilities to ensure adequate power supply. (Erin Sasse – 15d)
- 1109. Comment:** Commenter states that infrastructure requirements, including charging capacity and electrical upgrades, present significant financial logistical barriers, which is an exponential challenge for small agencies with limited staff and resources. (Melanie Schumacher – 15d)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes, CARB made numerous changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed until January 1, 2030. The accessibility of the Fleet Resiliency Exemption was expanded and gives fleet owners complete discretion as to which vehicles use the exemption and can prioritize specialty vehicles for the exemption to purchase ICE vehicles or can be used by the fleet owner to address particularly high costs vehicles if the situation is encountered.

Improvements were made to the Daily Usage and ZEV Purchase Exemptions. The charging and infrastructure costs of vehicles are expected to become lower for SLG agencies since fewer ZEV purchases are required. In other words, easier and earlier access to the various provisions is expected to lower costs for fleet owners. Thus, making changes in response to these comments would be unnecessary and would be unnecessary and undermine the emissions reduction goals of the regulation.

In regard to the commenters' general comment about ZEVs being more expensive than ICE vehicles. ZEVs are expected to have a lower TCO than ICE vehicle counterparts due to operational savings and future ZEV purchases are expected to have a declining incremental difference in upfront vehicle costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development.

c) Cost—Request for More Analysis

1110. Comment: Commenter requests that CARB increase cost transparency by disclosing amendment-specific and cumulative regulatory cost impacts on affected entities. (Jason Cole – 15d)

1111. Comment: Commenter states that rather than implementing arbitrary deadlines, compliance should be determined only after a full market assessment is completed, using an objective, threshold-based framework that includes vehicle configuration availability for Class 4 vehicles and above with thresholds informed by public fleet feedback, cost comparability, and charging infrastructure and grid readiness. (Gebriel Saleh – 15d)

Agency Response: No changes were made in response to these comments. The detailed cost analysis reflected in the initial statement of reasons (ISOR) met all legal requirements. The ISOR included the cost information necessary for CARB to make its final decision.

In regard to the commenters' general comment about ZEVs being more expensive than ICE vehicles. ZEVs are expected to have a lower TCO than ICE vehicle counterparts due to operational savings and future ZEV purchases are expected to have a declining incremental difference in upfront vehicle costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development.

d) Cost—Concerns on Increased Cost for Ratepayers of Public Agencies and Reduced Level of Services Provided

1112. Comment: Commenter states that the cost of compliance will ultimately be borne by ratepayers, many of whom are in low-income communities and can least afford increased water rates. (Justin Caporusso – 15d)

1113. Comment: Commenter states they are very concerned about the near-term cost and operational impacts to local government solid waste ratepayers. (Garth Schultz – 15d)

1114. Comment: Commenter states implementing the ACF ZEV mandates as proposed will result in significant increases in costs which will ultimately be borne by the ratepayers, and not the local governments or their private industry partners. (Garth Schultz – 15d)

1115. Comment: Commenter states the infrastructure limitations and cost burdens ultimately fall on ratepayers, many of whom are in economically vulnerable communities. (Kevin Phillips – 15d)

1116. Comment: Commenter states that it is essential that CARB does not discount the significance of the financial impact on public agencies and to the communities they serve as public agencies cannot absorb the costs of rapid electrification. Commenter states that such costs for public agencies will ultimately be borne by the ratepayers responsible for funding critical water and wastewater services. (Alyson Piguee – 15d)

- 1117. Comment:** Commenter suggests compliance costs will shift to municipal ratepayers. (Craig Corman Mayor – 15d)
- 1118. Comment:** Commenter states that the accelerated transition to ZEVs, absent viable operational alternatives, would require substantial capital investment in vehicles, charging infrastructure, and grid upgrades, which would ultimately be shouldered by their customers through increased water rates, disproportionately impacting disadvantaged and working-class communities within their service area. (Socorro Pantaleon – 15d)
- 1119. Comment:** Commenter states the City of Imperial Beach anticipates that increased compliance costs will be passed through to municipal contracts, directly impacting ratepayers and the City's general fund. Commenter states smaller contractors may be unable to meet evolving regulatory requirements, further reducing competition and increasing costs while risking delays or disruptions to critical services, including solid waste collection and emergency response support. (Tyler Foltz – 15d)
- 1120. Comment:** Commenter states that a limited subset of entities are being required to shoulder a disproportionate share of the cost and implementation burden as a result of the federal waiver request withdrawal. Commenter states that for public agencies, these costs are borne directly by utility ratepayers and have real implications for the affordability of essential services. (Noelle Mattock – 15d)
- 1121. Comment:** Commenter states CARB should not finalize the proposed ACF amendments without further changes to protect solid waste ratepayers and the essential public services they fund. As drafted, commenter states that the rule would impose substantial near-term costs and operational burdens on municipality-contracted solid waste fleets, while leaving local communities and ratepayers to absorb the consequences. Commenter expects these costs will not be borne by the private haulers or their municipal agencies - they will be borne by households and businesses through higher solid waste rates. (Kristina Owens – 15d, Michael Grisso – 15d, Sydney Simonson – 15d, Nicole Rinauro – 15d, Julie Bryant – 15d, Joey Hejnowicz – 15d, John Davis – 15d, Christina Leard – 15d)
- 1122. Comment:** Commenter states that CARB should revise the proposal to better reflect real-world conditions and avoid shifting disproportionate costs onto ratepayers in communities with limited ability to absorb them. (Kristina Owens – 15d)
- 1123. Comment:** Commenter states ZEV alternatives for the specialized heavy-duty and utility vehicles used in water and flood operations carry substantial purchase price premiums, and the costs associated with charging infrastructure installation, grid upgrades, and ongoing maintenance are substantial. Commenter states these costs are ultimately borne by ratepayers and county residents. (Kerry Schmitz – 15d)
- 1124. Comment:** Commenter states the ACF regulation in its current form places a heavy financial and logistical load on solid waste fleets contracted by municipalities. Commenter states the expenses won't be absorbed by private companies or government agencies; they will be passed directly to residents and businesses through increased utility rates. (Thomas Anderson – 15d)
- 1125. Comment:** Commenter states CARB's Proposed Amendments will require significant expenditures on vehicles and infrastructure, increasing costs for consumers and the public. Commenter states the proposed changes will increase the cost of solid waste collection services at a time Californians are already struggling with the State's high cost of living and local governments grapple with budget issues. (Christine Wolfe 1 – 15d)
- 1126. Comment:** Commenter states meeting ACF mandates would require expanding their fleet by 40–50% and building extensive new charging infrastructure, driving substantial cost increases that would ultimately fall on their residents and businesses. This ripple effect would increase rents and prices of goods and services and have a detrimental effect on their seniors and those who are already struggling financially. (Drew Bessinger – 15d)

- 1127. Comment:** Commenter states that the replacement costs associated with their compliance efforts will be incredibly burdensome to their district and must be passed on to their ratepayers, which provide 80% of their revenue. (Kelley Donaldson – 15d)
- 1128. Comment:** Commenter states that the increases in cost of purchasing ZEVs instead of ICE vehicles will ultimately get passed down to the ratepayers. (Katelyn Scholz – 15d)
- 1129. Comment:** Commenter states that while the ACF regulation allows for backup vehicles, maintaining duplicate fleets to ensure operational reliability during emergencies would significantly increase both capital and ongoing maintenance costs, placing an unsustainable burden on their rural county and the taxpayer. (Josh Hylinski – 15d)
- 1130. Comment:** Commenter states the cumulative expenses associated with vehicle procurement, infrastructure development, and administrative compliance would fall to local governments and, by extension, taxpayers. Commenter requests that CARB consider these operational and fiscal impacts as it evaluates regulatory pathways to achieve statewide decarbonization goals. (Consuelo Hernandez – 15d, Jövan Grogan – 15d)
- 1131. Comment:** Commenter states that the current version of ACF will significantly raise the cost of their electric and water services. (Steven Poncelet – 15d)
- 1132. Comment:** Commenter states that CARB should conduct a comprehensive fiscal impact analysis to fully account for the administrative and ratepayer costs associated with the proposal and ensure alignment with the intent of AB 1594. (Frank Navarro – 15d)
- 1133. Comment:** Commenter states that the cost associated with replacing their support vehicles would place a significant financial hardship on them and, ultimately, on the community they serve. Commenter states that these expenses would divert limited funds away from essential operations and compromise the resources necessary to ensure the continued availability of critical emergency services for their residents. (Laura Lynne Wyatt – 15d, Jeff Stock – 15d)
- 1134. Comment:** Commenter states that the cost of transitioning to ZEVs remains substantial and, for smaller agencies, the upfront costs of charging infrastructure, vehicle replacement, electrical upgrades, and site preparation can divert limited funds away from urgent facility maintenance, system reliability, and compliance with other state mandates. (Dina Breitstein – 15d)
- 1135. Comment:** Commenter states when the cost of a ZEV significantly exceeds its ICE equivalent, the excess expenditure is diverted from other essential public services - road maintenance, public safety, and other programs that directly benefit the community. (Courtney Lee – 15d)
- 1136. Comment:** Commenter states transitioning to ZEVs is an expensive and large task for City of Oakley with a limited budget. Commenter states any reduction of time to accomplish this task, especially if it requires those vehicles to be purchased well before 2040, would have a significant impact on the City's general fund. (Danielle Navarro – 15d)
- 1137. Comment:** Commenter states the capital costs associated with procuring compliant ZEVs will be passed through to municipal agreements. Commenter states this shift will significantly increase the cost of delivering core services and place additional strain on the General Fund and enterprise funds and reducing service levels to residents. (Han Kang – 15d)
- 1138. Comment:** Commenter states that they do not have the financial resources to purchase new trucks or take on additional costs associated with a ZEV transition and they would subsequently have an added burden placed on them when they are already struggling to address longstanding infrastructure needs with woefully underfunded resources. (Kristen Lamkin – 15d)
- 1139. Comment:** Commenter states that as a public agency funded by customers, Elsinore Valley Municipal Water District must carefully manage these costs to avoid undue financial impacts while maintaining critical services. (Erin Sasse – 15d)

- 1140. Comment:** Commenter states that the ACF regulation does not yet provide a clear and durable pathway to address cost and ratepayer affordability impacts, and notes that current ZEV market conditions create significant upfront costs, uncertainty in performance and maintenance, and reliance on variable incentives, which may impact utility operations and ratepayer affordability. (Derek Dolfie – 15d)
- 1141. Comment:** Commenter states that such costs for public agencies will ultimately be borne by the ratepayers responsible for funding critical water and wastewater services. (Alyson Piguee – 15d)
- 1142. Comment:** Commenter requests that CARB recognize the operational and financial impacts on essential public services. Commenter states that CARB should account for the operational, procurement, contractor, and ratepayer impacts that result when compliance obligations outpace vehicle availability, infrastructure readiness, or market capacity. Commenter states that public agencies should not be placed in a position where preserving compliance requires reduced operational flexibility, diminished emergency responsiveness, or significant cost increases that ultimately fall on the ratepayers who fund essential water and wastewater services. (Joe Sturges – 15d)
- 1143. Comment:** Commenter states high acquisition costs of compliant apparatus would reduce fleet reliability and delay replacement of aging equipment, increasing maintenance burdens and risk of mechanical failure during emergencies. (Michael Rees – 15d)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes, CARB made numerous changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed until January 1, 2030. The accessibility of the Fleet Resiliency Exemption was expanded and gives fleet owners complete discretion as to which vehicles use the exemption and can prioritize specialty vehicles for the exemption to purchase ICE vehicles or can be used by the fleet owner to address particularly high costs vehicles if the situation is encountered. Improvements were made to the Daily Usage and ZEV Purchase Exemptions. The capital costs of vehicles are expected to become lower for SLG agencies since fewer ZEV purchases are required.

ZEVs are expected to have a lower TCO than ICE vehicle counterparts due to operational savings and future ZEV purchases are expected to have a declining incremental difference in upfront vehicle costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development. Therefore, the long-term phase-in of ZEVs is not expected to result in a net increased cost of ratepayers or reduction of services provided. Thus, making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

e) Cost—General Affordability Issues

- 1144. Comment:** Commenter states the current ACF mandates impose significant financial burdens on local agencies already managing constrained public budgets. (Kerry Schmitz – 15d)
- 1145. Comment:** Commenter states compliance presents significant financial hardships for their county, particularly for medium and heavy-duty public works vehicles. (Josh Hylinski – 15d)
- 1146. Comment:** Commenter states that the proposed ACF amendments are unworkable for local agencies due to fiscal constraints. (Brittney Barsotti – 15d)
- 1147. Comment:** Commenter states that ACF imposes costly and complex compliance obligations on cities and their contractors. (Tyler Foltz – 15d)

- 1148. Comment:** Commenter states that it is essential that CARB does not discount the significance of the financial impact on public agencies and to the communities they serve as public agencies cannot absorb the costs of rapid electrification. (Alyson Piguee – 15d)
- 1149. Comment:** Commenter states the proposed changes will increase affordability impacts for the public. (Steve Jepsen – OCP)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes, CARB made numerous changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed until January 1, 2030. The accessibility of the Fleet Resiliency Exemption was expanded and gives fleet owners complete discretion as to which vehicles use the exemption and can prioritize specialty vehicles for the exemption to purchase ICE vehicles or can be used by the fleet owner to address particularly high costs vehicles if the situation is encountered. Improvements were made to the Daily Usage and ZEV Purchase Exemptions. The capital costs of vehicles are expected to become lower for SLG agencies since fewer ZEV purchases are required.

In addition, ZEVs are expected to have a lower TCO than ICE vehicle counterparts in numerous applications over the course of this decade due to operational savings and declining incremental upfront costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development. Thus, making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

f) Cost—Early Replacement Cost for Small Fleets

- 1150. Comment:** Commenter states that requiring the early replacement of recently funded equipment is an inefficient use of public resources and imposes an additional financial burden on small rural agencies. (Nancy Wahl-Scheurich – 15d)

Agency Response: No changes were made in response to this comment. The default ZEV Purchase Schedule does not require fleets to retire vehicles at all. Nothing in this regulation requires a public fleet to replace a vehicle before its useful life, except if the fleet owner elects to use the ZEV Milestones Option.

g) Cost—Impact on Animal Control Cost

- 1151. Comment:** Commenter states animal services are often provided by nonprofit contractors whose municipal contracts do not cover full costs, and that requiring rapid fleet electrification imposes additional unfunded capital costs, creating a structural inequity and risking reduced service levels and impacts to animal care services. (Julianna Tetlow – 15d)

Agency Response: No changes were made in response to this comment. A number of changes were made as part of the First 15-Day Changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types and gives fleet owners discretion on which vehicles use the exemption. In combination, the changes more gradually introduces ZEVs into the fleet and reduces the overall upfront cost of the regulation.

The ZEV Purchase Schedule does not require vehicles to be replaced, and fleet owners can keep their existing ICE vehicles for as long as they wish.

13. Incentives and Funding

a) Incentives and Funding—Funding for Public Fleets to Phase-In Zero-Emission Vehicles

- 1152. Comment:** Commenter requests that funding and infrastructure support be in place before compliance obligations become mandatory. (Dina Breitstein – 15d)
- 1153. Comment:** Commenter states the federal government remains unsupportive of ZEVs and will hinder market development, including much needed funding, despite California's approach to adopting ZEVs everywhere feasible. (Nick Blair – 15d)
- 1154. Comment:** Commenter states public fleets remain the sole entities required to comply with ACF, but are not provided priority access to funding to comply with ACF. Public fleets have been designated as the starting point for building the MHD ZEV market in California, and should receive greater incentives for playing this role in the state's transition to MHD ZEVs everywhere possible. Commenter encourages CARB to approach the legislature to request additional funding to aid public fleets seeking to comply with ACF. (Nick Blair – 15d)
- 1155. Comment:** Commenter requests that CARB provide meaningful funding support before considering any future application of such requirements to small rural public agencies. (Kristen Lamkin – 15d)
- 1156. Comment:** Commenter states CARB should take a more reasoned and balanced approach and at a minimum, the Board should: ensure adequate funding and supporting infrastructure are available before imposing additional requirements. (Kristina Owens – 15d)
- 1157. Comment:** Commenter requests that the Board ensures adequate funding is available before imposing additional requirements. (Michael Grisso – 15d)
- 1158. Comment:** Commenter urges CARB to guarantee sufficient funding before new requirements take effect. (Thomas Anderson – 15d)
- 1159. Comment:** Commenter recommends standardizing the approach and providing additional funding and technical assistance for municipalities to fulfill compliance responsibilities. (Han Kang – 15d)
- 1160. Comment:** Commenter states they encourage the Board to expand funding opportunities, incentives, and technical assistance to support infrastructure development and vehicle acquisition. (Erin Sasse – 15d)
- 1161. Comment:** Commenter states that to the extent that CARB intends for local jurisdictions to play a role in enforcing commercial or private fleet requirements, we strongly encourage the State to establish a dedicated funding mechanism to support implementation. (Jesus Garcia – 15d)
- 1162. Comment:** Commenter encourages the State of California to develop a population and needs-based funding allocation to support local government compliance. (Carolina Herrera – 15d)
- 1163. Comment:** Commenter states that they rely almost entirely on grant funding to carry out their work and lack the financial capacity to prematurely replace their fleets with ZEVs. (Nancy Wahl-Scheurich – 15d)
- 1164. Comment:** Commenter states that they have only been able to add a few low and no emissions vehicles to their fleet over the past 10 years as they rely on grant funding and their limited resources do not allow them to replace their fleet in total or rapidly. (John Jansons – 15d)
- 1165. Comment:** Commenter requests that the Board ensures adequate funding is available before imposing additional requirements. (Michael Grisso – 15d)
- 1166. Comment:** Commenter states that public agencies need priority access to funding to comply with ACF. (Jesus Martinez Ramirez – 15d)

Agency Response: No changes were made in response to these comments. Incentives play a complementary role with regulations, helping to support technology advancement and achieve emissions reductions early or in addition to what can be achieved through regulations. The Legislature has the authority to appropriate money. In some cases, funding is appropriated to CARB by the Legislature for specific purposes. Where CARB has discretion, funding policy decisions are addressed by the funding programs through a public process and are not included in the cost analysis to disclose the total cost of the ACF regulation.

Comments on incentive funding is outside the scope of the rulemaking and CARB is not required to respond. Nevertheless, the comments are responded to here. From 2020 to 2023, the public utilities have expended close to \$100 million on zero-emission transportation from Cap-and-Invest allocations.

In late 2025, CARB allocated \$5 million in Clean Truck and Bus Voucher Incentive Project (HVIP) set-asides for public fleets and tribal governments to respond to the longer public procurement process for these entities.⁵⁸ Also in April we reached a milestone of providing \$1 billion in vouchers for the cleanest medium- to heavy-duty vehicles. The State's funding will help support zero-emission market momentum, meet ongoing fleet demand, and support small business participation. In addition, HVIP vehicle eligibility was expanded to include Class 2b pickup trucks for vouchers requested by state or local government agencies and tribal governments beginning with the December 16, 2025, relaunch of HVIP.

Also, California Clean Fuel Reward (CCFR) for electric medium- and heavy-duty trucks is funded with revenue utilities generate from the state's LCFS program and is expected to become the largest utility-administered rebate program for electric trucks in the country, with \$250 million available this year and over \$1 billion in total rebate funding expected through 2030.

Lastly, in response to federal actions threatening to overturn California's authority to cut vehicle pollution, Governor Gavin Newsom signed Executive Order N-27-25 on June 12, 2025. This order strengthens the State's commitment to reduce harmful air pollution from transportation and protect public health. In their report to the Governor, State agencies recommended several actions that would continue ZEV adoption in the state and support public agencies including updating funding guidelines for state programs supporting local governments and developing statewide cooperative purchasing strategies to aid local government agencies in procuring ZEVs at the lowest cost.⁵⁹

A number of changes were made as part of the First 15-Day Changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEV or ICE vehicles. The 100% ZEV purchase requirement was delayed from 2027 to 2030. The minimum ZEV threshold to access the Fleet Resiliency Exemption was reduced from 25% to 5%, and the provision was expanded to all truck types. Therefore, fleets will be able to spend less on infrastructure costs and spread the costs over a longer period of time.

⁵⁸ California Air Resources Board. December 12, 2025 New Funding Availability The Clean Truck and Bus Voucher Incentive Project (HVIP) is reopening with \$125 Million (web link: <https://content.govdelivery.com/accounts/CARB/bulletins/3fdf084>, last accessed May 2026).

⁵⁹ California Air Resources Board. August 2025. [CARB Report to Governor in Response to Executive Order N-27-25 Zero-Emission Vehicle Deployment](https://www2.arb.ca.gov/sites/default/files/2025-08/August%2025%20Report%20to%20the%20Governor%20in%20Response%20to%20Executive%20Order%20on%20ZEV%20Deployment%20FINAL_0.pdf). (web link: https://www2.arb.ca.gov/sites/default/files/2025-08/August 2025 Report to the Governor in Response to Executive Order on ZEV Deployment FINAL_0.pdf, last accessed on May 2026).

CEC offers financial support for fleets by running state and federally funded programs on infrastructure investment. For example, as part of its Clean Transportation Program, the EnergIZE Project offers financial incentives toward charging and hydrogen fueling infrastructure equipment to medium- and heavy-duty ZEV fleets. The program has invested more than \$2.4 billion in alternative fuel production, fueling and charging infrastructure, and alternative fuel vehicles. The CEC also administers federal funds that California receives from the Infrastructure Investment and Jobs Act, including the NEVI program. In early 2026, the CEC announced the availability of \$148.5 million in the fourth⁶⁰ and fifth⁶¹ rounds of NEVI solicitations, which focus on medium- and heavy-duty charging infrastructure.

While ZEVs are expected to have higher upfront costs partly due to higher infrastructure costs, there is an expected decrease in incremental operating costs due to lower fuel costs, decreased maintenance expenses, and revenue from California's LCFS Regulation. As the ZEV market develops, fleets will also have the alternative solution to charge their ZEVs with public charging stations. Although charging cost with public charging stations is higher, fleets do not need to pay for any upfront installation cost. Thus, making changes in response to this comment would be unnecessary and would undermine the emissions reduction goals of the regulation.

There are currently incentives and funding programs available to the SLG agencies. For example, from 2020 to 2023, the public utilities have expended close to \$100 million on zero-emission transportation from Cap-and-Invest allocations. In late 2025, CARB allocated \$5 million in HVIP set-asides for public fleets and tribal governments to respond to the longer public procurement process for these entities. Also, in April CARB reached a milestone of providing \$1 billion in vouchers for the cleanest medium- to heavy-duty vehicles. In addition, HVIP vehicle eligibility was expanded to include Class 2b pickup trucks for vouchers requested by state or local government agencies and tribal governments beginning with the December 16, 2025, relaunch of HVIP. In addition, California Clean Fuel Reward (CCFR) for electric medium- and heavy-duty trucks is funded with revenue utilities generate from the state's LCFS program and is expected to become the largest utility-administered rebate program for electric trucks in the country, with \$250 million available this year and over \$1 billion in total rebate funding expected through 2030.

b) Incentives and Funding—Request for Continued Dialogue on Affordability and Funding Gaps

- 1167. Comment:** Commenter encourages continued dialogue on ZEV affordability, and funding gaps to satisfy ACF compliance requirements. Commenter states that this ask goes beyond ACF and the First 15-Day Changes, but feel that it is appropriate to raise this issue continually in CARB proceedings to raise awareness and advocate for additional funding to bridge this gap in CARB's funding programs. (Nick Blair – 15d)

Agency Response: No changes were made in response to this comment. CARB has engaged extensively with public utility agencies, holding over 60 meetings to date and conducting additional site visits. This outreach has included dedicated meetings with water agencies such as ACWA, and the feedback received from ACWA and other stakeholders was considered in the development of these amendments.

⁶⁰ California Energy Commission, GFO-25-604 – California's National Electric Vehicle Infrastructure Formula Program - Solicitation 4, January 21, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-01/gfo-25-604-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

⁶¹ California Energy Commission, GFO-25-606 - California's National Electric Vehicle Infrastructure Formula Program - Solicitation 5 (South), February 5, 2026 (web link: <https://www.energy.ca.gov/solicitations/2026-02/gfo-25-606-californias-national-electric-vehicle-infrastructure-formula>, last accessed May 2026)

CARB will continue working closely with utilities, special districts, cities, counties, and water agencies throughout the implementation process. This includes reconvening the Drive Forward Forums (former TRIG meetings) which will focus on SLG outreach and implementation.

A separate initiative, Drive Forward, was initiated by CARB in late 2025 with additional workshops planned for 2026 and beyond. Through Drive Forward, CARB is coordinating closely with other state agencies and will continue to bring together policymakers, experts and leaders from the environmental and scientific communities, automotive and trucking industries, fleet operators, community groups, and the public to discuss issues including infrastructure, incentives, partnerships, and emissions reduction strategies.

The commenter may reach out to ZEVfleet@arb.ca.gov for more information. CARB will also continue regular meetings with fleets and host outreach events to support compliance and gather further input. Information about upcoming meetings and events is available on the ACF Meetings & Events webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/advanced-clean-fleets-meetings-events>.

Funding and incentives play a complementary role with regulations, helping to support technology advancement and achieve emissions reductions early or in addition to what can be achieved through regulations. In some cases, funding is appropriated to CARB by the Legislature for specific purposes. Where CARB has discretion, funding policy decisions are addressed by the funding programs through a public process and are not included in the cost analysis or part of the regulatory process for the ACF regulation.

c) Incentives and Funding—Permit Vehicles Acquired with Incentive Funds to Count Towards Compliance

- 1168. Comment:** Commenter states that the “Vehicles Acquired with Incentive Funds” section needs to be removed entirely from both ACF and state funding program guidelines. Commenter states that this requirement penalizes public agencies for using grants to offset the exponential costs of ZEVs. Commenter states in order to fulfill the requirements of AB1594 and provide a realistic compliance path in a volatile EV market, we believe CARB should continue working on improving zero emissions vehicle affordability by removing language that prevents grant funded vehicles from counting towards compliance. (Jesus Martinez Ramirez – 15d)

Agency Response: No changes were made in response to this comment. Funding policy decisions are addressed by the funding programs in their own public processes and are not included as part of the regulatory process for the ACF regulation. Every incentive program has its own priorities and must consider applicable statutory requirements in development of funding policy. The “Vehicles Acquired with Incentive Funds” section of the regulation provides transparency to fleets. The ACF regulation does not exclude ZEVs purchased with incentive funds from counting towards compliance unless the funding program prohibits this action. It is necessary for the ACF regulation to include this specificity because some funding programs would not be able to provide any financial incentives to affected fleets if those ZEVs are counted towards compliance during the funding contract term. The language in the regulation was not changed and points back to the funding program guidelines to allow flexibility for the funding program to set requirements consistent with the funding policy or statutory requirements. Some funding programs, such as the new California Clean Fuel Rewards program, allow ZEVs purchased through the program to be used for compliance while other programs do not. However, with the existing language even when the funding programs do not allow vehicles purchased to be counted towards

compliance during the contract period, these vehicles can be counted towards compliance after the funding contract term is complete.

14. Vehicles Under Contract

a) Vehicles Under Contract—State and Local Government Agencies Have No Control Over Contractors

1169. Comment: Commenter states extending ACF compliance obligations to contractors indirectly holds them responsible for contractor fleet composition that is outside of their control. (Andrew Antwih – 15d)

1170. Comment: Commenter states that the inclusion of contracted fleets effectively shifts responsibility for emissions compliance into the contractual and administrative domain, that falls outside their direct operational control. (Newell Arnerich – 15d)

Agency Response: No changes were made in response to these comments. SLG agencies have sufficient control over the types of vehicles used for contracted work such that SLG agencies can comply with the ACF regulation.

State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with the ACF regulation, and how to meet their compliance obligations. To be clear, after the repeal of the High Priority and Drayage portions of ACF regulation, a private fleet owner does not have any reporting or compliance responsibilities under the ACF regulation. But, if a State or local government agency contracts with a private fleet, then the agency must count those vehicles as part of the agency's fleet under the ACF regulation.

Controlling service vehicles through contracting language is an existing concept commonly used by municipalities. The types of vehicles, including the type of powertrain, is already a requirement for many public fleet service contracts. For example, many cities and counties within the South Coast Air Quality Management District's jurisdiction already have franchise waste hauler agreements with contract language that requires their service vehicles to be in full compliance with the South Coast Air Quality Management District Rule 1193. Some agreements specifically state, "If during the term of the Franchise Agreement, new technologies are available such as hybrid or electric powered collection vehicles, the City or the Contractor may request/negotiate implementation for such new collection vehicles, with a corresponding change to the Maximum Service Rates to reflect additional cost or savings."⁶²

b) Vehicles Under Contract—Request Clarification on Contracted Vehicles

1171. Comment: Commenter requests CARB to remove provisions that expand applicability to contracted fleets. (Katie Vassalli – 15d)

1172. Comment: Commenter asks CARB to remove the provisions expanding applicability to privately contracted fleets and obligations on hiring entities from the current rulemaking. (Ryan Kenny – 15d)

1173. Comment: Commenter claims the proposed 15-day rule changes represent significant change in the scope of the regulations by including a large private industry within a public fleet requirement. (Alex Braicovich – 15d)

1174. Comment: Commenter states the Proposed Amendments significantly expand the scope of local government responsibility by extending compliance obligations beyond publicly owned

⁶²AB 2048 (Santiago, Chapter 457, Statutes of 2022) makes franchise waste hauler agreements publicly available from the CalRecycle website <https://calrecycle.ca.gov/lgcentral/franchiseagreement/>.

fleets to include private contractors operating under municipal agreements. By redefining “waste fleets” to include contracted service providers, cities can no longer rely on outsourcing to manage fleet compliance and are instead indirectly responsible for ensuring that contracted operations meet state mandates. (Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Janet Jernigan – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15dz, Frank Navarro – 15d, Tyler Foltz – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Jason Haber – 15d, Abigail Gomez – 15d, Brett Taylor – 15d, Drew Bessinger – 15d, Consuelo Hernandez – 15d, Gabrielle de Farcy – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Jōvan Grogan – 15d, Wendy Bucknum – 15d, Danielle Jones – 15d, Julie Ryan – 15d, Karen Goh – 15d, Kristin Griffith – 15d, Linda Reich – 15d, Mayor Connor Traut – 15d, T. Jarb Thaipejr – 15d, Michelle Bender – 15d)

- 1175. Comment:** Commenter states clarifications related to leased and contracted fleets introduce ambiguity regarding how these vehicles are treated within a public agency’s compliance framework. (Noelle Mattock – 15d)
- 1176. Comment:** Commenter requests that CARB clarify whether ACF compliance obligations will not be imposed through contractual or procurement-based mechanisms. (Katie Vassalli – 15d)
- 1177. Comment:** Commenter is requesting confirmation that SLGs who contract with a private company to perform public services (e.g., street sweeping, maintenance) are not responsible for the contracted company’s vehicle compliance with CARB requirements. Commenter states public agencies should not be required to assume compliance responsibility for private fleets. (Roxana Ramirez – 15d)
- 1178. Comment:** Commenter requests that CARB confirm that privately owned fleets operating under contract with public agencies are not subject to ACF compliance obligations. Commenter requests that CARB withdraw or formally clarify the interpretation set forth in the recent staff communication and 15-day Notice. (Veronica Pardo – 15d)
- 1179. Comment:** Commenter is concerned by the ACF revisions released by CARB in April 2026, specifically regarding the inclusion of third party contracted fleets. (Sarah Musiker – 15d)
- 1180. Comment:** Commenter request that CARB clarify that contracted fleets are not subject to the current rulemaking. (Christine Wolfe 2 – 15d)
- 1181. Comment:** Commenter requests that the regulation be revised to clarify that privately owned fleets performing services under contract with public agencies are not subject to the SLG Fleet compliance obligations. (Julia Mangin – 15d, Anne Germain – 15d)
- 1182. Comment:** Commenter requests clarification on the type of fleets intended to be subject to the revised ACF State and Local Government Fleets rule, stating current “guidance” from CARB and 15-day language are unclear and difficult to track and advise their industry on. (Michael Lewis – 15d)
- 1183. Comment:** Commenter states that it remains unclear whether and how the ACF mandate applies to contractors and project partners that their agency relies on to implement forest health and fuels reduction projects. (Kelsey Siemer – 15d, Nancy Wahl-Scheurich – 15d, Ann Baldrige – 15d)
- 1184. Comment:** Commenter states the proposed extension of the Clean Fleets regulations to contracted non-profit organizations has compounded concerns since many municipalities and counties coordinate with non-profit animal welfare organizations to provide animal care and control functions. (Jill Tucker – 15d)

- 1185. Comment:** Commenter states concern that the proposed revisions appear intended to make public agencies responsible for emissions and turnover of private fleets contracted for public works projects, which was not part of the originally adopted rule and would be a nearly impossible task for public agencies. (Michael Lewis – 15d)
- 1186. Comment:** Commenter requests that CARB clarify the regulation’s application to contracted vehicle operations and should clearly state that public agencies are not rendered noncompliant because they rely on contracted vehicle support outside their ownership and procurement control, particularly for emergency response, specialized field services, construction support, regulatory compliance activities, and other essential utility operations. (Joe Sturges – 15d)
- 1187. Comment:** Commenter requests clarification that ACF compliance obligations will not be imposed through contractual or procurement-based mechanisms. Commenter states the regulation does not clearly delineate the scope of applicability, leaving both public agencies and their contractors without clear direction on compliance responsibilities. (Ryan Kenny – 15d)
- 1188. Comment:** Commenter requests that CARB clarify that indirect compliance obligations will not be imposed through grants, contracts, procurement standards, or agency partnerships. (Kristen Lamkin – 15d)
- 1189. Comment:** Commenter requests CARB to confirm whether these amendments apply only to SLG fleets or whether they extend to private fleets contracted by public agencies, and Commenter seeks clarification on whether the requirements would apply to the fleet in its entirety or only to the vehicles used to service the public agency contract. (Cecile Buncio – 15d-E)
- 1190. Comment:** Commenter seeks clarification on leasing units impacted by ACF. (Mark Wing – 15d-E)
- 1191. Comment:** Commenter seeks confirmation that privately contracted waste fleets remain categorized as High Priority Fleets and are not included as municipal fleets for Section 2013. (Caitlin Barboza – 15d-E)
- 1192. Comment:** Commenter states that the Proposed Amendments expand the scope of the regulation to include “rental and leasing company” fleets, effectively extending compliance obligations to private fleets that provide services to communities at a lower cost. (Gebriel Saleh – 15d)
- 1193. Comment:** Commenter requests that CARB walk back the proposed changes that expand the definition of a fleet owner in a way that effectively forces compliance onto private fleets. (Gebriel Saleh – 15d)

Agency Response: Changes were made in response to these comments. In the Second 15-Day Changes, clarifications to make explicit the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet.

The Proposed Amendments do not expand the scope, or the applicability provision of section 2013(a)(1), of ACF to include any private contractors, such as those operating under municipal agreements or rental or leasing companies. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

The types of vehicle configurations that may provide construction support or regulatory compliance activities is not relevant. The ACF regulation aligns with the Emergency Vehicle definition in CVC 165 and excludes those vehicles from the regulation entirely. Emergency response and other essential utility operations have numerous exemptions and extensions available to them, and those flexibilities will be much easier to access than they were before once these amendments go into effect.

A State or local government agency has the flexibility to impose contractual or procurement-based mechanisms to ensure its California fleet meets ACF requirements. State or local government entities have flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. For example, any State or local government entity that contracts fleet services can subdivide and put contracted vehicles on the ZEV Milestone Option compliance flexibility and keep vehicles they own directly on the default compliance pathway, the ZEV Purchase Schedule.

Lastly, whether or not the ACF requirements are a prerequisite for procurements standards, grant programs or agency partnerships is at the discretion of the specific grant program or agency. The State has a ZEV and hybrid first purchasing mandate that aligns with the ACF regulation.

c) Vehicles Under Contract—First 15-Day Changes Introduce More Issues

- 1194. Comment:** Commenter states some of the changes in the 15-Day package may make it impossible for public agencies to comply. (Julia Levin – OCP)
- 1195. Comment:** Commenter states they are concerned about the changes for “Fleet Owner” and the section “Hiring Compliant Fleets” that would include contracted fleets. (Curtis Paxton – 15d)
- 1196. Comment:** Commenter states CARB staff’s interpretation of “Hiring Compliant Fleets” has changed without clear public process, creating uncertainty for regulatory implementation and contracted services. (Sarah Deslauriers 1 – 15d)

Agency Response: Changes were made in response to these comments. While CARB disagrees that the changes made it impossible to comply, to provide clarity, in the Second 15-Day Changes, clarifications make explicit the meaning of the original regulation and to provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet.

The commenters may have conflated the Hiring Compliant Fleets of section 2049 and the ACF ZEV Purchase requirements of Section 2013. Section 2049 applies to any entity that hires and dispatches State or Local Government agency vehicles. Changes were made during the Second 15-Day Changes to make explicit section 2049 applies to agreements between a hiring entity and a State and local government agency and does not apply to an agreement with other nongovernmental entities. The ACF regulation has included State and local government provisions since the 2023 adoption, and thus the scope has not been expanded.

d) Vehicles Under Contract—Vehicles Owned or Operated by Private Contractors Should Not be Counted Toward a Public Agency’s State and Local Government Fleet for Compliance Purposes

- 1197. Comment:** Commenter states vehicles owned or operated by private contractors should not be counted toward a public agency’s SLG fleet for ACF compliance purposes. (Anne Germain – 15d)

Agency Response: No changes were made in response to this comment. Private fleet owners, including waste haulers do not have compliance requirements under the ACF regulation, therefore no changes are necessary in response to this comment. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. This response incorporates the Agency Response in Section (I)(B)(7)(d), “Exempt – Contracted Fleets.”

e) Vehicles Under Contract—Regulatory Language Should List All Fleet Operators That Are Affected by the Regulation

- 1198. Comment:** Commenter requests the amended regulatory language should clearly identify all fleet operators that are affected by the regulation. Simply put, the regulation, not guidance or advisories, should identify who is in and who is out. (Tim Carmichael – 15d)

Agency Response: Changes were made in response to this comment. In the Second 15-Day Changes, clarifications made explicit the meaning of the original regulation and to provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet, and contract for the operation of part or all of their fleet.

The applicability section of the regulation adequately identifies the entities subject to the regulation. The regulation does not need to list by name each fleet operator that is affected by the regulation. State or local government agencies can subdivide and report separately or jointly; therefore, listing names could cause more confusion. In addition, such a list would be excessively long and subject to error.

f) Vehicles Under Contract—Request Clarification on Private Waste Fleets Compliance

- 1199. Comment:** Commenter states that the inclusion of private waste fleets contracted to a municipality within the “waste fleet” definition could create the misimpression that contracted private fleets have a ZEV milestone compliance obligation. (Julia Mangin – 15d, Veronica Pardo – 15d)

- 1200. Comment:** Commenter requests clarification as to whether or not the “waste fleet” definition captures privately owned fleets operating under franchise agreements or long-term municipal contracts meeting specified duration criteria. Commenter requests clarification as to whether or not EV trucks are required at this time to do business with their customers (including SLG) if they are hired to complete the following types of projects unless EV trucks are expressly written in a project scope and/or bid for services: construction services, public works projects, design-build contracts, project-specific services, and subcontracted services.

Commenter requests clarification as to whether CARB intends for private fleets, not subject to ACF, to be used for purposes of SLG compliance determinations. (John Lane – 15d)

1201. Comment: Commenter states as drafted, the “waste fleet” definition in the Proposed Regulation does not clearly delineate the scope of applicability, leaving both public agencies and their contractors without clear direction on compliance responsibilities. (Ryan Kenny – 15d)

1202. Comment: Commenter seeks clarification on whether private waste hauling fleets contracted with local governments are going to be subject to Section 2013. (Caitlin Barboza – 15d-E)

Agency Response: Changes were made in response to these comments. In the Second 15-Day Changes, language was modified to be more explicit the meaning of the original regulation and to provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the Initial Statement of Reasons for Rulemaking (ISOR) on page 37.

The definition of “waste fleet” itself does not regulate a private fleet as part of the ACF regulation. The commenters’ request for clarification is likely a result of the sequence of changes made in response to the repeal of the High Priority and Drayage portions of ACF. In September, the Board voted to copy the relevant text set forth in Cal. Code Regs., title 13, section 2015 for ZEV Fleet Milestones Option into Cal. Code Regs., title 13, section 2013. The “waste fleet” definition came along with the copied text and was restructured during the First 15-Day Changes, but by itself does not mean a High Priority “waste fleet” is subject to the ACF regulation.

Private fleets are not included in Section 2013(a)(1) Fleet Applicability, which clearly states “this article applies to any state or local government agency with jurisdiction in California.” The definition of “waste fleet” does not control what fleets have ACF requirements. The definition is used to determine what types of fleets are eligible to apply for the Waste and Wastewater Fleet Option and the Captive Biofuel Use Exemption when using the ZEV Milestones Option. A State or local government agency could request these compliance flexibilities for any contracted waste or wastewater vehicles in their fleet, including vehicles operating under contract, rented or leased. These changes addressed commenters’ concerns and no further changes are necessary.

g) Vehicles Under Contract—Private fleets Have No Visibility to State and Local Government Fleet Compliance Strategy

1203. Comment: Commenter states CARB’s proposal creates unworkable implementation problems for fleets performing contracted services, such as having no real visibility into the fleet makeup of municipal customers or their compliance plans nor the ability to keep in sync with each individual customers’ own SLG compliance strategies. (Christine Wolfe 1 – 15d)

Agency Response: No changes were made in response to this comment. The amendments do not bring in private fleets as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The

definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the Initial Statement of Reasons for Rulemaking (ISOR) on page 37. Private fleets are not regulated parties under these Amendments and therefore have no obligation to know or understand the fleet makeup of regulated municipalities or otherwise keep in sync with SLG compliance strategies.

To the extent that private fleets voluntarily wish to better understand SLG compliance strategies, CARB disagrees with the commenter's claim that the private fleet the commenter represents does not have any visibility into the fleet makeup of municipal customers or their compliance plans. Under the ZEV Milestones Option vehicles follow the same, predictable phase-in schedule depending on what vehicle group they fall in and if they qualify under the Waste and Wastewater Fleet Option. The ZEV Milestones Option and the criteria to qualify under the Waste and Wastewater Fleet Option is stated clearly in Section 2013.6 of the ACF regulation.

A State or local government entity that contracts fleet services can subdivide and put contracted vehicles on the ZEV Milestone Option compliance flexibility and keep vehicles they own directly on the default compliance pathway. If this were the case, a private contractor could easily know what compliance pathway the vehicles they operate on behalf of the State or a local government agency are following.

Finally, CARB expects agencies and private fleets would be able to facilitate any such information sharing regarding agency compliance under this Amended Regulation as part of their contractual agreements.

h) Vehicles Under Contract—Allow Existing Vehicles to Remain in Service for Their Expected Useful Life

- 1204. Comment:** Commenter requests that the Board allow vehicles under existing contracts to remain in service, providing flexibility for fleet owners facing operational, geographic, demographic, or route-related constraints. (Michael Grisso –15d)
- 1205. Comment:** Commenter states CARB should take a more reasoned and balanced approach. At a minimum, the Board should: allow vehicles procured under existing franchise or contract terms to remain in service for their expected useful life. (Kristina Owens – 15d, Sydney Simonson – 15d, Nicole Rinauro – 15d, Julie Bryant – 15d, Joey Hejnowicz – 15d, John Davis – 15d, Christina Leard – 15d, Eric Lucan – OCP)
- 1206. Comment:** Commenter states they are deeply concerned about the lack of specificity in the present document on implementation of the proposed requirements with their local government customers under existing agreements. (Mark Gingrich – 15d)
- 1207. Comment:** Commenter urges CARB to grandfather in existing vehicles, allowing them to serve their full useful life if they were purchased under current contracts. (Thomas Anderson – 15d)
- 1208. Comment:** Commenter requests assurances that CARB regulations provide a long enough time to operate current fleets to recover capital investment. (Ryan Jacobs – 15d-E)

Agency Response: Changes were made in response to these comments. If existing vehicles in a current public service contract are kept on the default ZEV Purchase Schedule, then there is no ACF requirement to turnover those existing vehicles to ZEVs.

Similarly, the Second 15-Day Changes clarify that vehicles renewed through existing leases or service contracts do not count as vehicle purchases. Also under the ZEV Purchase

Schedule, there is no requirement to remove any existing vehicle from service and it can continue to operate for its expected useful life.

i) Vehicles Under Contract—New Advanced Clean Fleets Requirements Will Disrupt Existing Long-Term Contracts

- 1209. Comment:** Commenter states the proposed framework creates unresolved contractual ambiguity regarding allocation of ACF compliance responsibility, as existing municipal waste hauling agreements do not assign responsibility for evolving zero-emission mandates to either party, resulting in gaps that are likely to generate disputes, require costly renegotiations, and necessitate public approvals under local contracting requirements. (Luis Sanchez – 15d)
- 1210. Comment:** Commenter states the 15-day modifications will disrupt existing municipal franchise and service agreements by introducing new ACF compliance obligations that were not contemplated in current long-term contracts, creating contractual misalignment over which party is responsible for compliance and undermining established contractual risk allocation. (Luis Sanchez – 15d)
- 1211. Comment:** Commenter states the changes to include contracted fleets would force franchise agreement renegotiations. (Katelyn Scholz – 15d)

Agency Response: Changes were made in response to this comment. The Second 15-Day Changes clarify when a State and local government agency adds a vehicle to its California Fleet, such as through a binding agreement with a third party, this counts as a vehicle purchase. However, the amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the Initial Statement of Reasons for Rulemaking (ISOR) on page 37. The Second 15-Day Changes also clarifies that vehicles renewed through existing leases or service contracts do not count as vehicle purchases under the ZEV Purchase Schedule. In addition, if the municipality uses the ZEV Purchase Schedule, then there is no ACF requirement to turnover vehicles whether owned or under contract. State and local government entities have considerable flexibility in deciding how to comply with ACF and it is their responsibility to take action to remain compliant.

j) Vehicles Under Contract—Cost Was Not Analyzed

- 1212. Comment:** Commenter states the 15-day modifications introduce significant new data and reporting burdens, including detailed vehicle usage, mileage, duty cycle, fuel, and infrastructure availability information, for which existing contracts and systems are not designed, and CARB has not provided an estimate of associated administrative or compliance costs. (Luis Sanchez – 15d)
- 1213. Comment:** Staff never analyzed the cost impact of including private fleets in the regulation, and they should be required to do so. (Tim Carmichael – 15d)

Agency Response: No changes were made in response to these comments. The associated costs to comply with the ACF regulation were analyzed as part of the original rulemaking and updated with these amendments. The cost analysis is explained in the August 30, 2022 ACF staff report which was updated and modified for the August 1, 2024, ACF and LCFS Staff Report. Private fleet owners do not have compliance requirements under the ACF regulation. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the

contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

The reporting requirements remain largely unchanged since the original rulemaking on the ACF regulation and do not require any vehicle usage, mileage, duty cycle, fuel use, or infrastructure data to be submitted for fleet owners to comply. This type of information is only required when an exemption application is submitted, or for fleet owners using the backup vehicle exemption. No changes are necessary in response to these comments.

k) Vehicles Under Contract—Small Fleets, Special Districts, Rural Cities and Counties

- 1214. Comment:** Commenter states that even if a small special district is not immediately or explicitly covered, compliance expectations may still arise through contracting requirements. (Kristen Lamkin – 15d)
- 1215. Comment:** Commenter states that what CARB has failed to consider is what rural cities and counties will do if they are unable to find a private entity willing to work with them under this rule which may risk having a disproportionate impact on these communities (Gebriel Saleh – 15d)
- 1216. Comment:** Commenter expressed that the changes would make it difficult for small cities such as Morro Bay, and requests that CARB reject the proposed Advanced Clean Fleet changes. (Betty Winholtz – 15d-E)

Agency Response: No changes were made in response to these comments. State and local government agencies in designated low-population counties or those with 10 or fewer vehicles need to report annually, but do not have any ZEV purchase requirements until at least 2030. Starting 2030, with the ZEV Purchase schedule, no other action is required until vehicles are newly added to the fleet. This means no vehicles need to be retired or replaced, including those under contract before 2030. In addition, the agency would not need to purchase any ZEVs unless adding vehicles to the fleet whether through direct purchasing, leasing, renting, or through a new contract. The State or a local government agency also has the opportunity to elect to use the ZEV Milestones Option. Thus, no changes are necessary in response to these comments.

l) Vehicles Under Contract—Complicates Long-Term Planning

- 1217. Comment:** Commenter states that to the extent that compliance pathways or flexibility mechanisms are contingent on fleet characteristics that may include contracted vehicles, this structure introduces operational and contractual complexity and complicates long-term planning. (Noelle Mattock – 15d)
- 1218. Comment:** Commenter states that the proposed ACF modifications, particularly those that expand compliance expectations to include contractors and private fleets operating under municipal agreements, would significantly affect their ability to implement its climate strategies by diverting limited local resources away from planned investments in EV infrastructure, fleet transition, and broader sustainability initiatives identified in their Climate Action & Adaptation Plan. (Jesus Garcia – 15d)
- 1219. Comment:** Commenter states the franchise-based service delivery model for solid waste management in California is placed under systemic uncertainty by introducing compliance obligations into the contracting framework, which may discourage long-term investment in

fleet modernization, infrastructure, and service quality needed to support the state's waste diversion and climate goals. (Luis Sanchez – 15d)

1220. Comment: Commenter states CARB has not conducted sufficient outreach to fully understand how these changes will affect local jurisdictions. (Gebriel Saleh – 15d)

1221. Comment: Commenter states the proposed changes offer no specifics on how such a provision would operate in practice nor do they anticipate exemptions or exclusions where requirements cannot be met, leaving ambiguity and unanswered questions regarding implementation and timelines. (Michael Lewis – 15d)

1222. Comment: Commenter states that expanded exemptions and clarifications paired with increased documentation and reporting requirements, as well as discretionary authority for approval, creates uncertainty in their practical application and long-term fleet planning. (Noelle Mattock – 15d)

Agency Response: Changes were made in response to this comment. In the Second 15-Day Changes, clarifications make explicit the meaning of the original regulation and to provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet.

However, the amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. Staff disagree with the commenters' assertion that contracted vehicles complicate long-term planning. First, the types of vehicles, including the type of powertrain, are already a requirement in many franchise waste hauler agreements.

Secondly, a State or local government agency has the flexibility to impose contractual or procurement-based mechanisms to ensure its California fleet meets ACF requirements and have flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. For example, any State or local government entity that contracts fleet services can subdivide and put contracted vehicles on the ZEV Milestone Option compliance flexibility and keep vehicles they own directly on the default compliance pathway, the ZEV Purchase Schedule.

Lastly, in regards to the timeline, 45-Day Changes give State and local government agencies until January 1, 2030, to decide what compliance flexibility, the ZEV Milestones Option of section 2013.6 or the ZEV Purchase Schedule of section 2013.1, works best, and until then they may switch between the two options.

Staff disagree with the commenters that any changes may impact the service quality needed to support the state's waste diversion and climate goals. The Board directed staff to provide more time for fleets implementing SB 1383. The Captive Biofuel Use Exemption is designed to work in conjunction with the Waste and Wastewater Fleet Option that is only available for those fleets implementing SB 1383. These provisions give a qualifying waste and wastewater fleet a longer timeline, up to 2030, before they need to demonstrate 10% of their fleet is ZEV or NZEV. This excludes any purchases made under the Captive Biofuel Use Exemption. A fleet owner has until calendar year 2035 to purchase a low-NOx ICE vehicle to use excess biogas generated at the waste or wastewater facility and the designated low-NOx ICE vehicle will get its full useful life which aligns within the natural replacement cycle for public fleets.

m) Vehicles Under Contract—Reject Requests From Contracted Private Companies to Evade Compliance Requirements

- 1223. Comment:** Commenter claims CARB should reject requests from private companies that are performing contracted work for governments to evade requirements of the ACF's Public Fleets requirements. (Yasmine Agelidis – 15d)
- 1224. Comment:** Commenter states the “waste fleet” definition creates perverse incentives for local governments and service providers to avoid compliance by “gaming” the contract term by amending their contract term to less than 10 years long which would increase service costs. (Katelyn Scholz – 15d)
- 1225. Comment:** Commenter states contract terms appear to be structured to ensure an adequate remaining term for asset depreciation, however the “waste fleet” definition creates perverse incentives for local governments and service providers to avoid compliance by gaming the contract term. If local agencies begin issuing five-year contract terms for solid waste collection, they will avoid the zero-emission vehicle transition, create inefficient capital cycles that impact ratepayers, and service providers will benefit from incumbency advantages that frustrate competition in these critical public services. The commenter is concerned with the proposed expansion of the definition of “waste fleet” and the assumed compliance structure, they believe this definition change may unintentionally undermine both environmental and public-service outcomes if implemented as currently drafted. (Robert Hilton 1 – 15d, Robert Hilton 2 – 15d)

Agency Response: No changes were made in response to these comments. Private fleet owners, including private waste haulers, do not have compliance requirements under the ACF regulation. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. Also, if the State, or a local government were to amend their contract length terms this would not circumvent their ACF compliance requirements. Making changes in response to these comments, to exclude certain vehicles under contract because of the contract term length would be unnecessary, and undermine the emission reduction goals of the regulation. Furthermore, this comment is speculative, in which case CARB is not required to respond.

n) Vehicles Under Contract—Concerned Over Zero-Emission Vehicle Feasibility and Availability

- 1226. Comment:** Commenter states the 15-day modifications expand obligations to contracted waste fleets without addressing these same feasibility constraints, such as range limitations for both rural and suburban routes, charging time requirements, payload reductions associated with battery weight, and the lack of charging infrastructure at transfer stations and fleet yards. (Luis Sanchez – 15d)
- 1227. Comment:** Commenter states that the proposed modifications present practical challenges related to infrastructure readiness and vehicle availability. (Darren Chan – 15d)
- 1228. Comment:** Commenter states that the pressures from the proposed modifications will force implementation decisions on timelines that do not reflect operational or infrastructure readiness. (Lauren Barich – 15d)
- 1229. Comment:** Commenter states that they will now face equipment limitations applying ACF to contracted fleets. (Nader Heydari – 15d)

- 1230. Comment:** Commenter claims forcing cities to compete with private industry for a limited supply of specialized vehicles, such as wastewater vacuum trucks and refuse collection trucks, would compound availability concerns and EVSE limitations. (Craig Corman Mayor – 15d)
- 1231. Comment:** Commenter states that if these contracted vehicles are required to meet ACF standards without sufficient flexibility, or if compliance requirements reduce the pool of available vendors, their agency could encounter limited access to specialized equipment. (Alyson Piguee – 15d, Anthony Mejia – 15d)
- 1232. Comment:** Commenter states that extending compliance obligations to contractors may reduce contractor availability, constraining procurement flexibility. (Lauren Barich – 15d)
- 1233. Comment:** Commenter states that limited availability in ZE waste trucks, street sweepers, construction, and public works trucks could reduce bidder participation, increase contract costs, or delay service. (Andrew Antwih – 15d)
- 1234. Comment:** Commenter expresses concerns that there is not a viable EV mixer available for purchase. (Ryan Jacobs – 15d-E)

Agency Response: No changes were made in response to these comments. The ACF regulation already has existing flexibility for fleet owners when ZEVs are not available, or do not meet the operational needs of their fleet, including vehicles under contract.

State and local government agencies have full access to exemptions and extensions for all vehicles in their fleet; including those rented, leased or under contract. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply because a required ZEV is not available to purchase in the configuration needed. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available BEV. In addition, in the First 15- Day Changes, CARB made numerous changes to add more flexibility. Lastly, State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF and may choose to impose contractual requirements above or below those required by ACF to meet their compliance obligations.

o) Vehicles Under Contract—Changes May Jeopardize Services During Emergencies

- 1235. Comment:** Commenter states that the proposed expansion of compliance obligations to contracted service providers could jeopardize the continuity of essential public works and utility services during emergencies. (Bryan Bravo – 15d)
- 1236. Comment:** Commenter states the proposed changes to the ACF regulations would significantly impact their ability to maintain uninterrupted emergency and essential services, as infrastructure limitations and operational demands sometimes exceed the current capabilities of zero-emission vehicles and charging networks. (Justin Ezell – 15d)
- 1237. Comment:** Commenter states that their agency could encounter slower response times and reduced operational adaptability. Commenter states that these impacts could hinder the District's ability to deliver timely services essential for protecting public health, maintaining regulatory compliance, and ensuring the reliability of critical utility operations. (Alyson Piguee – 15d, Anthony Mejia – 15d)
- 1238. Comment:** Commenter is concerned hired vehicle operations could materially disrupt public utility service delivery and may impose compliance-related implications not only on covered fleet owners, but also on public agencies that hire and dispatch vehicles subject to the regulation. (Joe Sturges – 15d)
- 1239. Comment:** Commenter states that changes to the approach to regulating hired entities and fleet ownership create significant risks and uncertainty for public agencies relying on contracted services. (Sarah Deslauriers 1 – 15d)

1240. Comment: Commenter states that the proposed modifications present practical challenges related to the operational demands of public safety and essential services. (Darren Chan – 15d)

Agency Response: No changes were made in response to these comments. The ACF regulation already has existing flexibility designed for essential public works and utility service trucks who need to be deployed during and after emergencies, including for vehicles under contract.

State and local government agencies have full access to exemptions and extensions for all vehicles in their fleet; including those rented, leased or under contract. The Fleet Resiliency Exemption gives fleet owners full discretion in choosing which vehicles to apply the exemption to, and the 100% ZEV purchase delay gives fleet owners more time to comply. The regulation already includes provisions that provide compliance flexibility that allows fleet owners to prioritize ZEV and ICE purchases. ACF already includes a blanket exemption allowing for any vehicle that is used to support a declared emergency and is dispatched by a local, state, federal, or other responsible emergency management agency or its contractors, is temporarily exempt from the requirements of the regulation for the duration of the emergency.

As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change provides fleet owners the flexibility to better manage any functionality and availability concerns. The Fleet Resiliency Exemption (previously the Mutual Aid Exemption) gives fleet owners earlier access to the exemption, reducing the access threshold from 25% down to 5% ZEVs in the fleet, removing vehicle type restrictions and delaying the fast-fueling requirements until 2030. These changes provide fleet owners greater flexibility to manage and plan for their public agency emergency response support and recovery needs. They allow fleet owners to better address concerns that arise during emergency situations while still ensuring continued progress toward the regulation's emissions-reduction goals. No changes were necessary in response to these comments because the commenters' concerns were adequately addressed in the First 15-Day Changes.

p) Vehicles Under Contract—Changes May Result in Higher Costs for Ratepayers

1241. Comment: Commenter states that redefining “waste fleets” to include contracted service providers shifts compliance responsibility to cities, increasing costs, reducing contractor availability, and limiting flexibility in service agreements. (Chris Tavaréz – 15d)

1242. Comment: Commenter states that if municipally contracted fleets are folded into state and local government compliance obligations, this exposes local governments to increased costs, reduced contractor availability, and diminished flexibility in negotiating long-term service agreements. (Christine Wolfe 2 – 15d)

1243. Comment: Commenter states the City of Martinez has significant concerns with the proposed expansion of the definition of the “waste fleet” and the associated compliance structure. Commenter states subjecting privately operated franchise waste fleets to the State and Local Government requirements would impose substantial and immediate cost burdens on ratepayers without a corresponding and achievable path to compliance. (Michael Chandler – 15d)

1244. Comment: Commenter states subjecting privately operated franchise waste fleets to the State and Local Government requirements would impose substantial and immediate cost

burdens on ratepayers without a corresponding and achievable path to compliance. Doing so creates significant cost burdens for ratepayers due to the higher cost of zero-emission trash collection trucks. (Robert Hilton 1 – 15d, Robert Hilton 2 – 15d)

- 1245. Comment:** Commenters state that changing the definition of “waste fleet” exposes cities to increased legal burden and costs, reduces contractor availability, and diminishes flexibility in negotiating long-term service agreements for essential services such as waste hauling, street sweeping, construction, maintenance, and public works. Commenters further state that the proposal imposes substantial new legal burdens on cities by elevating legal and procurement risks, increasing contract costs, and potentially limiting competition among vendors unable to meet evolving regulatory thresholds. (Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Janet Jernigan – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Frank Navarro – 15d, Tyler Foltz – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Jason Haber – 15d, Abigail Gomez – 15d, Consuelo Hernandez – 15d, Gabrielle de Farcy – 15d, Brett Taylor – 15d, Drew Bessinger – 15d, Brian Villalobos – 15d, Nader Heydari – 15d, Andrew Antwih – 15d, Liam Garland – 15d)
- 1246. Comment:** Commenter claims the contracted fleets inclusion may reduce the pool of available contractors, potentially making the City’s procurement more difficult, result in higher bid prices and generally more costly services, and/or reduce contractor availability and decrease flexibility for agreements. (Nader Heydari – 15d)
- 1247. Comment:** Commenter states that the amendments would result in increased costs to local agencies, including higher contract costs passed through from contractors transitioning to zero-emission vehicles. (Jorge Orozco – 15d)
- 1248. Comment:** Commenter states that by extending compliance obligations to contractors, the regulation introduces cost escalation across essential services such as solid waste collection, street sweeping, and construction, as vendors incorporate fleet conversion costs and compliance risk into their pricing. (Lauren Barich – 15d)
- 1249. Comment:** Commenter states that they rely on contracted service providers for critical functions, such as waste collection, street sweeping, and infrastructure maintenance, and by shifting compliance obligations onto municipalities for contractor fleets, the Proposed Amendments would significantly increase costs, reduce vendor availability, and limit their flexibility to procure essential services. (Ron Noda – 15d)
- 1250. Comment:** Commenter states requiring public agencies to track contracted vehicles and assume responsibility for these private fleets may prevent firms from bidding on public work and increase costs. (Michael Lewis – 15d)
- 1251. Comment:** Commenter states the City of Oakley relies heavily on contract services for waste hauling, landscape maintenance, and street sweeping. Requiring the City to contract with entities that meet these requirements would likely result in either no contracts and therefore no services, or a significant financial burden passed onto the residents and business owners of Oakley. (Danielle Navarro – 15d)
- 1252. Comment:** Commenter states that extending ACF compliance obligations to contracted services would increase costs passed on to residents. (Afshin Oskoui – 15d)
- 1253. Comment:** Commenter states the proposed scope of applicability and ambiguous emissions limits would negatively impact existing and new contracts as well as future planning and capital investments in clean technologies that could lead to increased performance risks and higher service fees. (Katie Vassalli – 15d)

- 1254. Comment:** Commenter states key concerns with constraints affecting contract fleets and how economic impacts will ultimately be borne by ratepayers, exacerbating affordability challenges. (David Rothbart 1 – 15d)
- 1255. Comment:** Commenter states extending compliance requirements to these contractors, undermines ability to procure services, reduces the pool of available vendors, and will inevitably drive-up costs for residents. (Tim Hepburn – 15d)
- 1256. Comment:** This adds additional financial burden for Oakland's rate payers. (Liam Garland – 15d)
- 1257. Comment:** Commenter suggests the proposal would limit procurement flexibility, reduce the pool of eligible vendors, and disproportionately impact small and specialized contractors. Contractors would be even more reluctant to partner with cities, due to these mandates, shrinking an already shallow vendor pool. (Craig Corman Mayor – 15d)
- 1258. Comment:** Commenter states that if contracted fleets are to be included that compliance is no longer limited to fleet ownership and operation, but increasingly intersects with procurement, contracting, and administrative oversight functions, which would then affect procurement timelines and cost structures. (Michael Taylor – 15d)
- 1259. Comment:** Commenter states while the City of Sacramento has remains committed to statewide climate and air quality objectives, the financial implications of the proposed regulatory requirements are significant. The City anticipates higher contract costs as vendors absorb expenses related to compliant vehicles, infrastructure, and reporting obligations. Reduced vendor competition may further elevate costs. (Consuelo Hernandez – 15d)
- 1260. Comment:** Commenter states the proposed changes will create significant unfunded cost exposure if compliance obligations are effectively shifted to private haulers, including substantial incremental costs for zero-emission vehicle procurement, infrastructure deployment, and related operational requirements that are not reflected in existing rate structures or franchise agreements. (Luis Sanchez – 15d)
- 1261. Comment:** Commenter states that contractors will necessarily incorporate compliance risk and administrative costs into their pricing, while reduced market participation, particularly among small and mid-sized operators will further constrain competition. Commenter states that the resulting cost increases will ultimately be borne by residents and ratepayers, disproportionately affecting low- and fixed-income households. (Frank Navarro – 15d)
- 1262. Comment:** Commenter states many other increases in costs affecting this industry, including by not limited to the significant rate increases that were necessary to implement the greenhouse gas reducing impacts of organic waste. Commenter is aware of no other government service sector that is as greatly impacted by unfunded State mandates as is solid waste. (Garth Schultz – 15d)
- 1263. Comment:** Commenter states they now face higher fleet-replacement costs and equipment limitations. (Nader Heydari – 15d)

Agency Response: No changes were made in response to these comments. These comments are speculative and not directed at any substantive changes in the proposed changes.

The ACF cost analysis shows that ZEVs are expected to have a lower TCO than ICE vehicle counterparts in numerous applications over the course of this decade due to operational savings and declining incremental upfront costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline. Therefore, the phase-in of ZEVs is not expected to result in an increased cost to ratepayers over the lifetime of the ZEVs or a reduction of services provided. Also, State and local government agencies have full access to exemptions and extensions for all vehicles in their fleet; including those rented, leased or under contract. These amendments are expected to

lower the capital costs for the State and local government agencies since fewer ZEV purchases are required.

Lastly, it is speculative to assume diminished flexibility in negotiating long-term service agreements. State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF and may choose to impose contractual requirements above or below those required by ACF to meet their compliance obligations.

q) Vehicles Under Contract—Inconsistent Implementation Undermines Advanced Clean Fleets

- 1264. Comment:** Commenter states a contracting-based compliance framework will inevitably produce inconsistent implementation and enforcement, creating a patchwork of obligations that varies by jurisdiction and undermines the statewide uniformity that fleet-based regulations are designed to achieve. (Luis Sanchez – 15d)

Agency Response: No changes were made in response to this comment. The ACF regulation applies a statewide ZEV purchase mandate for all State and local government agencies to achieve. There are numerous exemptions and extensions to account for situations outside a fleet owner's control and various operational constraints. The ACF amendments are intended to provide flexibility for SLGs while meeting California's clean air and climate change goals. Section 2013.5 of the ACF amendments provides for consistent enforcement provisions and places regulated entities on notice. Penalties provisions are identified in Health and Safety Code sections 38580, 39674, 42400 et seq., 43000 et seq. CARB's enforcement policy⁶³ provides for fair and consistent enforcement. Enforcement actions are rooted in key principles, such as protection of public health and the environment, fairness and equal treatment across the regulated industry, deterrence, and responsiveness to the public. CARB works closely with regulated parties by providing information and resources, where necessary, to assist regulated entities in achieving compliance.

r) Vehicles Under Contract—Bid Process Won't Get Zero-Emission Vehicles if Not in Scope

- 1265. Comment:** Commenter states that if clarity is insufficient in ACF, as it pertains to SLG fleets and private fleets be contracted, there is real and significant potential to upset the entire bid and award process if CARB intends to have private fleets be pulled into SLG ACF fleet accounting for compliance. Commenter states that if SLGs do not require EV fleets in their scope, EV trucks will likely not be included in the bids because the private contractor will likely not be low bid. Commenter states that the projects cannot then be administered because the awarded contract cannot support the EV trucks, which would create significant confusion and possible legal action between all parties. (John Lane – 15d)

Agency Response: No changes were made in response to this comment. The ACF regulation does not specify the bid language or criteria to award bids. State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF, and may do so through vehicles they own, rent, lease, contract or combinations in between to meet their compliance obligations. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or

⁶³ CARB, Enforcement Policy (April 2020), available at: <https://ww2.arb.ca.gov/resources/documents/enforcement-policy>.

a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

In addition, it is speculative to assume private contractors would need to raise costs to offer ZEVs over ICE vehicles in service of a public contract. A business looking to buy a ZEV sees rapid physical depreciation as a massive immediate tax benefit, alternatively there are incentives available to acquire ZEVs. ZEVs are expected to have a lower TCO than ICE vehicle counterparts in numerous applications over the course of this decade due to operational savings and declining incremental upfront costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development.

s) Vehicles Under Contract—New Administrative Requirements Are Too Complex

- 1266. Comment:** Commenter states that the Proposed Amendments shift significant regulatory and administrative responsibilities onto local agencies by requiring cities to monitor, verify, and report on the compliance of private contractors as well as increased staff time and administrative burdens. (Jorge Orozco – 15d)
- 1267. Comment:** Commenter states the proposed changes would place burdensome administrative duties on public agencies, add a high level of complexity to contracts. (Jim Schaad – 15d)
- 1268. Comment:** Commenter states that as a small city with limited staff and fiscal resources, the proposed ACF modifications would impose significant new compliance burdens, particularly due to reliance on contracted service providers, including waste collection services utilizing renewable natural gas. (Afshin Oskoui – 15d)
- 1269. Comment:** Commenter states that extending ACF compliance obligations to contracted services would require additional oversight responsibilities and strain administrative capacity. (Afshin Oskoui – 15d)
- 1270. Comment:** Commenter states requiring public agencies to track contracted vehicles and assume responsibility for these private fleets in addition to their own is completely unrealistic and a logistical and administrative nightmare. (Michael Lewis – 15d)
- 1271. Comment:** Commenter states that the proposed ACF modifications would shift new compliance responsibilities onto cities for private contractors, including annual verification that contracted fleets are compliant, required contract disclosures, and maintaining auditable records subject to state review timelines. Commenter states that such a proposal may divert resources away from core services to support administration of a state regulatory program. (Janet Jernigan – 15d)
- 1272. Comment:** Commenter states that the requirement for cities to monitor and verify contractor compliance creates a new administrative function that is not currently resourced. (Lauren Barich – 15d)
- 1273. Comment:** Commenter states that the proposed expansion of compliance obligations to contracted service providers, combined with the administrative burdens of contractor verification and expedited audit response requirements, would place significant strain on their already limited administrative resources and could jeopardize the continuity of essential public works and utility services during emergencies. (Damien Arrula – 15d)
- 1274. Comment:** Commenter states the proposal transforms routine contracting into a compliance and enforcement function. Cities would be required to track, verify, and maintain extensive records on contractor fleets, exposing them to legal risk and state audits while diverting already limited staff resources away from core services. (Tim Hepburn – 15d)
- 1275. Comment:** Commenter states that the proposal imposes substantial new administrative burden on cities by requiring ongoing verification of contractor compliance, mandatory

contract disclosures, and extensive record keeping subject to rapid state audit which transform routine contracting functions into compliance oversight roles, requiring cities to annually validate contractor status, maintain auditable documentation for multiple years, and respond to CARB inquiries within tight timeframes. (Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Brian Villalobos – 15d, Frank Navarro – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Jason Haber – 15d, Abigail Gomez – 15d, Nader Heydari – 15d, Brett Taylor – 15d, Tyler Foltz – 15d, Andrew Antwih – 15d, Janet Jernigan – 15d, Liam Garland – 15d, Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 5d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Craig Corman Mayor – 15d, Jōvan Grogan – 15d, Stephanie Klopfenstein – OCP, Wendy Bucknum – 15d, Danielle Jones – 15d, Julie Ryan – 15d, Karen Goh – 15d, Kristin Griffith – 15d, Linda Reich – 15d, Mayor Connor Traut – 15d, T. Jarb Thaipejr – 15d, Michelle Bender – 15d)

- 1276. Comment:** Commenter states while they have remained committed to statewide climate and air quality objectives, the administrative implications of the proposed regulatory requirements are significant. Commenter states that the level of record keeping, compliance verification, and vendor oversight required under the regulation would impose substantial workload increases and necessitate additional staffing. (Consuelo Hernandez – 15d)
- 1277. Comment:** Commenter states that the administrative changes required by ACF would necessitate major modifications to procurement processes, contract management practices, and compliance tracking systems. (Newell Arnerich – 15d)
- 1278. Comment:** Commenter states extending compliance requirements to these contractors, the State is effectively shifting regulatory responsibility onto cities without providing the authority, resources, or flexibility to manage it. (Tim Hepburn – 15d and Frank Navarro – 15d)
- 1279. Comment:** Commenter states city procurement staff would become regulatory compliance reviewers by confirming vendor compliance status and reviewing documentation for prime and subcontractors. This will not only take specialized knowledge but also a significant amount of additional time per contract. Commenter states the detailed records required for the city to maintain and demonstrate that contractors are compliant throughout the life of the contract would also require additional storage either via paper documents or a scanned version. This would include collecting annual compliance statements, tracking contractor fleet composition and changes, and ensuring that subcontract information is collected and stored. The steps detailed are for contractors that stay in compliance with the regulation. If a vendor falls out of compliance, the city will then have to identify the violation, notify the contractor, possibly suspend current work or terminate contracts, re-bidding work if needed and managing the legal and financial exposure for the city will be responsible. (Consuelo Hernandez – 15d)
- 1280. Comment:** Commenter states that the pressures from the proposed modifications will necessitate reprioritization of limited funds and staff time, potentially delaying planned investments. (Lauren Barich – 15d)

Agency Response: No changes were made in response to these comments. State and local government agencies are already managing ACF compliance, and these changes do not introduce a substantial new administrative burden. Many California city and counties contracts already aligned with the State’s general government record retention guidelines, which are often five to seven years after the contract ends. The five-year record retention

period of ACF is well within these existing best practices and in line with many CARB regulations.

Regarding the requirement to respond to CARB inquiries within tight timeframes, the 72 hours to supply electronic or written records to CARB is reasonable and consistent with what was already agreed upon during the original ACF rulemaking.

Lastly, a municipality is not required to re-bid work to manage legal or financial exposure. Vehicles that are renewed through existing leases or service contracts do not need to be counted as added vehicles. Also, State or local government entities have considerable flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF, and how to meet their compliance obligations.

Finally, private contractors are not subject to the ACF regulation. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

t) Vehicles Under Contract—May Shut Out Small and Minority Owned Businesses

- 1281. Comment:** Commenter claims that including contracted fleets may also limit competition among vendors, potentially shutting out small and minority owned businesses which may be less likely to adapt to these new requirements. (Liam Garland – 15d)
- 1282. Comment:** Commenter states the framework may distort procurement and competitive dynamics by embedding compliance obligations into municipal contracting, potentially shifting costs onto haulers without compensation adjustments, disadvantaging smaller and mid-sized firms, reducing competition, and concentrating market share among larger operators. (Luis Sanchez – 15d)
- 1283. Comment:** The increased costs of simply doing business for smaller, privately owned waste haulers would cause most to shutter their businesses or sell out to larger corporate haulers who are better positioned to absorb the significant financial burden that this new rule imposes. (Drew Bessinger – 15d)
- 1284. Comment:** Commenter states that fleet sizes, service territories, population density, topography, route conditions, and contract structures vary significantly across the state. Commenter states that regulations that fail to account for those differences risk serious unintended consequences, including conglomeration of private solid waste enterprises. (Kristina Owens – 15d, Sydney Simonson – 15d, Nicole Rinauro – 15d, Julie Bryant – 15d, Joey Hejnowicz – 15d, John Davis – 15d, Christina Leard – 15d)

Agency Response: No changes were made in response to these comments. A private fleet owner does not have any direct compliance responsibilities under ACF. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck

fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

The ACF is structured to ensure the regulatory burden is placed on the controlling party—the State or a local government agency, who needs to determine a compliance strategy to achieve the ZEV phase-in requirements. State or local government agencies have flexibility in how they structure their contracts. How a State or local government agency complies with the ACF requirements is at their discretion; they can choose what vehicle (owned, operated, rented or leased for a year or more, or contracted for) to add to their fleet as a ZEV. The ACF regulation does not regulate agreements between the agencies and their contractors. Furthermore, the cost to small businesses was already analyzed and because there are no requirements on private fleets, there are no costs to small businesses. Please see ISOR on page 153.

15. Section 2049, Hiring Compliant Fleets

a) Hiring Compliant Fleets—Verify Compliance of Hired Fleets

- 1285. Comment:** Commenter states that while they appreciate the clarity added in 2049(A)(1) on vehicles with a GVWR greater than 8,500 lbs, the more important clarity is citing 2049 (a)(1)(A) to the specific provisions that may capture private fleets into fleet compliance for SLGs. (John Lane – 15d)
- 1286. Comment:** Commenter states Staff's recent written interpretation of "hiring compliant fleets" expands the scope of the ACF-SLG in a manner that is not consistent with the Board's direction in September 2025 nor the plain language of the regulation. The commenter then goes on to state that simply hiring a private fleet does not trigger the Hiring of Compliant Truck Fleets obligations in the Proposed Amendments. The commenter believes that the Hiring of Compliant Truck requirements are only triggered if a local agency hires and dispatches the vehicles and believes that a plain reading of the proposed regulation invalidates staff's recent interpretation that state and local governments remain responsible for ensuring compliance with the SLG requirements for vehicles (Tim Carmichael – 15d)
- 1287. Comment:** Commenter states that under Section 2049(c), SLGs only obligation is to either verify the fleet is listed as compliant on the ACF webpage or obtain a signed statement from the hired fleet that they are not subject to the ACF regulations. Inclusion of the option to provide a signed statement attesting that the hired entity is not subject to the regulation conclusively demonstrates that governmental agencies do not need to require their contractors to comply with the ACF SLG Fleet requirements. (Julia Mangin – 15d)

Agency Response: Changes were made in response to these comments. As part of the First 15-Day Changes the former section 2013.7 Hiring Compliant Fleets was renumbered to a new section 2049 because the scope of the section is fundamentally different than in section 2013. Section 2049 applies to any entity that hires or dispatches State or Local Government agency vehicles. As part of the First 15-Day Changes language was added to specify that the requirement is only applicable to vehicles with a GVWR greater than 8,500 lbs. In response to these comments, changes were made during the Second 15-Day Changes to make explicit section 2049 applies to agreements between a hiring entity and a State and local government agency and does not apply to an agreement with other nongovernmental entities.

If a State or a local government agency were to hire or dispatch a specific vehicle within another State agency or a separate local government agency then they would need to verify compliance with the ACF regulation, provide the fleet owner as defined in the ACF regulation with the disclosure statement, and keep records. If a State or local agency were

in a contract for vehicles or services using vehicles with another State agency or local government agency then they would also need to include those vehicles as part of their fleet until they are removed from the contract.

Changes were also made to the State and Local Government fleet ZEV purchase requirements in section 2013 in the Second 15-Day Changes. Clarifications were made to make explicit the meaning of the original regulation and to provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet. State and local government entities should continue to develop their own processes to verify a contractor is meeting the terms of their contract.

b) Hiring Compliant Fleets—Private Fleets Would Not be Listed on the Advanced Clean Fleets Webpage as a Compliant Fleet

1288. Comment: Commenter is requesting confirmation that SLGs who “hire or operate” a private company are not responsible for the contracted company’s vehicle compliance with CARB requirements given that the private fleets are no longer subject to the ACF, and as such they will not be issued certificates of reported compliance, nor will they be listed on the ACF webpage as a compliant fleet and are unlikely to sign a statement that they comply with a regulation that does not apply to them. (Roxana Ramirez – 15d)

Agency Response: No changes were made in response to this comment. The commenter is correct, private fleets are not subject to the ACF State and local government regulations and would not be listed on the ACF webpage as a compliant fleet.

c) Hiring Compliant Fleets—Remove Provision Entirely or Parts of it

1289. Comment: Commenter requests CARB to remove provisions that impose obligations on hiring entities. (Katie Vassalli – 15d)

1290. Comment: Commenter states fleets that hire and dispatch specific vehicles should verify compliance or obtain a signed statement stating the hired fleet is not applicable and provide the disclosure in the hiring contract. Vehicles hired but not necessarily dispatched by state and local government fleets should not be subject to ACF. (Ellis Chiu – 15d)

Agency Response: No changes were made in response to these comments. Compliance verification provisions are used in multiple existing CARB fleet regulations, such as the Truck and Bus regulation, and are an effective enforcement mechanism that is not overly complex or burdensome for a hiring entity to perform. Most hiring entities are already accustomed to performing these checks and extending it to other fleet rules is an efficient use of government resources.

16. Support for Advanced Clean Fleets amendments

a) Support—Delaying 100% Zero-Emission Vehicle Purchase Requirement From 2027 To 2030

1291. Comment: Commenter states that they support the amendments to provide increased compliance flexibility by delaying the 100% zero-emission vehicle purchase requirement from 2027 to 2030 and expanding eligibility for exemptions and extensions related to infrastructure constraints, operational limitations, and emergency response needs. (Melissa Wilcox –15d, John Jansons –15d, Eleanor Granflor –15d, Bryan Bravo – 15d, Jason Machado –15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Frank Navarro – 15d, Isaac Bravo – 15d, Danielle

Navarro – 15d, Chris Tavaréz – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Gabrielle de Farcy – 15d, Abigail Gomez – 15d, Nader Heydari – 15d, Brett Taylor – 15d)(Jason Machado – 15d, Melissa Wilcox – 15d, John Jansons – 15d, Eleanor Granflor – 15d, Jōvan Grogan – 15d, Patricia Davy – 15d)

- 1292. Comment:** Commenter states the Proposed Amendments providing increased compliance flexibility by delaying the 100% ZEV purchase requirement from 2027 to 2030 and expanding eligibility for exemptions and extensions related to infrastructure constraints, operational limitations, and emergency response needs are appreciated. (Jason Haber – 15d)
- 1293. Comment:** Commenter states while the Proposed Amendments significantly increase obligations on local municipalities, we appreciate the amendments to provide increased compliance flexibility by delaying the 100% zero-emission vehicle purchase requirement from 2027 to 2030 and expanding eligibility for exemptions and extensions related to infrastructure constraints, operational limitations, and emergency response needs. (Gabrielle de Farcy – 15d, Wendy Bucknum – 15d)
- 1294. Comment:** Commenter supports the ZEV Purchase Schedule delay to 2030. (Melanie Schumacher – 15d)
- 1295. Comment:** Commenter states they support delaying the 100% ZEV purchase requirement from 2027 to 2030. (Andy Su – 15d, Anthony Choi – 15d, Ron Noda – 15d)(Andy Su – 15d, Anthony Choi – 15d, Ron Noda – 15d, Jennifer Goodsell 2 – 15d)
- 1296. Comment:** Commenter states they support delaying the 100% ZEV purchase requirement from 2027 to 2030 and expanding eligibility for exemptions and extensions for infrastructure constraints, operational limitations, and emergency response needs. (David Shawver – 15d, Carlos Zamano – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d)
- 1297. Comment:** Commenter appreciates the extension of the ZEV Purchase Schedule requirements timeline, including maintaining the 50% purchase requirement through 2030 (Section 2013.1(a)(1)(B)). (Noelle Mattock – 15d)
- 1298. Comment:** Commenter supports the delay of the 50% purchase requirement under the ZEV Purchase Schedule. (Jennifer Goodsell – 15d)(Jennifer Goodsell 1 – 15d)
- 1299. Comment:** Commenter supports the amendments to provide increased compliance flexibility by delaying the 100% ZEV purchase requirement from 2027 to 2030 and expanding eligibility for exemptions and extensions related to infrastructure constraints, operational limitations, and emergency response needs. (Stephanie Klopfenstein – OCP)
- 1300. Comment:** Commenter states the delay of the 100% zero-emission vehicle (ZEV) procurement requirement until January 1, 2030, provides a more pragmatic timeline for the development of both the vehicle market and the necessary charging infrastructure. (Pacal Cornejo-Reynoso – 15d)
- 1301. Comment:** Commenter appreciates CARB's decision to delay the 100 % ZEV purchase requirement from 2027 to 2030. (Derek Dolfie – 15d)
- 1302. Comment:** Commenter states the extension of the 50% Purchase Requirements to 2030 (previously 2027) is an appreciated step to acknowledge ongoing market uncertainty and challenges that public fleets face in complying with ACF. This proposed change gives public fleets additional time to plan for the ZEV transition while retaining the ability to purchase internal combustion vehicles that are core to fleet operations and remain unavailable as ZEVs to maintain water and wastewater services. (Nick Blair – 15d)
- 1303. Comment:** Commenter states support for CARB's decision to delay the 100% ZEV purchase requirement from 2027 to 2030, which is a pragmatic change necessary to ensure compliance with and success of the rule. (Kristian Corby – 15d)
- 1304. Comment:** Commenter appreciates the First 15-Day Changes including the delayed ZEV procurement timeline and expanded consideration of operational constraints such as payload, range, and duty cycle. (Arman Tarzi – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments regarding the delay of the 100% ZEV purchase requirement to 2030, the expanded exemptions and extensions, and the delay in the 50% purchase requirement. CARB also acknowledge the request for CARB to re-evaluate the regulation before 2030, consistent with the Board's direction to revisit the rule in 2027. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

b) Support—Expansion of Zero-Emission Vehicle Purchase Exemption Streamlined List

- 1305. Comment:** Commenter appreciates the expansion of the ZEV Purchase Exemption Streamlined List (Section 2013.2(d)(1)(A)) to include additional vehicle types, such as digger derricks, combination vacuum-jetter trucks, jetter trucks, and certain Class 2b and 3 pickups. (Noelle Mattock – 15d)
- 1306. Comment:** Commenter supports the manufacturer reliability criteria that was added to the ZEV Purchase Exemption. (Jesus Martinez Ramirez – 15d)
- 1307. Comment:** Commenter supports the addition of mission critical vehicles like vacuum-jetter trucks and Class 2b-3 pickup trucks to the Streamlined ZEV Purchase Exemption list. (Jesus Martinez Ramirez – 15d)
- 1308. Comment:** Commenter appreciates additions to the eligible Configuration List for streamlined applications, including Class 2b and 3 pickup trucks on the ZEV Purchase Exemption. (Derek Dolfie – 15d)
- 1309. Comment:** Commenter appreciates CARB's inclusion of language in section 2013.2(d)(2)(B) to account for situations involving public bid processes where no responsible bids for ZEVs are received on the ZEV Purchase Exemption. (Derek Dolfie – 15d)
- 1310. Comment:** Commenter appreciates the addition of several requirements that manufacturers need to meet in order for ZEVs to qualify as "available for purchase," which all go towards protecting public agency purchases of fleet vehicles on the ZEV Purchase Exemption. (Derek Dolfie – 15d)
- 1311. Comment:** Commenter appreciates the removal of the requirement forcing public agency utilities to consider the purchase of electric power takeoff (ePTO) as part of their solicitation of bids for certain types of vehicles on the ZEV Purchase Exemption. (Derek Dolfie – 15d)
- 1312. Comment:** Commenter states ACWA supports inclusion of digger derrick trucks, combination vacuum-jetter trucks, jetter trucks, and class 2b and 3 pickup trucks to the ZEV Purchase Exemption List. (Nick Blair – 15d)
- 1313. Comment:** Commenter appreciates the expansion of the ZEV Purchase Exemption Streamlined List (Section 2013.2(d)(1)(A)) to include additional vehicle types, such as digger derricks, combination vacuum-jetter trucks, jetter trucks, and certain Class 2b and 3 pickups. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

c) Support—Modifications to Exemption Timing

- 1314. Comment:** Commenter appreciates the modifications to exemption timing, allowing requests to be submitted closer to compliance deadlines and improving administrative processing timelines. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenters. No changes are required

in response to these comments because the comments express general support for the proposed regulation and do not request changes.

d) Support—Modifications to Fleet Resiliency Exemption

- 1315. Comment:** Commenter appreciates the adjustments to the Fleet Resiliency Exemption, including lowering the minimum ZEV threshold required to qualify (Section 2013.2(e)). (Noelle Mattock – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

e) Support—Support for Excluding Fleet Resiliency Vehicles

- 1316. Comment:** Commenter states support for allowing ICE vehicles designated under the Fleet Resiliency Exemption to be excluded from milestone calculations as recognition of mission-critical assets. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the commenter's support. Excluding ICE vehicles designated under the Fleet Resiliency Exemption from milestone calculations is consistent with the regulation's intent to recognize mission-critical assets and ensure these vehicles do not negatively affect a fleet's milestone compliance status. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

f) Support—Modifications to exemption determinations

- 1317. Comment:** Commenter appreciates the additional criteria to evaluate vehicle availability, providing more structure to exemption determinations (Section 2013.2(d)(2)(D)). (Noelle Mattock – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenter. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

g) Support—General

- 1318. Comment:** Commenter states the expanded use (to include, but not limited to, emergency response, towing, or range limitations), and reduced need for current fleet to include ZEVs (proposed 5% of fleet must be ZEV instead of 25%) to apply for the Fleet Resiliency Exemption are welcome changes that further acknowledge the critical role that public water agencies play in emergency response throughout the state. (Nick Blair – 15d)
- 1319. Comment:** Commenter supports the 15-day modifications as proposed. (Cory Shumaker – 15d)
- 1320. Comment:** Commenter states they would like to commend CARB on the improvements proposed in the First 15-Day Changes, including, extending the 100% purchase requirement from 2027 to 2030, removing the 13th model year limitations, extending the applicability of exemptions to fleet additions, decreasing the threshold to access the Fleet Resiliency Exemption, and updates to the ZEV Purchase and Daily Usage Exemptions. (Ellis Chiu – 15d)
- 1321. Comment:** Commenter states the proposed extensions and expanded flexibility for infrastructure constraints, operational limitations, and emergency response are appreciated. (Drew Bessinger – 15d)

- 1322. Comment:** Commenter agrees with the bulk of the regulations and states that the timeframe seems reasonable. (PW Henderson – 15d)
- 1323. Comment:** Commenter states support for CARB’s commitment to revisit the Advanced Clean Fleets Rule in 2027. (Kristian Corby – 15d)
- 1324. Comment:** Commenter states they support expanding eligibility for exemptions and extensions for infrastructure constraints, operational limitations, and emergency response needs. (Anthony Choi – 15d, Ron Noda – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments regarding the First 15-Day Changes, including the expanded flexibility for infrastructure, operational, and emergency response constraints. CARB also appreciates the support for delaying the 100% ZEV purchase requirement to 2030, extending the 50% purchase requirement, and the timeline and Board’s commitment to revisit the rule in 2027. CARB thanks the commenters for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

h) Support—Remove Previous Restrictions

- 1325. Comment:** Commenter states the decision to remove previous restrictions that limited exemptions only to replacement vehicles is a vital modification. As EMWD continues to expand its infrastructure to meet growing service demands, the ability to add internal combustion engine (ICE) vehicles to their fleet when ZEV alternatives are unavailable is essential for maintaining service reliability. (Pacal Cornejo-Reynoso – 15d)
- 1326. Comment:** Commenter states appreciation for the improvements to the Advanced Clean Fleets (ACF) regulation, as shown in the 15-day Proposed Amendments. These changes will make it easier to comply with the requirements for increasingly electrifying their fleets, while keeping their capabilities to serve their customers, even during times of emergencies. (Tom Greene – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments regarding the removal of previous restrictions on exemptions and the improved flexibility these amendments provide for maintaining essential services and emergency response capabilities. CARB thanks the commenters for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

i) Support—Broadening Fleet Resiliency Exemption

- 1327. Comment:** Commenter states the replacement of the narrow Mutual Aid exemption with the broader Fleet Resiliency Exemption is another positive step. By lowering the ZEV fleet threshold for eligibility from 25% to 5% and expanding criteria to include operational constraints such as payload, towing, and range, CARB has better aligned the mandate with the demands of emergency response. Commenter states these changes reflect an understanding that the work performed by water agencies often requires heavy-duty capabilities that cannot yet be consistently met by current ZEV configurations, particularly during disaster recovery or prolonged service restoration efforts. (Pacal Cornejo-Reynoso – 15d)
- 1328. Comment:** Commenter states appreciation for the change from Mutual Aid Assistance Exemption to Fleet Resiliency Exemption, including not only emergency response needs, but also that towing and range needs may be accommodated through this exemption. (Tom Greene – 15d)

- 1329. Comment:** Commenter appreciates the adjustments to the Fleet Resiliency Exemption, including lowering the minimum ZEV threshold required to qualify (Section 2013.2(e)). (Noelle Mattock – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments regarding the transition from the Mutual Aid exemption to the broader Fleet Resiliency Exemption, including the lowered ZEV fleet threshold and expanded eligibility criteria that better reflect emergency response needs. CARB thanks the commenter for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

j) Support—Clarification on Zero-Emission Vehicle Infrastructure Delay Extension

- 1330. Comment:** Commenter states public fleets need certainty that the necessary charging infrastructure and power to sustain charging infrastructure are built and ready for oncoming ZEV fleet operations. Therefore, it is appropriate for public fleets to avoid being considered non-compliant when there is a need to purchase new vehicles, but lack charging infrastructure to support ZEVs. The proposed changes to the ZEV Infrastructure Delay Extension clarify usage for the time until infrastructure is built by fleets' respective electric utility providers at which time fleets would be expected to reach ACF compliance. (Nick Blair – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments regarding the clarification of the ZEV Infrastructure Delay Extension and the importance of ensuring charging infrastructure is in place before fleet owners are required to deploy ZEVs. CARB thanks the commenter for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

k) Support—Clarification on Daily Usage Exemption Requests

- 1331. Comment:** Commenter states CARB added much needed additional detail to describe two distinct options to apply for the Daily Usage Exemption. Previously, public fleets lacked clarity on necessary data, and the mechanics of Daily Usage exemption requests would be considered. The latest changes provide more detail, and also enable fleets to use a broader range of available data for exemption requests. (Nick Blair – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments regarding the added clarity for Daily Usage Exemption requests and the expanded flexibility in the types of data fleets may use when applying. CARB thanks the commenter for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

l) Support—Hiring Compliant Fleets

- 1332. Comment:** Commenter supports the creation of Section 2049, Hiring Compliant Fleets as it offers important regulatory certainty regarding how ACF requirements apply when public entities rely on contracted fleet services. (Cory Shumaker – 15d)
- 1333. Comment:** Commenter states support for the Proposed Amendments because they provide fleet operators, contractors, public agencies, and investors with more clear and unambiguous guidance on compliance obligations. In particular, the clarification and

consolidation of hiring-entity responsibilities, including the creation of Section 2049, Hiring Compliant Fleets, offers important regulatory certainty regarding how ACF requirements apply when public entities rely on contracted fleet services. (Juan Andres Garza – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

m) Support—Exemption timing modifications

- 1334. Comment:** Commenter appreciates the modifications to exemption timing, allowing requests to be submitted closer to compliance deadlines and improving administrative processing timelines. (Noelle Mattock – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenter. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

n) Support—Vehicle availability criteria

- 1335. Comment:** Commenter appreciates the additional criteria to evaluate vehicle availability, providing more structure to exemption determinations (Section 2013.2(d)(2)(D)). (Noelle Mattock – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

o) Support—Advanced Clean Fleets goals

- 1336. Comment:** Commenter states Santa Clarita Valley Water supports the goals of ACF. (Jesus Martinez Ramirez – 15d)

Agency Response: No changes were made in response to this comment. CARB staff appreciate the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

p) Support—Regulatory Clarity and Implementation Guidance

- 1337. Comment:** Commenter states ACWA has sought regulatory clarity throughout the ACF rulemaking process, and appreciates improvements made to clarify rounding, order cancellations, and manufacturer requirements for ZEVs to be considered “available.” These are key details that public fleet managers must consider when making future purchases to comply with ACF. (Nick Blair – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive feedback regarding the improvements to rounding, order cancellations, and manufacturer requirements for ZEV availability. CARB recognize that these clarifications assist public fleet managers in planning for future ACF-compliant purchases and thank the commenter for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

q) Support—Revisit the Rule in 2027

- 1338. Comment:** Commenter requests a firm commitment from CARB to re-evaluate the ACF regulations through a public process before 2030. Commenter states that they recognize the Board has already directed staff to revisit the rule in 2027, and we appreciate the commitment. (Anthony Firenzi – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenter. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

r) Support—CARB Engagement and Collaboration

- 1339. Comment:** Commenter states ACWA appreciates the many meetings and site visits that CARB participated in with us in 2025-2026 over the course of this amendment process and their coalition partners more broadly to understand the challenges that public fleets face in working towards ACF compliance. They also appreciate that time that respective Board Members have given them over the course of the ACF rulemaking. All the improvements stated above are a direct result of the commenter's ongoing constructive dialogue to work towards solutions, and that same level of engagement will be necessary to continue this conversation. The commenter encourages continuation of this conversation as public fleets work towards compliance so that they can solve ongoing implementation issues that will arise. (Nick Blair – 15d)
- 1340. Comment:** Commenter states ACWA will continue to collaborate with its members on best practices for ACF compliance, and continue to communicate with CARB Board and staff about where compliance challenges arise. This is essential dialogue for a landmark regulation like ACF that is fundamentally changing the way they look at MHD fleet operations including essential public services like those that their members provide. ACWA appreciates CARB's consideration of these comments, and will continue to reach out to continue this dialogue. (Nick Blair – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive feedback regarding the extensive engagement throughout the amendment process, including meetings, site visits, and ongoing dialogue with ACWA and its members. CARB values the collaboration and insights shared, which have helped inform improvements to the regulation. CARB remains committed to continued engagement with public fleet owners as they work toward ACF compliance and thanks the commenter for their input. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

s) Support—Emergency Support Vehicles

- 1341. Comment:** Commenter states there is no reason for emergency support vehicles to poison breathing air as they drive to a site. Commenter believes it is ridiculous that there is any pushback on this matter. (PW Henderson – 15d)

Agency Response: No changes were made in response to this comment. CARB appreciates the supportive comments and thanks the commenters support for environmental improvements. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

t) Support—General Support

- 1342. Comment:** Commenter supports every action to improve the environment. (Fr. John Fernandes – 15d)

1343. Comment: Commenter states the State needs to move forward to reduce toxic diesel exhaust on two fronts. Commenter states number one to continue progress toward zero-emission vehicles, currently less than 20% of new truck sales, and number two to ensure combustion trucks meet Heavy-Duty Omnibus Standard, despite federal challenges. (Bill Magavern – OT)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

17. Supports Other Comments

a) Supports Other Comments—General

- 1344. Comment:** Commenter supports and joins in the comments submitted by the Association of California Water Agencies, the California Special Districts Association, and Mountain Counties Water Resources Association regarding the ACF regulation and the First 15-Day Changes. (Pravani Vandeyar – 15d)
- 1345. Comment:** Commenter supports other comments proposed by local government associations to ensure continuity of wildfire mitigation and public safety operations while advancing state climate goals. (Joe Barrett – 15d)
- 1346. Comment:** Commenter states they are actively engaged with the Association of California Water Agencies (ACWA), the California Association of Sanitation Agencies (CASA), and the California Municipal Utilities Association (CMUA), and supports the comments and recommended modifications submitted by these organizations and encourages CARB to address the issues they have identified. (Noelle Mattock – 15d)
- 1347. Comment:** Commenter supports amendments proposed by local government associations to ensure that emergency service operations are not disrupted while agencies work toward state climate goals. (Chris Robbins – 15d, Bryan Bravo – 15d)
- 1348. Comment:** Commenter supports amendments proposed by local government associations to ensure continuity of essential services while advancing state climate goals. (Matthew Shragge – 15d)
- 1349. Comment:** Commenter supports amendments proposed by local government associations to ensure continuity of emergency response and public health-related animal services while advancing state climate goals. (Amber Rowland – 15d)
- 1350. Comment:** Commenter supports the comments submitted by the California Special Districts Association, Association of California Water Agencies, Southern California Public Power Authority, and the California Municipal Utilities Association. (Jennifer Goodsell 2 – 15d)
- 1351. Comment:** Commenter states we support the comment letters from industry groups like the Association of California Water Agencies (ACWA) and fellow water agencies. (Jesus Martinez Ramirez – 15d)
- 1352. Comment:** Commenter supports comments submitted by CMUA, NCPA, and SCPPA. (Steven Poncelet – 15d)
- 1353. Comment:** Commenter urges CARB to adopt the clarifications and regulatory changes requested by the Waste Industry Coalition to ensure the ACF regulation remains legally defensible, transparent, and workable in practice. (Anne Germain – 15d)
- 1354. Comment:** Commenter states support for the direction of CARB's 15day Changes and recommends considering how to remedy the concerns raised by the Joint Public Agencies (JPAs) in their comments on the 15day Changes. (Kristian Corby – 15d)
- 1355. Comment:** Commenter aligns with comments made by other commenters, Resource Recovery Coalition of California, WM, and others. (Alex Braicovich – 15d)

- 1356. Comment:** Commenter states support for and endorses the comments submitted by the League of California Cities. (Michael Lewis – 15d)
- 1357. Comment:** Commenter supports amendments proposed by local government associations to ensure that emergency service operations are not disrupted while agencies work toward state climate goals. (Chris Robbins – 15d, Bryan Bravo – 15d)
- 1358. Comment:** Commenter supports amendments proposed by local government associations to ensure continuity of essential services while advancing state climate goals. (Matthew Shragge – 15d)
- 1359. Comment:** Commenter supports amendments proposed by local government associations to ensure continuity of emergency response and public health-related animal services while advancing state climate goals. (Amber Rowland – 15d)
- 1360. Comment:** Commenter supports amendments that recognize operational realities during extended emergencies and power outages to ensure continuity of essential wastewater services and protection of public health and the environment. (Michael T. Thornton – 15d)

Agency Response: No changes were made in response to these comments. All referenced comments have been responded to individually, and no additional response is necessary for these comments. CARB appreciates the supportive comments.

b) Supports Other Comments—Reconsider Request from October 7th Letter

- 1361. Comment:** Commenter requests CARB reconsider the amendments respectfully requested in the October 7th letter submitted by the California Special Districts Association, League of California Cities, and California State Association of Counties. (Matt Ball – 15d, Rigo Ball – 15d, Greg Hammett – 15d, Erica Wolski – 15d, Paul J. Bushee – 15d, Brett L. Hodgkiss – 15d, Andy Lawler – 15d, Abigail Parcon – 15d, Jon Barrett – 15d, Kyle Swanson – 15d, Clay Murray – 15d, Kat Wuelfing – 15d, Kimberly Thorner – 15d, Keith McReynolds – 15d, Brent Byrne – 15d, Curtis Jorritsma – 15d, Thai Thao – 15d, Sara Tom – 15d, Paul Hughes – 15d, Terry Gorman Brown – 15d, Timothy Ruiz – 15d, Ronald Berg – 15d, Kelsey Siemer – 15d, Joubin Packpour – 15d, Leann Verdick – 15d, Jeff Frye – 15d, La Thao – 15d, Bradley A. Johnson – 15d, Isam Hireish – 15d, Jack Bebee – 15d, Glen Jacklin – 15d, Shelley L. Redding – 15d, Jennifer Spindler – 15d, Jeff Umbrasas – 15d, Laura Lynne Wyatt – 15d, Dan Lewis – 15d, Jeff Stock – 15d, Judy Shay – 15d, Ben Dewell – 15d, John Wiersma – 15d, Daniel Gaytan – 15d, Josef G. Napier – 15d, Victor Jimenez – 15d, Jose Rodrigues – 15d, Tom Walker – 15d, Stacy Taylor – 15d, Anthony Firenzi – 15d, Michael Rees – 15d, Omar Khweiss – 15d, Lilia Corona – 15d, Ryan McNeil – 15d, Mark Greenall – 15d, Robert Marsheck – 15d, Jessica Self – 15d, Dana Ferreira – 15d, Brian Weber – 15d, Bill Stretch – 15d, Garrett Toy – 15d, Kelley Donaldson – 15d, Brett Sanders – 15d, Socorro Pantaleon – 15d, Joshua Hugg – 15d, Nancy Wahl-Scheurich – 15d, Craig Miller – 15d, Joe McDermott – 15d, Charlotte Holifield – 15d, Jeff Sullivan – 15d, Greg Bundesen – 15d, Tenile Otero – 15d, Mary Rogan – 15d, Jim Pruett – 15d, Veronica Cazares – 15d, Steven Renten – 15d, Justin Lovell – 15d, Peter Bonkrude – 15d, Teresa Penunuri – 15d, Chuck Duffy – 15d, Carolyn Burke – 15d, Scott Gordon – 15d, Mary Rogren – 15d)
- 1362. Comment:** Commenter states appreciation for CARB exempting certain emergency response vehicles to date but respectfully requests that CARB reconsider and approve the amendments proposed in the October 7th letter submitted by the California Special Districts Association, League of California Cities, and California State Association of Counties. (Kenneth Piguee – 15d)
- 1363. Comment:** Commenter requests reconsideration of the amendments outlined in the October 7th letter submitted by the California Special Districts Association, League of California

Cities, and California State Association of Counties, collectively representing the state's 5,000 local agencies and 40 million residents. (Ann Baldrige – 15d, Lindsay Leahy – 15d)

1364. Comment: Commenter endorses the comment letter on the 15-day Notice and Regulatory Amendments submitted by the Resource Recovery Coalition of California, California Waste and Recycling Association, Solid Waste Association of Orange County, Inland Empire Disposal Association, and Los Angeles County Waste Management Association (Waste Industry Coalition Letter) and incorporates the points made therein by reference. (Christine Wolfe 1 – 15d)

1365. Comment: Commenter requests CARB reconsider the amendments requested in the October 7th letter submitted by the California Special Districts Association, League of California Cities, and California State Association of Counties. (Justin M. Hopkins – OCP, Dan Jagers – OCP)

Agency Response: No changes were made in response to these comments. The commenters' suggested edits were not made, but CARB made numerous other changes to accommodate the commenters' concerns. This response incorporates the responses to previous sections of the FSOR including "Zero-emission Vehicle Technology, Exemptions, Fleet Resiliency Exemption and General Concerns."

The October 7th letter was submitted by California Special District Association, California State Association of Counties, and League of California Cities and contained several requests along with an attachment that was prepared by Dr. Adam Probolsky of Probolsky Research. The commenter is requesting the following vehicle types be added to the exclusion list of Section 2013(c): water utility vehicles, flood protection vehicles, sewer utility vehicles, electric utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles. The commenters emphasize that ZEV rely on steady electricity, any power disruptions—such as earthquakes, wildfires, floods, public safety shutoffs, or other emergencies—could leave these vehicles unusable at critical moments, potentially putting public safety at risk.

The poll attached to the October 7th letter suggests 75% of voters would support extending the existing emergency vehicle (fire trucks, police and ambulances) exclusion provided by California Vehicle Code (CVC) section 165 to all additional vehicles anticipated to respond to or provide support in emergency situations such as wildfires, floods, and earthquakes.

The poll did not inform the public of the numerous changes that were made in response to these concerns. These changes: extending the 50% ZEV purchase requirement until January 1, 2030, delaying the start date for small fleets and those in designated low population counties by three years, providing additional time for all other fleets to designate 50% of their new vehicle purchases as ICE vehicles, giving early access to the Fleet Resiliency Exemption and assuring that at least 25% of a State or local government agency's fleet can remain as combustion beyond full implementation of the ACF regulation, collectively allow CARB to continue to implement ACF which will meet the objectives of the Regulation while giving assurance to public agencies that they can continue to deploy ICE vehicles in response to emergencies well into mid-century.

18. Appreciation for CARB Staff

1366. Comment: Commenter states staff from CARB made themselves available for meetings with their agency and others to hear their concerns and share information over the past year. While they do not support the result proposed today, they are appreciative of the process that staff undertook for engagement. (Kimberly Thorner – 15d)

1367. Comment: Commenter states the City of Los Alamitos appreciates the Board's continued efforts to refine the Advanced Clean Fleets (ACF) regulation. (Eleanor Granflor– 15d)

1368. Comment: Commenter appreciates the Board’s continued efforts to refine the Advanced Clean Fleets (ACF) regulation and the opportunity for them to comment on the 15-day proposed modifications. (Wendy Bucknum – 15d)

Agency Response: No changes were made in response to these comments. CARB appreciates the supportive comments and thanks the commenters. No changes are required in response to these comments because the comments express general support for the proposed regulation and do not request changes.

19. Rulemaking Procedures

a) Rulemaking Procedures—Request to Reopen the Rulemaking, Extend Comment Periods, or Increase Board or Stakeholder Involvement

1369. Comment: Commenter requests that CARB extend the public comment period to allow for additional stakeholder input. (Kevin Phillips – 15d)

1370. Comment: Commenter requests that CARB issue an additional 15-day package for public comment and present the proposed changes to the Board. (Sarah Deslauriers 1 – 15d)

1371. Comment: Commenter requests that CARB issue a second 15-day package to address these barriers for the successful implementation of the ACF. (Derek Dolfie – 15d)

1372. Comment: Commenter requests that CARB issues an additional 15-day package for public comment and that CARB then presents the proposed changes of the to the Board. (Curtis Paxton – 15d)

1373. Comment: Commenter requests that staff have meaningful engagement with impacted stakeholders (which include potentially non-public fleet owners) and then issue a second 15-day amendment package that addresses the adverse impacts on local agencies and private contracted fleets, and more closely follows the Board direction. (Tim Carmichael – 15d)

1374. Comment: Commenter requests that CARB issue an additional 15-day public comment period to facilitate meaningful engagement on critical changes and subsequently bring the revised proposal back to the Board for full review and consideration before final adoption. (Pacal Cornejo-Reynoso – 15d)

1375. Comment: Commenter requests a firm commitment from CARB to re-evaluate the ACF regulations through a public process before 2030. Commenter states that they recognize the Board has already directed staff to revisit the rule in 2027. However, rather than merely “revisiting” the rule, CARB should explicitly ensure that this will be a transparent public process in which adjustments to the rule can be made based upon real-world market conditions at the time of evaluation. (Anthony Firenzi – 15d)

1376. Comment: Commenter urges staff to reevaluate the recently released regulatory language. (Pacal Cornejo-Reynoso – 15d)

1377. Comment: Commenter urges CARB to commit to amending the rule ahead of January 1, 2030. (Patricia Davy – 15d)

1378. Comment: Commenter requests a firm commitment from CARB to reevaluate the ACF regulation through a public process before 2030, in consultation with the Joint Public Agencies and other affected stakeholders. (Derek Dolfie – 15d)

1379. Comment: Commenter states it would be prudent for CARB to conduct a public process prior to 2030 to fully evaluate the ACF rule. Commenter states that a comprehensive reevaluation of the ACF rule is a sound policy step to ensure California continues to lead with a thoughtful, effective, and market-responsive approach. (Jason Maruca – 15d)

1380. Comment: Commenter requests the Board direct staff to reopen and revise the ACF regulation to more fully evaluate its impacts and develop a more balanced, comprehensive

approach that achieves emissions reductions while ensuring the continued reliability of critical essential public services. (David Rothbart 1 – 15d)

- 1381. Comment:** Commenter requests CARB reopen the regulation and coordinate with relevant state agencies to develop a workable approach for essential public fleet owners. (Steve Jepsen – 15d)
- 1382. Comment:** Commenter states that CARB must remain willing to implement the spirit and intent of AB 1594, and revisit, refine and acknowledge elements of the regulation as it is affected by evolving real-world conditions. (Jennifer Goodsell 2 – 15d)
- 1383. Comment:** Commenter urges CARB to reconsider the proposed modifications and further evaluate their impacts on local governments. (Newell Arnerich – 15d)
- 1384. Comment:** Commenter states that there is a need for regular ACF regulation evaluation of mandatory timelines and advancements in manufacturer technologies so that the ACF rule can be implemented in a way that reflects actual market conditions and the essential public services provided by public utilities. (Jennifer Goodsell 2 – 15d)
- 1385. Comment:** Commenter states that if CARB believes that they have the authority to include private contracted fleets, then a subsequent rulemaking process should be initiated. (Tim Carmichael – 15d)
- 1386. Comment:** Commenter states that the public process is best served by bringing substantive First 15-Day Changes and amendments back to the Board and it asks the Board to return to the “two hearing” format. Commenter states that substantial modifications should be discussed in a public forum, and impacted stakeholders should be afforded the opportunity to present their positions to the full Board. (Tim Carmichael – 15d)
- 1387. Comment:** Commenter recommends holding public workshops so public fleet owners, truck manufacturers, dealers, and others can share their experience. (Kristian Corby – 15d)
- 1388. Comment:** Commenter respectfully urges the Board to continue engaging with local agencies as implementation progresses. (Kerry Schmitz – 15d)
- 1389. Comment:** Commenter states that it is imperative that public agencies have adequate time to fully evaluate fiscal, legal, and operational impacts so they can provide meaningful input consistent with the intent of the rulemaking process. (Jennifer Goodsell 2 – 15d)
- 1390. Comment:** Commenter encourages that any future ACF update to the Board be provided in a public setting to ensure appropriate Board discussion occurs. (Nick Blair – 15d)
- 1391. Comment:** Commenter requests that CARB allow for additional stakeholder engagement on critical changes needed. (Sarah Deslauriers 1 – 15d)
- 1392. Comment:** Commenter requests that CARB allows for additional stakeholder engagement on critical changes needed. (Curtis Paxton – 15d)
- 1393. Comment:** Commenter retains significant concerns for successful ACF implementation, and is motivated, beyond adoption of the First 15-Day Changes, to continue substantive dialogue with CARB to identify ongoing challenges and clarifications that will need to be addressed in future regulatory efforts. (Nick Blair – 15d)
- 1394. Comment:** Commenter requests that CARB allow for additional stakeholder engagement on critical changes needed. (Sarah Deslauriers 1 – 15d, Curtis Paxton – 15d)
- 1395. Comment:** Commenter requests additional stakeholder engagement during the rulemaking process. (Newell Arnerich – 15d)
- 1396. Comment:** Commenter urges staff to prioritize continued collaboration with stakeholders. (Pacal Cornejo-Reynoso – 15d)
- 1397. Comment:** Commenter requests that after additional engagement with impacted stakeholders has occurred, staff should report back to the Board before September 1, 2026, at a scheduled Board hearing, and the stakeholders should be given adequate time to provide public comments—more than three minutes. (Tim Carmichael – 15d)
- 1398. Comment:** Commenter recommends biennial ACF SLG feasibility reviews, starting in 2027, to enable CARB to respond promptly to shifts in demand, infrastructure readiness, and

enforcement discretion needs, thereby reducing fleet owners' risk and preserving program integrity. (Roxana Ramirez – 15d)

1399. Comment: Commenter urges the Board to reject the Proposed Amendments. (Craig Corman Mayor – 15d)

1400. Comment: Commenter urges the Board to reject the proposed modifications to prevent unintended consequences that could jeopardize life, property, and essential services. (Han Kang – 15d)

1401. Comment: Commenter requests that the Board reject the newly proposed mandates on cities. (Bryan Bravo – 15d, Jason Machado – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Chris Tavaréz – 15d, Afshin Oskoui – 15d, Art Kiesel – 15d, Jason Haber – 15d, Gabrielle de Farcy – 15d, Damien Arrula – 15d, Helen Tran – 15d)

1402. Comment: Commenter requests that the Board reject the expansion of local government obligations. (Anthony Mejia – 15d)

1403. Comment: Commenter states that to prevent unintended consequences that could jeopardize life, property, and essential services, we respectfully urge the Board to reject these newly proposed mandates on cities. (John Jansons – 15d, Wendy Bucknum – 15d)

1404. Comment: Commenter states to ensure municipalities can continue protecting life, property, and essential services, we respectfully urge the Board to reject these newly proposed mandates on cities. (Drew Bessinger – 15d)

1405. Comment: Commenter requests that the Board reject the proposed expansion of mandates on cities. (Janet Jernigan – 15d)

1406. Comment: Commenter states the city urges the Board to reject expanded mandates on local jurisdictions. (Tyler Foltz – 15d)

1407. Comment: Commenter states while the 15-day modified language reflects that CARB has responded to concerns raised by public agencies and others by revising portions of the exemption and compliance framework, the proposal still does not adequately resolve the central issues previously raised by IEUA. (Joe Sturges – 15d)

1408. Comment: Commenter states that the First 15-Day Changes fail to reflect the fact that the ZEV market for utility vehicles continues to face significant uncertainty related to vehicle availability, delivery timeframes, infrastructure readiness, availability of federal and state incentives, and vehicle performance across diverse and demanding operating conditions. (Steven Poncelet – 15d)

1409. Comment: Commenter states that more work is needed beyond the First 15-Day Changes to meet the goals of AB 1594 (Garcia, 2023) [AB 1594] and reflect the current market for medium-and heavy-duty ZEVs and are ready to continue working with CARB moving forward beyond this comment period. (Nick Blair – 15d)

1410. Comment: Commenter requests additional stakeholder engagement. (Amanda Roa – 15d)

Agency Response: No changes were made in response to these comments. This rulemaking implements AB 1594, repeals the High-Priority Fleet and drayage elements of ACF, and provides flexibility to State and local governments fleets that remain subject to the requirements of the ACF regulation. The Board voted to adopt the Proposed Amendments at the September 2025 Hearing and delegated authority to the Executive Officer to take any necessary actions to finalize the rulemaking, including making necessary modifications and releasing those modifications for a 15-day public comment period. As part of the First 15-Day Changes, CARB made numerous modifications to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, access to the Fleet Resiliency Exemption was expanded, and other improvements were made to the Daily Usage and ZEV Purchase Exemptions. These changes are consistent with the direction from the Board and

are within the scope of what the Board approved. Additional changes were made available for a Second 15-Day Comment Period. The scope, or the applicability provision of section 2013(a)(1), of ACF was not expanded to include private contractors operating under SLG agreements. Therefore, initiating a subsequent rulemaking process is not necessary.

CARB has engaged extensively with public utility agencies, holding over 60 individual meetings to date, 23 TRIG meetings and conducting additional site visits. CARB will continue working closely with utilities, special districts, cities, counties, and water agencies throughout the implementation process. This includes reconvening the Drive Forward Forums (former TRIG meetings) which will focus on SLG implementation. CARB will also continue regular meetings with fleets and host outreach events to support compliance and gather further input. The state of the market and SLG progress will be evaluated as implementation moves forward. Information about upcoming meetings and events is available on the ACF Meetings & Events webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/advanced-clean-fleets-meetings-events>.

On June 1, 2026, CARB broadly circulated a Guidance Document and has produced numerous ACF implementation materials including factsheets, training videos, and checklists. CARB will update these materials after the finalization of these amendments, as to do so now would be premature. CARB is also committed to continue working with public agencies in the development of updates and new guidance documents so that they reflect the needs of the regulated stakeholders. These amendments strike a balance between maintaining ACF's emissions benefits while providing public agencies needed flexibility to comply with the requirements. The ACF regulation is an important part of California's overall strategy to accelerate a large-scale reduction in tailpipe emissions to achieve long-term air quality, climate, and public health goals by eliminating emissions from medium- and heavy-duty vehicles where feasible over the upcoming decades.

b) Rulemaking Procedures—Administrative Procedure Act Procedural Requirements

- 1411. Comment:** Commenter states the 15-day notice violates the fundamental requirements of California's Administrative Procedures Act (APA) by proposing significant policy changes affecting parties that were not included in the original rulemaking, effectively denying stakeholders a meaningful opportunity to evaluate and comment on the amended regulations that they are now subject to. (Katie Vassalli – 15d)
- 1412. Comment:** Commenter states they have significant concerns regarding these developments and requires additional time to fully evaluate their potential impacts. Under California's Administrative Procedure Act, a 45-day public comment period is intended to provide stakeholders with a meaningful opportunity to assess and respond to the full scope of a proposed rulemaking. In contrast, a 15-day comment period is intended for limited, non-substantive modifications. The changes reflected in the April 2026 revisions are substantial and warrant a more comprehensive review period to adequately assess their fiscal, legal, and operational implications. (Sarah Musiker – 15d)
- 1413. Comment:** Commenter states that neither governments nor private contractors were provided notice of these fundamental changes prior to the comment period. Affected parties were denied a meaningful opportunity to evaluate and comment on these provisions. (Christine Wolfe 2 – 15d)
- 1414. Comment:** Commenter states that the 15-day modifications introduce substantive policy changes beyond the scope of a limited comment period and raise procedural concerns regarding adequate opportunity for review under the Administrative Procedure Act. (Brittney Barsotti – 15d)

- 1415. Comment:** Commenter expresses concerns that advancing the proposed changes through a limited 15-day comment period risks undermining the intent of the rulemaking process and restricts the District's ability to fully evaluate the associated fiscal, legal, and operational impacts. (Jennifer Goodsell 2 – 15d)
- 1416. Comment:** Commenter states these modifications introduce new regulated entities and compliance obligations that are not sufficiently related to the original regulatory text and therefore fall outside the scope of permissible First 15-Day Changes, as they impose a new contracting-based compliance structure not contemplated in the original rulemaking record. (Luis Sanchez – 15d)
- 1417. Comment:** Commenter states extending compliance through contracting relationships departs from this fleet-based framework and introduces a novel regulatory mechanism that has not been subject to the analytical rigor required for a new regulatory approach under the APA. (Luis Sanchez – 15d)

Agency Response: No changes were made in response to these comments. CARB adhered to Administrative Procedure Act requirements in the adoption of the ACF Amendments. CARB made additional First 15-Day Changes which clarify that only state and local government fleets are subject to the ACF regulation. The ACF regulation has included state and local government provisions since the initial adoption, and thus the scope has not been expanded and changes during the 15-day periods were reasonably related. State and local government fleet owners are responsible for fleets which they own or control, including fleets that are rented (for a year or more) or contracted for. This framework does not make one organization responsible for another's emissions. When repealing the High Priority Fleet and Drayage provisions, it became necessary to clarify that contracted fleets are counted in the compliance obligations because a regulated entity cannot avoid compliance with the SLG provisions by contracting for fleets. State and local government fleet owners are responsible for fleets which they own or control, including fleets that are rented (for a year or more) or contracted for. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. Please see response to Comment 1410 for the engagement with regulated entities during this process.

c) Rulemaking Procedures—Notice of Proposed Action

- 1418. Comment:** The commenter asserts that the Notice of Proposed Action did not contain sufficient information to place parties on notice that they would be subject to the regulation or cause new or different environmental and economic impacts than those previously analyzed. The commenter claims that the 15-Day modifications include substantial changes that are not sufficiently related to the proposed amendments, and in particular, that the definition of "fleet owner" and the addition of the term "waste fleet" are substantial changes and not sufficiently related to the Proposed Amendments as described in the Notice of Proposed Regulatory Action. (Nicolas Cardella – 15d)
- 1419. Comment:** Commenter states the proposed revisions violate the APA requirements by introducing new regulated parties and enforcement mechanisms that were neither disclosed nor reasonably foreseeable from the originally noticed rulemaking. Specifically, the modified text would expand the scope of ACF applicability to include private contractors operating under agreements with state and local government entities by designating municipalities as "hiring entities" required to conduct ongoing compliance verification and recordkeeping of

third-party contractors. This enforcement structure was never proposed, evaluated, or described in the original rulemaking materials. (Katie Vassailli – 15d and Ryan Kenney – 15d)

- 1420. Comment:** Commenter states that expanding the scope of the rule is a clear violation of the Administrative Procedures Act (APA), and that there is not enough evidence in the record that CARB had previously intended to expand the scope of the SLG to require state and local governments to account for private waste fleets in their compliance obligations. (Christine Wolfe 1 – 15d)

Agency Response: No changes were made in response to these comments. CARB adhered to the notice requirements and conducted environmental and economic analysis in accordance with the APA. As explained in the ISOR, the ACF Amendments are exempt from CEQA, so no further environmental analysis was required. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum analysis in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. CARB adhered to the APA requirements for each of the 15-Day Changes and the both 15-Day Changes were modifications that could be expected from, and were sufficiently related to, the initial rulemaking notice. As such, there was no need to issue another 45-day notice for rulemaking, and it was proper for CARB to propose changes to the regulatory proposal through 15-day notice and comment periods. Furthermore, CARB did provide notice in the initial rulemaking on the enforcement section. Section 2013.5 was originally 2013.4 but was re-numbered.

d) Rulemaking Procedures—Executive Officer Authority

- 1421. Comment:** Commenter states that the regulation inappropriately empowers authority in the CARB Executive Officer and such complete and broad regulatory control should not be vested in a single individual, particularly one who is not elected. (Jennifer Goodsell 1 – 15d, Jennifer Goodsell 2 – 15d)

Agency Response: No changes were made in response to these comments. The Board delegated to the Executive Officer the authority to either approve or disapprove proposed changes in regulatory language under Government Code section 11346.8(c) as stated in Board Resolution 25-9. Pursuant to California Health and Safety Code sections 39515 and 39516, the Board can delegate any duty to the Executive Officer that they deem appropriate and any power, duty, purpose, function, or jurisdiction that the Board may lawfully delegate is conclusively presumed to be delegated to the Executive Officer. Delegating policy implementation and administrative authority to the Executive Officer is common practice. This practice allows for continuity which keeps programs functioning between Board meetings and enables CARB to meet federal and state Clean Air Act requirements.

e) Rulemaking Procedures—Request to Provide Alternative Version of Regulatory Text

- 1422. Comment:** Commenter requested CARB to provide the redline edit version of the proposed amendments in order to clearly review the sections with proposed edits along with the Summary. (Harmony Gates – 15d-E)

Agency Response: No changes were made to the regulatory text. CARB has posted accessible alternative versions alongside the APA-conforming versions of proposed regulatory text for the First 15-day Changes, available on the CARB rulemaking website.⁶⁴

f) Rulemaking Procedures—Definition Change of “Waste Fleet” is a Substantial New Requirement and the Change Violates the Administrative Procedure Act

- 1423. Comment:** Commenter claims the “waste fleet definition” change exceed the permissible scope of a 15-day modification under Government Code section 11346.8(c) and have not been subject to the notice, comment, and economic analysis requirements of the APA. (Luis Sanchez – 15d)
- 1424. Comment:** Commenter states the 15-day modifications constitute a substantive expansion of regulatory scope that exceeds the permissible bounds of a 15-day change under Government Code section 11346.8(c), because they newly extend ACF applicability to private waste and recycling fleets operating under contract with public agencies and revise the definition of “waste fleet” to include municipally contracted fleets, which were not identified as regulated entities in the original proposal or Initial Statement of Reasons. Commenter states these changes represent a fundamental structural shift in the regulation, extending compliance obligations for a segment of private-sector service providers that were not subject to the proposed rule. (Luis Sanchez – 15d)
- 1425. Comment:** Commenter states that the First 15-Day Changes are not technical refinements, and they do not represent the direction provided by the Board at the September 2025 Board meeting. They represent a fundamental restructuring of the ACF regulatory framework, introduced at the final stage of rulemaking. Commenter states these modifications, if interpreted to include contracted fleets, introduce substantial new requirements affecting both contracted service providers and state and local government entities acting as hiring agencies. The scope, substance, and timing of these changes raise serious practical concerns. (Christine Wolfe 2 – 15d)
- 1426. Comment:** Commenter states they received no notice or opportunity to discuss the matter of the new “waste fleet” prior to the April 2, 2026, document. Their Government Affairs and consultant team has been closely watching the ACF over many years. There has been no effort from CARB that they are aware of to engage them or their multiple association partners in discussions of this groundbreaking change to how they do business in the communities they serve. On these grounds alone, the current proposal should not be finalized until the financial and contractual impacts and feasibility of the proposal is completely understood. (Mark Gingrich – 15d)
- 1427. Comment:** Commenter states the previous definition of “Waste Fleet” was clearly aimed at the vehicles owned by municipalities whose function related to hauling diverted organic waste. The 15-Day Package amendment explicitly calls out both municipality-owned vehicles and “contracted” waste fleets of any and all waste. A definition with much broader impacts. This one definitional change has enormous potential impacts for both public and private fleet operators in terms of cost, compliance strategy, existing and future contracting, and long-term relationships. The commenter believes such a change is inappropriate for a 15-Day Package, especially given the lack of transparency leading up to its release. (Tim Carmichael – 15d)
- 1428. Comment:** Commenter states the 15-day modifications introduce new compliance conditions on local government that were not contemplated at contract formation and cannot

⁶⁴ CARB, Advanced Clean Fleets and Low Carbon Fuel Standards Rulemaking Documents, (web link: <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594> (last accessed July 7, 2026)

reasonably be integrated into existing agreements without renegotiation, service disruption, or legal conflict. Agencies may not impose such materially new obligations through late-stage rulemaking without prior notice that regulated entities' existing contractual arrangements would be affected. (Ryan Kenny – 15d)

- 1429. Comment:** Commenter states these provisions extend ACF compliance beyond fleet ownership and into third-party contractual relationships—an enforcement structure that was not proposed, evaluated, or described in the original rulemaking materials. (Ryan Kenny – 15d)

Agency Response: No changes were made in response to these comments. This definition of “waste fleet” was in the original 45 day notice and it is sufficiently related.⁶⁵ The current definition of “Waste fleet” is “a vehicle that supports the hauling, transferring, or processing of waste owned or operated by either: (A) A municipality; or (B) A fleet owner that is contracted with a municipality via franchise agreement or long-term contract, with either a minimum length of ten years or more, or with a minimum length of three years but includes a renewal provision when satisfying the contract terms.” The definition in the 45 day notice was “the vehicles owned and operated by a municipality that is mandated to support the hauling, transfer, and processing of diverted in-state organic waste to produce biomethane via franchise agreement or long-term contract, with either a minimum length of ten years or more, or with a minimum length of three years but includes a renewal provision when satisfying the contract terms.” These two definitions are sufficiently related.

Private fleets are not regulated by the ACF amendments. The definition of “waste fleet” does not regulate private fleet owners or operators. The definition of “waste fleet” is used within the Waste and Wastewater Fleet Option and Captive Biofuel Use Exemption which can extend compliance deadlines and allow for the purchase of “low-NOx vehicles”, respectively.

Exemptions and extensions themselves are not ACF’s ZEV purchase requirements, they are flexibilities within the regulation and they could not by themselves make a fleet subject to the rule. The ZEV Purchase Schedule of Section 2013.1 is the only ZEV purchase requirement for State and local government agencies, for which the Board provided significant flexibility at its September 2025 Hearing. Fleets have the option to comply with the ZEV Purchase Requirements by using the ZEV Milestone Schedule if they opt-in.

Second, SLG fleet purchase requirements are not new as stated during the original rulemaking in addition to these amendments. CARB discussed SLG purchase requirements in the original ACF ISOR, including in this statement, “The proposed ACF regulation would include some of the same public agencies that are subject to the ICT regulation if they also operate vehicles that are not transit buses such as a city that provides road maintenance or waste hauling services. The proposed ACF regulation builds upon the structure of the ICT purchase requirements for State and local government fleets.”

Therefore, the 15-day Changes met all APA requirements and were sufficiently related to the initial Notice regarding SLG compliance with the ACF Regulation.

g) Rulemaking Procedures—the Definition of “Waste Fleet”

- 1430. Comment:** Commenter states to meet the CalAPA “clarity” standard, a regulation must be written so that its meaning “will be easily understood by those persons directly affected.” Cal. Gov. Code § 11349(c). CARB must clarify the text of the Proposed Regulation Order published with the 15-day Notice to meet this standard, specifically by deleting the reference

⁶⁵ CARB, ACF and LCFS Rulemaking Website, <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594> (last visited July 14, 2026).

to contracted private fleets in subpart (B) of the proposed “waste fleet” definition § 2013(b). (Veronica Pardo – 15d)

Agency Response: No changes were made to the “waste fleet” definition in response to this comment. The definition of “waste fleet” does not regulate private fleet owners or operators. However, changes were made in the Second 15-Day Changes, to make explicit the meaning of the original regulation and to provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet, and contract for the operation of part or all of their fleet, which provides the clarity that is needed.

The definition of “Waste fleet” is “a vehicle that supports the hauling, transferring, or processing of waste owned or operated by either: (A) A municipality; or (B) A fleet owner that is contracted with a municipality via franchise agreement or long-term contract, with either a minimum length of ten years or more, or with a minimum length of three years but includes a renewal provision when satisfying the contract terms.”

h) Rulemaking Procedures—Contractor Verification and Municipal Liability

- 1431. Comment:** Commenter states that the rule does not clearly define what constitutes sufficient verification of contractor compliance, nor does it establish the extent of municipal liability if a contractor is later found non-compliant by CARB. (Frank Navarro – 15d)

Agency Response: No changes were made in response to this comment. State and local government entities should continue to develop their own processes to verify a contractor is meeting the terms of their contract. Also, section 2013.5(b) of the ACF regulation states that that any person who fails to meet the requirements of the regulation may be subject to penalties. CARB’s enforcement authority and penalty determination is outlined in the Health and Safety Code which are referenced in the ACF regulation. More information can be found in CARB’s Enforcement Policy, available at <https://ww2.arb.ca.gov/resources/documents/enforcement-policy>. This response incorporates CARB’s responses provided at subsection IV.B.14.q), “Vehicles Under Contract—Inconsistent Implementation Undermines Advanced Clean Fleets” and the commenter is encouraged to review that subsection for more information. Please see response to Comment 1264.

i) Rulemaking Procedures—Underground Regulation

- 1432. Comment:** Commenter states that short circuiting the regular rule development process does not make it the proper method to introduce this idea and that it might even qualify as an “underground” regulation under the Administrative Procedures Act (APA). (Michael Lewis – 15d)
- 1433. Comment:** CARB staff created an underground regulation in an email by making a generally applicable determination that the regulation requires SLGs to ensure the compliance of all contracted fleets “perform[ing] public services,” including “street sweeping” and “maintenance,” even though neither the ACF regulation, the Proposed Amendments, nor the 15-Day Modifications contain any reference to these categories. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to these comments. CARB adhered to Administrative Procedure Act noticing requirements. The 15-Day Changes involved modifications that the public could reasonably understand could be implemented

based on the notice of proposed rulemaking. An underground regulation occurs when an agency issues a rule without following the APA process. Here, all notices were publicly posted within the required timeframes; the public had the opportunity to comment, which it has done; the comment periods closed after the appropriate timeframes; all 15-day changes were publicly posted with the appropriate time to comment; and CARB is responding to all comments that are within the scope of each rulemaking notice, in this FSOR.

In addition, the email that the commenter referred to was provided as case-by-case advice for one inquiring individual, which does not in itself create an underground regulation. The email is also outside of the scope of this rulemaking, and therefore irrelevant to the response. Finally, the email does not raise an underground regulation concern with regard to this rulemaking, which is following the Administrative Procedure Act requirements.

20. Concerns with Potential Effects of the First 15-Day Changes

a) Concerns with First 15-Day Changes—Compliance Difficulties and Proposed Solutions

- 1434. Comment:** Commenter states that changing the definition of “waste fleet” effectively converts municipal procurement and service delivery into a vehicle for state enforcement (Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Janet Jernigan – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15dz, Frank Navarro – 15d, Tyler Foltz – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Jason Haber – 15d, Abigail Gomez – 15d, Brett Taylor – 15d, Drew Bessinger – 15d, Consuelo Hernandez – 15d, Gabrielle de Farcy – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, and Lauren Barich – 15d, Wendy Bucknum – 15d)
- 1435. Comment:** Commenter states the proposed definition of “waste fleet” not only significantly broadens the universe of regulated parties but fundamentally alters how compliance is determined, implemented and enforced. (Ryan Kenny – 15d)
- 1436. Comment:** Commenter states the definition change of “waste fleets” would require local governments to police compliance of private companies’ vehicles operating under municipal agreements. This change effectively converts municipal procurement and service delivery into a tool of state enforcement by requiring cities to mandate service providers meet state established mandates. (Liam Garland – 15d)
- 1437. Comment:** Commenter states that embedding ACF compliance obligations within public contracts effectively transforms local governments into intermediaries responsible for enforcing state emissions regulations on private entities, which raises policy and legal concerns. (Luis Sanchez – 15d)
- 1438. Comment:** Commenter claims the City would have a role in ensuring the contractor’s fleet meets the ACF requirements, in addition to the requirements imposed on the City’s own fleet. This shift effectively converts municipal procurement and service delivery into a vehicle for state enforcement. (Nader Heydari – 15d)
- 1439. Comment:** Commenter states by redefining “waste fleets” to include contracted service providers, cities can no longer rely on outsourcing to manage fleet compliance and are instead indirectly responsible for ensuring that contracted operations meet state mandates. Commenter states that this shift effectively converts municipal procurement and service delivery into a vehicle for state enforcement, exposing cities to increased costs, reduced contractor availability, and diminished flexibility in negotiating long-term service agreements,

particularly for essential services like waste hauling, street sweeping, construction, and public works. (Stephanie Klopfenstein – OCP, Danielle Jones – 15d, Julie Ryan – 15d, Karen Goh – 5d, Kristin Griffith – 15d, Linda Reich – 15d, Mayor Connor Traut – 15d, T. Jarb Thaipejr – 15d, Michelle Bender – 15d)

- 1440. Comment:** Commenter states the proposed changes fundamentally changes the nature of municipal contracting and adds a high level of complexity to contracts and place cities responsible for verifying compliance of private entities over which they have no enforcement authority. (Jim Schaad – 15d)
- 1441. Comment:** Commenter states the proposed revisions would extend ACF compliance beyond fleet ownership and into third-party contractual relationships which is an enforcement structure that was not proposed, evaluated, or described in the original rulemaking materials. (Christine Wolfe 2 – 15d)
- 1442. Comment:** Commenter states that the regulation should provide safe harbor provisions that allow cities to rely on contractor self-certification without independent verification obligations. (Frank Navarro – 15d, Han King – 15d)
- 1443. Comment:** Commenter states that if CARB determines that verification and reporting of private fleet compliance is necessary, those functions should remain with the State agency that has the expertise, authority, and resources to carry them out. (Jim Schaad – 15d)
- 1444. Comment:** Commenter recommends identifying standard provisions for inclusion in municipal agreements. (Han Kang – 15d)
- 1445. Comment:** Commenter states that without clear guidance regarding contractor compliance or municipal liability for contractor non-compliance, implementation will be inconsistent across jurisdictions, contractual disputes will increase, and cities' legal exposure will grow. (Frank Navarro – 15d)

Agency Response: No changes were made in response to these comments. The definition of “waste fleet” does not broaden the universe of regulated parties add a high level of complexity to contracts. State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF to meet their compliance obligations. The amendments do not require SLGs to police private fleets. CARB agrees with the commenter, State and local government agencies currently have mechanisms to audit and verify performance with their existing contracts, the ACF regulation does not change these mechanisms or take them away. Similarly, State and local government entities already have standard provisions for drafting agreements and the ACF regulation does not require any terms to be added or taken away.

b) Concerns with First 15-Day Changes—Impact on Private Fleets

- 1446. Comment:** Commenter states the concern that the repeal of the High Priority Fleet requirements, which had previously applied to many of the same private operators, are now implicated by the 15-day modifications. (Christine Wolfe 2 – 15d)
- 1447. Comment:** Commenter states some of their members might have commented at the September Board or in writing because they never suspected that they were impacted by the ACF-SLG regulation and the Board was simultaneously repealing the private fleet requirements contained in the ACF High Priority Fleet regulation. (Tim Carmichael – 15d)
- 1448. Comment:** Commenter expresses a concern that CARB is introducing a new requirement on private fleets through a 15-day change. This concern is compounded by CARB's prior repeal of the High Priority Fleet requirements, which had previously applied to many of the same private operators now implicated by the 15-day modifications. (Ryan Kenny – 15d)
- 1449. Comment:** Commenter states that the modifications appear inconsistent with the legislative intent of AB 1594 and rather than reducing burden, the proposal expands compliance-

related responsibilities beyond municipal fleets to include third-party contractors.

Commenter states that this expansion of regulatory reach through contractual mechanisms was not contemplated in the statute and undermines the objective of providing operational flexibility to public agencies. (Frank Navarro – 15d)

1450. Comment: The commenter requests that the amendments not pull private, contracted waste fleets into a regulation narrowed by the Board to public fleets. (Alex Braicovich – 15d)

1451. Comment: Commenter states they respectfully urge CARB to withdraw or substantially revise the proposed modifications to eliminate the requirement that cities assume responsibility for contractor fleet compliance. (Jim Schaad – 15d)

Agency Response: Changes were made in response to these comments. In the Second 15-Day Changes, clarifications make explicit the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. The commenters are also suggesting these amendments extend compliance-related responsibilities to third-party private contractors and that this action conflicts with the legislative intent of AB 1594. A private fleet owner does not have any compliance responsibilities under ACF, as the High Priority Fleet and Drayage Fleet provisions are being repealed. These changes do not conflict with the legislative intent of AB 1594.

c) Concerns with First 15-Day Changes—Request for Enforcement Discretion

1452. Comment: Commenter requests that CARB exercise enforcement discretion and avoid imposing punitive financial penalties on public agencies making good-faith efforts to comply with the ACF regulation, particularly where compliance challenges arise due to complex exemptions and ZEV market limitations. (Derek Dolfie – 15d)

Agency Response: No changes were made in response to this comment. CARB made significant changes in the First 15-Day Changes to provide additional flexibility for fleet owners to access exemptions while remaining in compliance. CARB utilizes enforcement discretion on a case-by-case basis depending on the facts of the case. CARB's penalties are based in statute (e.g., Health & Saf. Code § 42400 et seq.) and not intended to be punitive. Please see CARB's Enforcement Policy⁶⁶ for further information on how CARB engages on enforcement matters. CARB is available to provide compliance assistance and education to assist fleet owners in determining how to best utilize flexibility in the regulation to remain in compliance. This response incorporates CARB's responses provided at subsection IV.B.14.q), "Vehicles Under Contract—Inconsistent Implementation Undermines Advanced Clean Fleets" and the commenter is encouraged to review that subsection for more information. Please see response to Comment 1264.

⁶⁶ CARB, Enforcement Policy, available at: <https://ww2.arb.ca.gov/resources/documents/enforcement-policy>.

d) Concerns with First 15-Day Changes—Request for Implementation Guidance

1453. Comment: Commenter requests clearer implementation guidance during the rulemaking process. (Newell Arnerich – 15d)

Agency Response: No changes were made to the Regulation in response to this comment. On June 1, 2026, CARB broadly circulated a Guidance Document and has produced numerous ACF implementation materials including factsheets, training videos, and checklists. CARB intends to update these materials after the finalization of these amendments, as to do so now would be premature. CARB is also committed to continue working with public agencies in the development of updates and new guidance documents so that they reflect the needs of the regulated stakeholders.

21. Authority

a) Authority—Clean Air Act Preemption

1454. Comment: Commenter suggests ACF's Public Fleets requirements, including any that apply to state and local government contracts with private entities, are not preempted by the Clean Air Act as in a similar case that was already decided by the Ninth Circuit. (Yasmine Agelidis – 15d)

Agency Response: No changes were made in response to this comment. CARB agrees that the Proposed ACF Amendments are not preempted by the Federal Clean Air Act. This response incorporates the response to comment in subsection IV.A.26, "Federal Preemption." Please see response to Comment 583.

1455. Comment: Commenter states concerns that CARB interprets the regulation to require private fleet vehicles deployed under a service contract with a public agency to be encompassed in the public agency's fleet in determining its ACF compliance status. This interpretation is not supported by the text of the regulations and, if implemented by CARB, would be illegal under the federal Clean Air Act and California Administrative Procedure Act. (Veronica Pardo – 15d)

1456. Comment: Commenter requests that if CARB intends to regulate private fleets, commit to seeking any necessary federal authorization under the Clean Air Act prior to implementation. (Veronica Pardo – 15d)

1457. Comment: Commenter states they believe that CARB's determination that it does not need a federal Clean Air Act waiver is not correct. Furthermore, commenter asserts that expanding the scope of the SLG to include privately-owned fleets requires a Clean Air Act waiver of preemption from the United States Environmental Protection Agency. (Mark Gingrich – 15d)

1458. Comment: The commenter asserts that the 15-Day changes impose indirect compliance obligations on private entities that are preempted by the Federal Clean Air Act and field preemption. (Nicolas Cardella – 15d)

Agency Response: Changes were made in response to these comments, to clarify the applicability of the regulation in the Second 15-day Changes. These amendments do not expand the applicability of the ACF and do not apply to private fleets, therefore no federal preemption waiver is necessary when California government entities are acting as market participants. In the Second 15-Day Changes, minor changes in regulatory text were made to clarify that the ACF Amendments do not impose compliance obligations on private entities. This response incorporates the response to comment in subsection IV.A.26, "Federal Preemption." Please see response to Comment 583.

b) Authority—Constitutional Preemption

1459. Comment: The commenter asserts that the 15-Day changes impose indirect compliance obligations on private entities that are preempted by the Constitution by field preemption. (Nicolas Cardella – 15d)

Agency Response: Changes were made to address concerns expressed in this comment. In the Second 15-Day Changes, minor changes in regulatory text were made to clarify that the ACF Amendments do not impose compliance obligations on private entities. CARB respectfully disagrees on the issue of field preemption - please see response to comment 583. This response incorporates the response to comment in subsection IV.A.26, “Federal Preemption.”

c) Authority—Lack of Legislative Direction

1460. Comment: Commenter states the rulemaking approach parallels an Indirect Source Rule framework, making one organization responsible for another’s emissions, and questions whether CARB has authority to impose such a framework without additional legislative authority. (Michael Lewis – 15d)

Agency Response: No changes were made in response to this comment. CARB made additional First 15-Day Changes which clarify that only state and local government fleets are subject to the ACF regulation. However, this framework does not make one organization responsible for another’s emissions and this is not an indirect source rule. State and local government fleet owners are responsible for fleets which they own or control, including fleets that are rented (for a year or more) or contracted for.

22. Economic Impact

a) Economic Impact—Cost of Compliance

1461. Comment: Commenter states that repeated amendments to the ACF and LCFS regulations impose unquantified and recurring compliance costs on regulated entities, including re-planning, delayed investments, and administrative burdens, and argues that these revisions reflect misalignment between regulatory timelines and current ZEV market and infrastructure readiness. (Jason Cole – 15d)

Agency Response: No changes were made in response to this comment. The analysis for the ACF and LCFS regulations conform to all APA requirements, including content clarity and consistency. The economic impact analysis, alternatives analysis, and discussion of feasibility are available in the 2025 ACF Amendments’ Staff Report, which is incorporated in this FSOR by reference. The Background section of the staff report included cost analysis that assessed availability and ability of technology to meet fleet’s needs, and an explanation of feasibility. was also included in the Initial Statement of Reasons of the ACF Amendments. CARB’s rulemaking record for the ACF Amendments are located online.⁶⁷ CARB notes that the adoption of 2023 ACF and 2025 ACF Amendments are two separate rulemaking items. The economic impacts of two rulemaking items need to be evaluated on their own merits on

⁶⁷ CARB, Advanced Clean Fleets and Low Carbon Fuel Standards Rulemaking Documents, (web link: <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594> (last accessed July 7, 2026)

whether a SRIA is required. Since the total economic impact of the 2025 ACF Amendments is under \$50 million, the amendments do not trigger the requirements to produce a SRIA.⁶⁸

b) Economic Impact—Unfunded State Mandate

- 1462. Comment:** Commenter states that the requirements constitute an unfunded mandate on local governments, creating financial and operational burdens without corresponding resources, and requests that CARB reject the Proposed Amendments. (Jorge Orozco – 15d)
- 1463. Comment:** Commenter states these requirements may constitute unfunded state mandates under Article XIII B, section 6 of the California Constitution, requiring either a subvention of funds or a determination by the Commission on State Mandates. (Luis Sanchez – 15d)
- 1464. Comment:** Commenter states CARB should avoid imposing additional unfunded mandates on cities. (Tim Hepburn – 15d)
- 1465. Comment:** Commenter states that these changes create unfunded mandates. (Bryan Bravo – 15d, Jason Machado – 15d, John Jansons – 15d, Melissa Wilcox – 15d, Eleanor Granflor – 15d, Andy Su – 15d, Anthony Choi – 15d, David Shawver – 15d, Carlos Zamano – 15d, Ron Noda – 15d, Anthony Mejia – 15d, Jesus Garcia – 15d, Consuelo Hernandez – 15d, Darren Chan – 15d, Philip Southard – 15d, Lauren Barich – 15d, Justin Ezell – 15d, Brian Villalobos – 15d, Frank Navarro – 15d, Isaac Bravo – 15d, Danielle Navarro – 15d, Afshin Oskoui – 15d, Damien Arrula – 15d, Helen Tran – 15d, Art Kiesel – 15d, Jason Haber – 15d, Abigail Gomez – 15d, Nader Heydari – 15d, Brett Taylor – 15d, Tyler Foltz – 15d, Andrew Antwih – 15d, Janet Jernigan – 15d, Liam Garland – 15d)
- 1466. Comment:** Commenter states that unfunded mandates would have severe financial impacts on small agencies. (Peter Golling – 15d)
- 1467. Comment:** Commenter states that the proposal imposes impractical and unfunded mandates that fail to reflect how small cities actually deliver essential services. (Tim Hepburn – 15d)
- 1468. Comment:** Commenter states Stallion Springs, as many limited funded Community Service Districts in California, struggles to balance its budget under the strain unfunded state mandates and current constraints of limited property tax funding. (Ben Dewell – 15d)

Agency Response: No changes were made in response to these comments. As stated in “General, Mandates and Fiscal Impacts to Local Governments” in the General chapter of the staff report, any costs incurred by local agencies to comply with this regulatory action are not reimbursable. This response incorporates CARB's responses provided at subsection IV.A.27.a), “Economic Impact—Unfunded State Mandates,” and the commenter is encouraged to review that subsection for more information.

23. Economic Analysis

- 1469. Comment:** Commenter states CARB’s rulemaking record does not appear to contain the economic impact analysis, alternatives analysis, or feasibility assessments required under Government Code sections 11346.2 and 11346.3 for regulatory provisions of this magnitude. (Luis Sanchez – 15d)

Agency Response: No changes were made in response to this comment. CARB conducted adequate economic, and alternative analysis and feasibility assessments as required. This response incorporates CARB's responses provided at subsection IV.A.27.b), “Economic

⁶⁸ CARB, Public Hearing to Consider Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations - Staff Report: Initial Statement of Reasons, August 1, 2025, (web link: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2025/acf_lcfs/isor...pdf, last accessed May 2026)

Impact—Economic Analysis,” and the commenter is encouraged to review that subsection for more information.

24. Environmental Impact

As explained in the ISOR, CARB, as the lead agency for the Proposed Amendments, has concluded that this action is exempt from the California Environmental Quality Act (CEQA), as described in Pub. Resources Code § 21080(b)(4), and it is also exempt as described in CEQA Guidelines §§ 15061(b)(3), 15301, 15307, 15308, and 15311. Even if this action did not qualify for the CEQA exemptions discussed above, the proposed action does not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstances requiring further environmental review beyond the Final ACF EA certified in April 2023 and the Final LCFS EIA certified in November 2024.

Based on these CEQA determinations, CARB is not required to provide written responses to comments raising environmental concerns related to the CEQA determination or the Proposed Amendments. While no responses are required here, CARB chooses to provide the following response to comments raising environmental concerns for informational purposes, and to provide responses to comments under the APA. Every comment in this section is being responded to for the purpose of APA compliance.

1470. Comment: Commenter suggests that the ACF Amendments have the potential to cause significant, unanalyzed environmental impacts. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

The Project would not cause significant unanalyzed environmental impacts. CARB had already analyzed the reasonably foreseeable environmental impacts of the original ACF regulation in an ACF EA and in that document CARB has supported its determinations with substantial evidence. The commenter attempts to generate confusion in the record by claiming amendments that merely limited and clarified a broader previously-adopted program have the potential for new environmental impacts, but this is plainly not so—they are simply within the scope of the broader program already analyzed and adopted by CARB. As such, CARB determined that the Proposed Amendments have no potential to result in impacts beyond those already analyzed in the ACF EA, and therefore CARB was not required to conduct further environmental analysis for the Proposed Amendments.

1471. Comment: The commenter asserts that the NOPA did not place interested parties on notice of the potential for the changes to cause new or different environmental and economic impacts than those previously analyzed, and those changes cannot be approved on a 15-day notice period.

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

CARB adhered to the APA noticing requirements and is exempt from CEQA under the exemptions explained in the ISOR. There appears to be confusion between the APA requirements with CEQA requirements; the APA's notice scope is not affected by the potential for environmental impacts (which, regardless, would not occur as explained in the ISOR).

1472. Comment: The commenter claims that CARB is piecemealing environmental review, contrary to CEQA requirements, by chopping one large project—the ACF Regulation—into many little ones, thereby masking its potential to cause significant environmental impacts (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

Here, the Proposed Amendments encompass changes CARB is making to its regulatory program, many driven by recent federal actions that were not known at the time the original ACF regulation was adopted. The commenter's assertion, if true, would have the absurd result of agencies being responsible for analyzing hypothetical future changes based on unforeseeable circumstances taken by other agencies. Additionally, the Proposed Amendments plainly have independent utility, as they are necessary for the reasons set forth in the ISOR and Notice, and they update a previously-adopted program given the passage of time. Taking the commenter's assertion seriously here would effectively mean an agency can never update an existing program without risking a claim of improper CEQA piecemealing. Furthermore, it remains unclear what "piecemealing" action the commenter is concerned about here; the 2023 ACF EA and associated regulation were already adopted in 2023, and CARB is not proposing further changes to the ACF Regulation at this time beyond the Proposed Amendments that are the subject of this rulemaking. CEQA's piecemealing principles are concerned with *known future* activities that should be included as part of a proposed project's environmental analysis, not the extent to which *past* approvals may relate to a proposed project. The Proposed Amendments therefore do not constitute "piecemealing" as claimed by the commenter.

1473. Comment: Commenter asserts that the environmental analysis of the ACF regulation was flawed and cannot be used to satisfy review obligations for the proposed amendments. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's Certified Regulatory Program (CRP) (Cal. Code Regs., tit. 17 § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where

CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

1474. Comment: Commenter conveyed the opinion that CARB relied on conclusory legal analysis, non-existent case law authorities, and speculative factual assumptions to support the categorical exemptions for the Proposed ACF Amendments. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

The exemption analysis provided in the ISOR was prepared and released for the benefit of transparency and public disclosure. The substantial evidence for the listed exemptions is set forth in the record. This response incorporates CARB's response to comment 592 to the 45-Day proposal, provided at subsection IV.A.28, "Environmental Impact," and the commenter is encouraged to review that subsection for more information.

1475. Comment: Commenter asserts that there was no substantial evidence supporting CARB's environmental analysis for the Proposed Amendments and 15-Day Modifications. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

As discussed in the ISOR, CARB supported its environmental analysis with substantial evidence for the Proposed Amendments and the Proposed 15-Day Changes.

1476. Comment: Commenter expressed that the 15-Day Modifications have the potential to cause new or different environmental impacts. CARB fails to address the substantive changes in the 15-Day Modifications. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

CARB supported its environmental analysis with substantial evidence and, this analysis continues to apply to the Proposed 15-day Changes. The Proposed Amendments qualify for CEQA exemptions, as well as an addendum to the previous ACF Environmental Analysis (EA), and there were not any new or different environmental impacts that needed to be addressed in the 15-day changes. As discussed in the ISOR, the Proposed Repeal does not have any associated environmental impacts because ACF was never enforced, so the conditions as a result of the Proposed Repeal would be the same as baseline. Therefore, the argument that the Proposed Amendments may have less environmental benefits than originally proposed by the original ACF program does not demonstrate any environmental impacts for the purposes of CEQA. Additionally, the SLG and LCFS Proposed Amendments would improve environmental, health, and air quality as compared to the existing conditions baseline, and have no significant adverse environmental impact of their own.

1477. Comment: Commenter asserts that CARB cannot rely on the additional documents included in the 15-Day Modifications to support its CEQA determinations for the Proposed Amendments, particularly because they post-date CARB's project approval and are not properly part of the CEQA record. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

CARB included additional documents in the 15-Day Modifications, consistent with APA provisions regarding circulating materials relied upon in a rulemaking. Under CARB's CRP (Cal. Code Regs., tit. 17 § 60000 et seq.), the APA rulemaking record will generally constitute the CEQA Administrative Record. Thus, the rulemaking record contents are included in the CEQA Administrative Record.

1478. Comment: Commenter claims that CARB conducted a post hoc environmental review, pointing to a statement in Resolution 25-9 which delegates authority to the Executive Officer to conduct further environmental review, if necessary. Commenter suggests that delegating environmental review authority to the Executive Officer is improper because it is separated from the responsibility to approve or disapprove the project, and that CARB should bring back the 15-Day Modifications to CARB's decisionmaking body for approval. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

As identified in CARB's CRP (Cal. Code Regs., tit. 17 § 60000 et seq.), specifies that, for projects subject to rulemaking proceedings under the California APA, CARB may delegate to the Executive Officer the authority to approve or disapprove proposed changes and conduct any further environmental review associated with those changes. The Proposed Amendments are rulemaking proceedings under the APA, so the resolution properly reflected this provision from CARB's CRP. Regardless, the comment is irrelevant as no further environmental review was required by CEQA in connection with the 15-day changes.

1479. Comment: Commenter suggests that CARB violated a CEQA requirement that findings of no environmental impacts to be subject to a public review period of at least 30 days. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

This comment is irrelevant, as CARB did not prepare an Environmental Analysis Finding No Impacts (the document cited by the commenter). Rather, CARB determined that the Proposed Amendments are exempt from CEQA (17 CCR § 60004(d)) and CARB also prepared an addendum (Cal. Code Regs., tit. 17 § 60004.4), neither of which requires the comment period claimed by the commenter.

1480. Comment: Commenter asserts that another hearing would be required to approve changes to the environmental analysis after performing further environmental review. (Nicolas Cardella – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

The commenter appears to attempt to generate process confusion where there is none. The provision cited by the commenter does not require a second Board hearing as the commenter claims it does, and in any event is irrelevant because that provision is in the section applicable to Environmental Impact Analysis (EIA) items (Cal. Code Regs., tit. 17 § 60004.2, Environmental Impact Analysis) – and does not apply to exemptions or addendums.

1481. Comment: Commenter asserts that the costs of the ACF amendments outweigh anticipated environmental benefits. (Amanda Roa – 15d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. Please see response to comments 592 through 613.

CARB was not required to make any new or further determinations of significant impact or statement of overriding considerations, because the Proposed Amendments are exempt from CEQA. Thus, the Commenter's assertion regarding a balance of the costs and benefits does not require any further action or changes. CARB met APA requirements and adequately considered economic and environmental impacts in its analyses as required by applicable law.

25. Low Carbon Fuel Standard Regulation

1482. Comment: Commenter recommends that California's Low Carbon Fuel Standard require direct biogenic content testing (Carbon-14) following the ASTM D6866 Method B standard for any fuels or feedstocks seeking recognition of renewable (biogenic) content. Commenter states that this should be required to those seeking to generate credits under the program. Commenter states that the LCFS should require direct biogenic testing for any fuels produced from co-processing, municipal solid waste (MSW) biogas & RNG and any other fuels for which the final biogenic content is unknown. (Benjamin Kling – 15d)

Agency Response: No change was made in response to these comments, and no response is required as it is outside the scope of the amendments to the regulation. Nonetheless, CARB is providing a response to facilitate public communication. The fuel pathway holders of co-processing fuel pathways are required to perform C-14 analysis to determine the renewable fuels volumes in co-processed fuels. In addition, as part of monitoring, audit and enforcement, CARB may use C-14 analysis or require the applicable entities to perform C-14 analysis using D6866 Method (B or C) or other CARB approved carbon isotope testing methods to quantify renewable content in fuels or feedstock including MSW, if the situation warrants.

26. Out of Scope

a) Out of Scope—Right-to-Repair

1483. Comment: We support the "right to repair" legislative efforts that would stop manufacturers from requiring repair works to be only provided by their authorized dealerships. (Tom Greene – 15d)

Agency Response: No changes were made in response to this comment. The issue raised on right-to-repair is outside of this rulemaking, and thus no response is required.

C. Second 15-Day Comment Period and Board Hearing Public Comments with Agency Responses

1. Definitions and General Requirements

a) Definitions and General Requirements—Revise the Definitions of “Fleet,” “Total Fleet,” and “Fleet Owner”

1484. Comment: Commenter states that the regulation does not define “operation of” or “contracts for the operation of,” creating serious implementation problems for TID and similarly situated public agencies that use contractors for facility services, construction support, maintenance, specialized repairs, vegetation management, and emergency-related work. Commenter requests that CARB clarify whether vehicles used by a vegetation management contractor assisting with tree trimming for multiple months would be considered part of TID’s fleet. (Austin Avery – 15d2)

1485. Comment: Commenter requests that CARB provide a clear and narrow definition of the phrase “contracts to operate on its behalf,” which expressly excludes independent contractors that own and operate vehicles under their own control and management. Commenter states that the phrase “contracts to operate on its behalf” remains undefined and ambiguous and could be interpreted broadly enough to encompass virtually any contractor providing goods or services to a public agency. Commenter requests that CARB remove the proposed language that includes vehicles a public agency “contracts to operate on its behalf” within the definition of a public fleet. (Chris Robbins – 15d2)

1486. Comment: Commenter states that the critical question regarding what it means for an agency to “contract for the operation of the vehicle” remains unanswered. It is unclear whether CARB intends to cover any service contract involving vehicles (e.g., UPS package pickup), only contracts where the public agency is actually operating the vehicle, or something in between. Public agencies contract for vast amounts of services that involve vehicles in all manner of capacities (Nicole Looney – 15d2)

1487. Comment: Commenter requests that CARB revise section 2013(a)(1) to remove or narrow the phrase “contracts for the operation of” so that it does not include franchise agreements, municipal solid waste service agreements, permits, licenses, or other arrangements where a private entity owns, leases, operates, maintains, controls, and dispatches its own vehicles. Commenter states CARB is treating general public service contracts as if they place the contractor’s fleet within the public agency’s fleet by adding “contracts for the operation of,” “contracted,” “service contract,” and related reporting and recordkeeping requirements. (Veronica Pardo – 15d2)

1488. Comment: Commenter states that the final regulation should clarify that “contracts for the operation of...vehicles” refers to contracts in which the public agency contracts specifically for vehicle operation as part of the agency’s fleet function, not ordinary procurement of public works contracts where contractor vehicles are merely tools used to deliver a project

or service. Commenter requests that CARB limit the phrase “contracts for the operation of...vehicles” to contracts where the public agency specifically contracts for vehicles to be operated as an extension or substitute for an agency’s own fleet, such as dedicated fleet-operation services, vehicle leasing with drivers, or similar arrangements where the public agency has operational control over the vehicles. (Rangarajan Sampath – 15d2)

- 1489. Comment:** Commenter requests clarity as to whether “contracts for the operation of” vehicles include delivery services and is then considered part of the public agency’s fleet. Without further clarification, the new provisions could inadvertently cause a public agency to need to report for Amazon’s entire fleet. (Derek Dolfie – 15d2)
- 1490. Comment:** Commenter requests that CARB define “contracts for the operation of” to mean a written agreement under which a state or local government agency procures the dedicated use or dispatch of one or more covered vehicles to perform transportation or field services on behalf of the agency in California. Commenter requests that ACF adopt a distinction similar to CARB’s Truck and Bus hired-fleet guidance, distinguishing non-transportation service contracts from contracts for specific truck-based, transportation, hauling, or equipment-based services. Commenter requests that CARB clarify that the phrase does not include incidental contractor travel to or from a jobsite, one-time service calls, or the transport of a contractor’s own employees, tools, materials, or supplies where the public agency does not specify or control the vehicles used. (Austin Avery – 15d2)
- 1491. Comment:** Commenter states that “contracts for the operation of” vehicles was not previously considered in the rulemaking and therefore there has been no real consideration of how many vehicles might be captured by the new contracting provisions, how those contracts would be structured, and what the impacts of the vehicles would be on both the public agencies and the contractors. (Derek Dolfie – 15d2)
- 1492. Comment:** Commenter requests clarity in the definition of “fleet owner,” specifically what does “contracts for the operation of mean” and why is this considered ownership. (Derek Dolfie – 15d2)
- 1493. Comment:** Commenter states that by expanding the definition of “Fleet Owner” to include “contracts for the operation of the vehicles” creates additional uncertainty by not clarifying to what extent “contracts for the operation of vehicles” are considered. Commenter states the meaning is not clear and requests further clarification on the types of contracts and subcontracts that will be included. (David Rothbart – 15d2)
- 1494. Comment:** Commenter states that the proposed “fleet” and “fleet owner” definitions lack clarity and create uncertainty for contracted vehicles because the definitions identify the contracting public agency as a fleet owner while also presuming that the vehicle owner is the DMV-registered owner or lessee. (Christine Wolfe – 15d2)
- 1495. Comment:** Commenter states that there is an inherent contradiction between identifying a State and Local Government agency as the fleet owner for contracted vehicles and the presumption that the owner is the person or entity listed on the DMV registration, which for contracted vehicles would not be the public agency. (Christine Wolfe – 15d2)
- 1496. Comment:** Commenter requests that CARB revise the definitions of “fleet,” “total fleet,” and “fleet owner” to clarify that privately owned contractor vehicles are not part of a state or local government agency’s fleet solely because the agency contracts for services performed with those vehicles. (Veronica Pardo – 15d2)
- 1497. Comment:** Commenter states that the update for section 2013(a)(1) “Fleet Applicability” and for the definitions of “Fleet,” “total fleet,” “Fleet Owner,” and “Removed from the California fleet,” are incorporated to clarify the existing ACF requirements, but does not define the terms or clearly explain how “contracted” or “contracts for the operation of,” should be interpreted in the context of the ACF regulation. (Roxana Ramirez – 15d2)
- 1498. Comment:** Commenter states that the proposed Second 15-Day Rulemaking Package lacks clarity, which could become an issue when submitted to OAL. Specifically, the

proposed amendments add "*contracts for the operation of*" to the applicability language, but the "*fleet owner*" definition still appears to presume ownership based on Department of Motor Vehicles registration or lease status, creating ambiguity over whether the SLG or the private third-party contractor is responsible for reporting, documentation, exemptions, extensions, and ZEV compliance. (Roxana Ramirez – 15d2)

- 1499. Comment:** Commenter states that CARB's amendments in defining "Fleet owner" and "contracts for the operation of" leave the language broad enough that almost any service that involves a vehicle could be implicated and then places the entire compliance burden upon the public agency, regardless of whether the public agency is dispatching the vehicles or having no control over which vehicles are being operated. (Derek Dolfie – 15d2)
- 1500. Comment:** Commenter states that the current definition of "fleet owner" clearly establishes the entity with compliance responsibility in the case of vehicles owned, rented, leased, and financed vehicles, but the proposed changes fail to address the specific situation of "contracts for the operation of" vehicles. There are no definitions or parameters around the proposed addition that would clarify the types of arrangements that would be included. If a public agency is contracting with a third party for the operation of the third party's vehicles, operated by the third party, then the public agency will not be the registered owner creating a disconnect with how ownership is typically treated within ACF. (Derek Dolfie – 15d2)
- 1501. Comment:** Commenter states that changes to the "Fleet Owner" definition create uncertainty for essential services and increase the potential for system failure because public agencies may be abruptly unable to rely on essential contracts and cannot immediately fill gaps in services. Commenter states that the ACF regulation as written will decrease reliability of water and wastewater services, and that without proper evaluation of impacts and amendments to ensure reliability, implementation will impede public agencies from protecting California citizens. (Sara Tom – 15d2)
- 1502. Comment:** Commenter states that inconsistent reporting issues could occur given that SLGs are not the registered DMV owners. (Eric Grubb – 15d2)
- 1503. Comment:** Commenter states that rental companies or contractors are the legitimate vehicle owners when they are responsible for DMV registration, maintenance and repairs, required inspections, permits, licenses, and Clean Truck Check reporting, and that the proposed changes would create inconsistencies in interpreting the definitions of "fleet" and "fleet owner." (Andrea Villarin – 15d2)
- 1504. Comment:** Commenter requests clarification on the meaning of "contracts to operate on its behalf." (Chris Hentz – 15d2-E)

Agency Response: No changes were made in response to these comments. The changes made in the Second 15-Day Changes were in response to comments about whether State or local government agencies must include in their fleets the vehicles they contract for to clarify that vehicles operated under contracts are accounted for in the SLG agency's fleet. These changes provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for a year or more, and contract for the operation of their fleet. Vehicles included are those within the scope of the ACF regulation that are operated to fulfill the terms of the contract and does not apply to vehicles that are not used to fulfill the terms of the contract.

The definition of "fleet owner" is consistent with and was carried over from the Truck and Bus regulation, in which DMV registration and ownership title is an important distinction for CARB staff when issuing DMV registration holds and taking other enforcement actions. The ACF regulation does not need to rely on DMV registration information to assign responsibility to vehicles under the scope of the regulation that are owned, leased or rented for a year or more, or contracted for by the State or local government agencies. No changes

were made in response to these comments because it would undermine the emissions reduction goals of the regulation.

b) Definitions and General Requirements—Revise “Vehicle Purchase” Definition

- 1505. Comment:** Commenter states that it is unclear how renewals of existing contracts be treated. The definition of “vehicle purchase” suggests that existing contracts and renewals of existing contracts are excluded, but it is unclear how such renewals are defined and what, if any, terms may change apart from the end date. (Nicole Looney – 15d2)
- 1506. Comment:** Commenter states that it is unclear how contractors’ existing vehicles or new vehicle purchases will affect public agency compliance requirements. In general, public agencies are subject to the annual ZEV purchase requirement, but CARB did not clarify (within the definition of “vehicle purchase” or elsewhere in the regulation) the mechanisms by which contractors’ vehicles will be added to the fleet. (Nicole Looney – 15d2)
- 1507. Comment:** Commenter states the proposed amendments are ambiguous, that the amended definition of “vehicle purchase” continues to refer only to lease or rental agreements and does not define the scope of public contracting that would now be covered. (Nicole Looney – 15d2)
- 1508. Comment:** Commenter requests that CARB revise the definition of “vehicle purchase” or “purchase” to ensure that entering into, renewing, extending, or amending a service contract or franchise agreement is not treated as adding a contractor vehicle to a public agency’s California fleet. (Veronica Pardo – 15d2)
- 1509. Comment:** Commenter requests clarity as to whether there a minimum length of contract for the operation of a vehicle that is covered by the new contracted language to be to be considered as part of a public agency’s fleet, stating that that the definition of “Vehicle Purchase” was not modified to add a time limit. (Derek Dolfie – 15d2)

Agency Response: No changes were made in response to this comment. The “vehicle purchase” definition language was changed during the Second 15-Day changes to ensure a consistent interpretation that a State or local government agency’s compliance requirements under the ZEV Purchase Schedule are based on when the fleet owner adds a vehicle to their California fleet. The Second 15-Day Changes further clarify that vehicles renewed through existing leases or service contracts do not count as vehicle purchases under the ZEV Purchase Schedule.

CARB did not add a time limit, or specify a minimum contract length to the “vehicle purchase” definition to exclude a portion of the California fleet because those vehicles were purchased by a third party to service a public contract would result in inconsistent treatment by imposing different compliance obligations on cities and counties that elect to perform those same services with a fleet they directly own and operate. Adding a time limit to vehicles under contract or specifying a minimum contract length would impede the purpose of the regulation, to reduce emissions from State and local government fleet operations. No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

c) Definitions and General Requirements—Requests for clarification on short-term rentals and leases

- 1510. Comment:** Commenter requests the use of rental and short-term fleet vehicles and other equipment for emergency purposes without triggering compliance penalties. (Charlotte Gallock – 15d2)

- 1511. Comment:** Commenter states that they use both short-term and long-term contracted vehicles for the construction of water mains and other infrastructure. Commenter states the proposed regulation is unclear as to which contracts are covered by the proposed amendments. Commenter states that the proposed regulatory language regarding contracted vehicles is unclear on whether one-time, short-term contracts or contracts for emergencies are subject to the requirements. (James Lee – 15d2)
- 1512. Comment:** Commenter is concerned that the proposed changes would count all contracted vehicles, including short-term rentals, as part of the public agency's fleet. This change could complicate compliance for public fleets and be administratively unwieldy for CARB to manage. Specifically, the inclusion of short-term rentals is problematic because they are not planned for in the same way longer contracts are. The concern is especially acute for short-term rentals used during emergencies, such as fires, floods, or earthquakes. Unlike longer contracts, these vehicles are often obtained on short notice to meet immediate operational needs. For example, if a public agency temporarily contracts 20 heavy-duty ICE vehicles for two weeks to respond to a wildfire, would the agency also be required to acquire 20 ZEVs to offset them? Under the proposed amendments, even the most-proactive public agencies could find themselves out of compliance despite efforts to meet ACF requirements. The issue is expected to become even more challenging after 2030, when all new vehicle purchases, leases, and contracts must be ZEVs for fleets to remain compliant. (Eric Grubb – 15d2)
- 1513. Comment:** Commenter seeks clarification on what a fleet should do if the only vehicles available for short-term rental are not ZEVs. (Eric Grubb – 15d2)
- 1514. Comment:** Commenter requests, as an option, that CARB consider addressing stated concerns regarding short-term rentals by differentiating between major contracts and short-term contracts in a guidance document and work with public agencies on case-by-case scenarios. Commenter requests, as an option, that CARB consider addressing stated concerns regarding short-term rentals by prioritizing how to appropriately identify short term contracts in a future amendment discussion. Commenter requests, as an option, that CARB consider addressing state concerns regarding short-term rentals by repealing the second 15-day rulemaking package and returning to the version introduced as part of the first 15-day rulemaking package. (Eric Grubb – 15d2)
- 1515. Comment:** Commenter requests, as an option, that CARB consider addressing stated concerns regarding short-term rentals by differentiating between "major contracts" and "short-term contracts" in a 15-day change rulemaking package. Specifically, the commenter request that CARB define "short-term contracts" as those that last less than 12 months, and exclude from their fleet short-term contracts identified to deal with emergencies. Commenter also request CARB to delay enforcement of contracts and rentals until further dialogue is held to appropriately administer ACF requirements. (Eric Grubb – 15d2)
- 1516. Comment:** Commenter states that short-term rentals are often used to meet immediate fleet needs during emergencies and are not planned for in the same way as longer contracts. Commenter states that treating short-term rentals as contracted vehicles under ACF would create challenges for both small and large public agencies and would be more problematic than the prior April 2, 2026, draft. (Nick Blair – 15d2)
- 1517. Comment:** Commenter states that including short-term rentals in ACF compliance could put proactive public agencies out of compliance when agencies need available vehicles to respond to fires, floods, earthquakes, and other natural disasters. (Nick Blair – 15d2)
- 1518. Comment:** Commenter states that including short-term rentals in ACF compliance would become more problematic after 2030, when all new purchases, leases, and contracts would need to be ZEVs for fleets to comply. (Nick Blair – 15d2)
- 1519. Comment:** Commenter requests clarification on what a public fleet should do if the only vehicles available for short-term rentals are not zero-emission vehicles. (Nick Blair – 15d2)

- 1520. Comment:** Commenter states that short-term emergency rentals are not planned in the same way as longer-term contracts and questions whether temporary emergency use of 20 heavy-duty ICE vehicles for two weeks during a fire would count as 20 ICE vehicles in the agency's fleet and trigger a requirement to add 10 ZEVs under the 50 percent rule. (Tenille Otero – 15d2)
- 1521. Comment:** Commenter states that in light of the opportunity to comment on the proposed changes related to rented and leased ZEVs, they should not be precluded from applying for an exemption for no other reason than they never had the need or opportunity to purchase a ZEV in the past. Commenter states that the concern raised apply equally to leased or purchased vehicles. (James Emmons – 15d2)
- 1522. Comment:** Commenter states that applying ACF requirements to all contract agreements, regardless of duration, presents major implementation challenges for public fleets because short-term rentals are frequently used to meet unplanned needs during emergencies such as fires, floods, earthquakes and infrastructure failures. Commenter states that a short-term rental of 20 ICE vehicles for two weeks to respond to an emergency would effectively obligate the agency to add 20 zero-emission vehicles to offset them. Commenter states that challenges with short-term rentals will escalate after 2030, when the ZEV purchase requirement reaches 100 percent, noting that the statewide supply of short-term ZEV rentals is currently insufficient and likely to remain constrained for the foreseeable future. Commenter states that this is impractical, inconsistent with emergency-response realities, and creates a high risk that agencies will fall out of compliance. (Eva Plajzer – 15d2)
- 1523. Comment:** Commenter states guidance revisions are needed that, at a minimum, clearly state only contracted vehicles under long-term arrangements that are directly operated by the public agency are considered part of the public agency's fleet. Such an approach would be in line with the regulatory requirements for vehicle rentals and leases. (Derek Dolfie – 15d2)
- 1524. Comment:** Commenter states that CARB's latest interpretation appears to include all contract agreements as part of a public agency fleet regardless of contract length, including short-term rentals used to fulfill immediate emergency fleet needs. (Tenille Otero – 15d2) 4
- 1525. Comment:** Commenter states that specifying that emergency-related short-term contracts lasting less than 12 months should be excluded from ACF compliance. They also request delaying enforcement related to short-term contracts under the ACF framework. (Tenille Otero – 15d2)
- 1526. Comment:** Commenter requests that CARB clearly define "major contracts" and "short-term contracts" in the 15-day changes, specify that short-term contracts identified to deal with emergencies are not part of ACF compliance, and define "short-term contracts" as contracts lasting less than 12 months. (Nick Blair – 15d2, Tenille Otero – 15d2)
- 1527. Comment:** Commenter requests that CARB define "major contracts" and "short-term contracts" in the 15-day changes, specify that short-term contracts identified to deal with emergencies are not part of ACF compliance, and define short-term contracts as those lasting less than 12 months. (Damon Wyckoff – 15d2)
- 1528. Comment:** Commenter states that some vehicles SFPUC relies on are leased under limited, short-term contracts of less than 12 months and are used only temporarily and for limited durations. Commenter states that treating these short-term vehicles as permanent assets in the SFPUC fleet is inappropriate. (Scott Ammon – 15d2)
- 1529. Comment:** Commenter states that proposed contractor obligations lack clarity regarding whether short-term, one-time, or emergency contracts trigger compliance obligations. (Carmen Zambrano – 15d2)
- 1530. Comment:** Commenter requests clarification about how short-term rentals would get handled, including utility truck rentals from out-of-state. (Sevada Hambarsumian – 15d2-E)

Agency Response: No changes were made in response to these comments. The ordinary meaning of the regulatory text applies and does not require enumeration. The First 15-Day Changes clarified that rented vehicles would also be excluded if rented or leased for less than a year and State and local government agencies do not need to report them or count them as part of their fleet. Additional changes made during the First 15-Day Changes also specified, that up until January 1, 2027, a vehicle lease or rental agreement of a year or longer can also remain excluded from the SLG agency fleet as long as the terms of the rental or lease agreement identify the renting operator or lessee of the vehicle as the party responsible for compliance with state laws. No changes were made to narrow the types of vehicles or contracts in response to these comments because the suggested changes would undermine the air quality benefits of the regulation.

d) Definitions and General Requirements—Concerns About “Low NOx ICE Vehicle” Definition

- 1531. Comment:** Commenter states there is ambiguity in the “Low NOx ICE Vehicle” definition, creating regulatory uncertainty and inability for wastewater agency boards and commissions to have confidence in responsibly investing ratepayer funds. (David Rothbart – 15d2)
- 1532. Comment:** Commenter states that ambiguity in the “Low-NOx ICE Vehicle” definition remains, creating regulatory uncertainty and inability for wastewater agency boards and commissions to have confidence that they would be responsibly investing ratepayer funds. Additionally, the commenter states that this presents an obstacle to SB 1383 implementation at wastewater treatment facilities. (Sarah Deslauriers – 15d2, Curtis Paxton – 15d2)

Agency Response: No changes were made in response to these comments. The definition is consistent with the Board decision to limit the provision to engines that have been certified to NOx emissions standards that are below the NOx standard already required of all engines for a given model year. Ultimately, whether these engines are sold in California is a manufacturer decision. No changes were made in response to these comments because the suggested changes would be unnecessary, result in higher NOx emissions, and would undermine the air quality benefits of the regulation.

A fleet owner has until calendar year 2035 to purchase a low-NOx ICE vehicles to use excess biogas generated at the waste or wastewater facility and the designated low-NOx ICE vehicle will get its full useful life which aligns within the natural replacement cycle for public fleets. Giving more low-NOx ICE vehicle exemptions beyond what is needed to utilize the excess biogas would not meet the objectives of the Board and does not conflict with SB 1383. As discussed in the original rulemaking, the objectives of the ACF regulation are to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act), among others. The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste which is a goal of SB 1383, and to utilize excess biogas generated on-site rather than flaring it.

The commenters did not provide information about why the requirement would create an obstacle to SB 1383 implementation. The commenter may be concerned that directing biomethane from vehicles to on-site heating or electricity generation would be limited under the requirement to prove the facility has excess biofuel capacity. There is nothing in this provision that limits a waste or wastewater facility to direct biomethane to other uses besides for use directly as a drop-in biofuel. Similarly, there is nothing in this regulation that prevents a waste or wastewater facility from selling renewable natural gas as a drop-in biofuel to private fleets. No changes were made in response to these comments because it

would be unnecessary and would undermine the emissions reduction goals of the regulation.

e) Definitions and General Requirements—Requests for Broader Emergency Response Vehicle Exclusion

- 1533. Comment:** Commenter states that while the ACF rules rightly exempt police and fire vehicles, utility trucks should also be permanently excluded to protect their most basic rights to life supporting infrastructure as utility vehicles are frontline emergency responders that are routinely dispatched to restore essential water, sewer, and power services. (Dan Sunseri – 15d2)
- 1534. Comment:** Commenter states that fire trucks, ambulances, and police vehicles are exempt, but the water and wastewater vehicles that enable this emergency response are not and it directly impacts agency's ability to do their jobs. (Tenille Otero – 15d2)
- 1535. Comment:** Commenter states that they have serious concerns that the current proposal could jeopardize their ability to deliver safe, reliable water services unless emergency response and critical support vehicles receive full exemptions. Commenter states that fire trucks, ambulances, and police vehicles are exempt, but the water and wastewater vehicles that enable this emergency response such as trucks that tow fuel to water pumps are not exempt. Commenter states that to safeguard emergency response, critical infrastructure, and public health, CARB should provide explicit, uncapped exemptions for emergency response and support vehicles that respond to, assist in, and recover from disasters and emergencies, including water and sewer utility vehicles. (Amy Reeh – 15d2)
- 1536. Comment:** Commenter states that the proposed modifications do not adequately account for the operational realities of local government fleets and requests that CARB provide categorical exemptions for specialized vehicles supporting emergency response and preparedness operations that are critical to community safety. (Hilary Hobbs – 15d2)
- 1537. Comment:** Commenter states that they cannot safely serve their communities unless emergency support vehicles are excluded from the regulation. Commenter states the exemptions in the current regulation and draft amendments remain insufficient because they do not clearly and categorically protect specialized wastewater utility vehicles and support vehicles. Commenter requests a categorical exclusion for vehicles that respond to, assist in and recover from disasters and emergencies, including: water utility vehicles, flood protection vehicles, sewer utility vehicles, electric utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles. (Thai Thao – 15d2, Andy Lawler – 15d2, Brett Hodgkiss – 15d2, Jack Bebee – 15d2, Abby Parcon – 15d2, Brian Macy – 15d2, Jodi Holeman – 15d2, Kimberly Thorner – 15d2, Shelly Thomsen – 15d2, Paul Bushee – 15d2, Damon Conklin – 15d2, Isam Hireish – 15d2, Chris Robbins – 15d2, Jon Curry – 15d2, Alisa Nichols – 15d2, Tom Trott – 15d2, Jeff Umbrasas – 15d2, Charlotte Gallock – 15d2, Anthony Firenzi – 15d2, Scott McClelland – 15d2, Consuelo Hernandez – 15d2, Kyle Swanson – 15d2, Paolo Beltran – 15d2, Sara Tom – 15d2, Melanie Schumacher – 15d2, Tenille Otero – 15d2)
- 1538. Comment:** Commenter states that without additional clarification for emergency response and critical public-service vehicles, the proposed amendments could create significant challenges for agencies responsible for essential public services. Commenter states that water utility emergency-response vehicles should receive the same practical consideration as vehicles used by police, fire, and emergency medical services. (Melanie Schumacher – 15d2)
- 1539. Comment:** Commenter states that the proposed ACF amendments do not exempt most of their small water/sewer fleet as emergency vehicles and, if implemented, would prevent

them from keeping water flowing and stopping sewer overflows, creating serious public health and safety risks. (Tom Trott – 15d2)

- 1540. Comment:** Commenter requests that CARB exempt emergency response, emergency repair, mutual aid, and critical infrastructure contractors from any ACF requirements that could delay deployment of personnel or equipment during emergencies. (Jason Martin – 15d2)
- 1541. Comment:** Commenter requests that vehicles reasonably anticipated to respond to emergency situations, or to support those efforts, be excluded from the regulation similar to other excluded vehicles such as snow removal vehicles because not all emergencies are declared or involve mutual aid. Commenter requests that CARB exclude vehicles essential to delivery, repair, and maintenance of electricity, water, wastewater, stormwater, and flood protection. Commenter requests that CARB exclude vehicles used to prevent and respond to the spread of disease and dangerous vector outbreaks. Commenter states that they respectfully urge that CARB adopt categorical exemptions for emergency response and critical infrastructure vehicles. (Brittney Barsotti – 15d2)
- 1542. Comment:** Commenter requests that in order to prevent threats to emergency response, critical infrastructure, and public health, emergency response vehicles should be explicitly exempt from these rules. (Scott McClelland – 15d2)
- 1543. Comment:** Commenter states that the proposed amendments do not provide an adequate emergency vehicle exemption, as they need exemptions for vehicles that perform critical roles in an emergency. Commenter requests that CARB expand the exemptions available in the proposed rented and leased vehicle provisions in the proposed amendments to include vehicles that will reasonably be used under emergency conditions. (David Pedersen – 15d2)
- 1544. Comment:** Commenter states that the June 1, 2026 amendments still do not adequately exempt vehicles that support critical and emergency response operations, including vehicles contracted by state and local governments. Commenter requests that CARB amend the ACF exemptions to allow vehicles that support emergency services to continue serving communities when needed. (Sara Tom – 15d2)
- 1545. Comment:** Commenter states that exemptions in the current regulation and draft amendments remain dangerously insufficient because they do not clearly and categorically protect specialized water and wastewater utility vehicles and support vehicles necessary to respond to critical situations during emergencies, urgent public health situations and long-term emergency responses. (Kyle Swanson – 15d2)
- 1546. Comment:** Commenter requests that CARB amend the ACF exemptions to allow vehicles that support emergency services to be exempt. (Kyle Swanson – 15d2)
- 1547. Comment:** Commenter requests that CARB provide a formal exemption for the Freeway Service Patrol (FSP) program and CHP-contracted roadside assistance, tow, and recovery vehicles so these services can continue to operate and support motorists in California. Commenter requests that CARB provide an exemption for the FSP program to ensure the program can continue to operate and support motorists in California. Commenter requests that the California Air Resources Board grant a formal, dedicated exemption for emergency roadside assistance and FSP and CHP contracted recovery vehicles under the ACF rule. Commenter states that the exemption should remain in place until the Executive Officer verifies that zero-emission recovery trucks meeting all CHP safety and operational specifications are widely available in the commercial marketplace. (Greg Hurner – 15d2)
- 1548. Comment:** Commenter states that the recent amendments do not adequately address the exemption of vehicles supporting critical and emergency response, including vehicles under contract with state and local governments. (Alisa Nichols – 15d2)

Agency Response: No changes were made in response to these comments. The ACF regulation aligns with the Emergency Vehicle definition in CVC 165 and excludes those

vehicles from the regulation. CARB recognizes the critical role public agencies play in emergency response and has made amendments to provide additional flexibility in the exemptions that are consistent with the Board's direction and intent of AB 1594.

The ACF regulation includes provisions that provide compliance flexibility that allows fleets to prioritize ZEV and ICE purchases. The regulation includes a blanket exemption allowing for any vehicle that is used to support a declared emergency and is dispatched by a local, state, federal, or other responsible emergency management agency or its contractors, is temporarily exempt from the requirements of the regulation for the duration of the emergency. SLG agencies have full access to exemptions and extensions for all vehicles in their fleet, including those rented or leased for a year or more, or under contract.

As part of the First 15-Day Changes, CARB made significant changes to the existing provisions and exemptions. The 100% ZEV purchase requirement has been delayed until 2030, allowing fleet owners the flexibility to continue purchasing 50% of their vehicles as ICE where best suited. This change provides fleet owners the flexibility to better manage any functionality and availability concerns. The Fleet Resiliency Exemption (previously the Mutual Aid Exemption) gives fleet owners earlier access to the exemption, reducing the access threshold from 25% down to 5% ZEVs in the fleet, removing vehicle type restrictions and delaying the fast-fueling requirements until 2030. These changes provide fleet owners greater flexibility to manage and plan for their public agency emergency response support and recovery needs. They also allow fleet owners to better address concerns that arise during emergency situations while still ensuring continued progress toward the regulation's emissions-reduction goals. The Fleet Resiliency Exemption gives fleet owners full discretion in choosing which vehicles to apply the exemption to, and the 100% ZEV purchase delay offers additional flexibility in how fleet owners phase in zero-emissions and internal-combustion vehicles. Further, the Daily Usage Exemption removed the 13-year threshold, allows fleet owners to use existing data already collected, allows for periodic data collection, provides the ability to use real-world test data instead of default mileage factors, and provides a streamlined application process. Fleets can use the flexibility in the exemptions to focus their ZEV purchases on best-fit applications and to use ICE vehicles in other applications.

CARB believes these changes strike a balance in providing flexibility while obtaining necessary emissions reductions. Making changes to flexibilities beyond what was proposed in the First 15-Day Changes would be unnecessary and undermine the emissions reduction goals of the regulation. No changes were made in response to these comments because it would be unnecessary.

2. Recordkeeping

a) Recordkeeping—Captive Biofuel Use Exemption

1549. Comment: Commenter states that wastewater agencies are now ineligible for the Captive Biofuel Use Exemption due to new records requirements inserted in the first 15-Day changes, in addition to the exemption only being available to those registered under the Milestones Option, for which most wastewater agencies are not. Commenter states that the records requirements need to be modified, and the exemption needs to be available to agencies registered under the Purchase Schedule. Commenter states that this presents an obstacle to SB 1383 implementation at wastewater treatment facilities. (Sarah Deslauriers – 15d2, Curtis Paxton – 15d2)

Agency Response: No changes were made in response to these comments. Making any changes to recordkeeping requirements does not change the Captive Biofuel Use Exemption criteria. The Board approved a limited exemption to give captive waste and wastewater fleet owners more time until they would need to purchase ZEVs. The Board directed CARB to extend the timeline for these fleet owners which is consistent with the timeline that allows an NZEV to count as ZEV as requested by stakeholders. The Captive Biofuel Use Exemption is designed to work in conjunction with the Waste and Wastewater Fleet Option that is only available for those fleets who comply using the ZEV Milestones Option. These provisions give a qualifying waste and wastewater fleet owners a longer timeline, up to 2030, before they need to demonstrate 10% of their fleet is ZEV or NZEV. This excludes any purchases made under the Captive Biofuel Use Exemption.

A fleet owner has until calendar year 2035 to purchase a low-NOx ICE vehicle to use excess biogas generated at the waste or wastewater facility and the designated low-NOx ICE vehicle will get its full useful life which aligns within the natural replacement cycle for public fleets. For these reasons, limiting this exemption to the ZEV Milestones option is appropriate and meets the Board's direction.

Lastly, the State or local government agency has flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. For example, any State or local government entity can put vehicles in one department or division on the ZEV Milestone Option compliance flexibility and keep other vehicles on the default compliance pathway, the ZEV Purchase Schedule. Changes made after the initial staff proposal give a State and local government agencies until January 1, 2030, to decide what compliance flexibility, the ZEV Milestones Option of section 2013.6 or the ZEV Purchase Schedule of section 2013.1, works best, and until then they may switch between the two options. No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

b) Recordkeeping—Vehicles Under Contract

- 1550. Comment:** Commenter requests guidance on the responsibilities of government entities, responsibilities of contractors and subcontractors, required documentation and recordkeeping, audit and verification procedures, and when agencies may rely on contractor certifications. (David Renschler – 15d2)
- 1551. Comment:** Commenter requests clarification on whether an SLG fleet that leases a truck must determine whether or not the lessor/leasing company is compliant with ACF. (Matt Zerga – 15d2-E)
- 1552. Comment:** Commenter requests that CARB undergo further amendments that can explicitly indicate what activities are included in the requirements for entities subject to ACF that contract services to private fleets. (Greg Hurner – 15d2-E)

Agency Response: No changes were made in response to these comments. Vehicles affected by the Proposed Amendments are the same ones identified in the scope of the original ACF regulation SLG requirement except for the excluded vehicles identified in section 2013(c). The SLG agency is responsible for identifying all vehicles affected as part of their fleet when determining compliance with the ACF regulation. The vehicles affected include those who are owned, rented or leased for a year or more, or under contract. The SLG agency is responsible for reporting fleet information and for keeping records of vehicles added or removed from the fleet as described in the reporting and recordkeeping sections of sections 2013.3 and 2013.4

3. Section 2049, Hiring Compliant Fleets

a) Hiring Compliant Fleets—Request Clarification on Hiring Compliant Fleets Provision

- 1553. Comment:** Commenter requests greater clarity regarding any vendor-verification mechanism. Commenter states that revised section 2049 does not appear to provide the compliance framework for a public agency hiring a private contractor because CARB's notice says section 2049 applies to agreements between a hiring entity and a state or local government agency, not agreements with nongovernmental entities. Commenter requests that, if CARB expects public agencies to verify contractor compliance in a manner parallel to the Truck and Bus program, CARB clearly say so and provide a model form or contract clause. (Austin Avery – 15d2)
- 1554. Comment:** Commenter requests that CARB consider leaving earlier draft language in section 2049 intact and remove the distinction between fleets contracted from a government agency and those contracted from a private/non-governmental business. (Rangarajan Sampath – 15d2)
- 1555. Comment:** Commenter states that the Hiring Compliant Fleets provisions only required agencies to verify compliance and make certain disclosures, and did not require hired vehicles to be included in public agency fleets. (Tim Carmichael – OCP)
- 1556. Comment:** Commenter requests that the CARB retain the requirement – which was removed from section 2013.4(g) – for hiring entities to “keep certificates of reported compliance or signed statements from hired fleets used to verify that hired fleets are compliant with the applicable regulations.” (Rangarajan Sampath – 15d2)

Agency Response: No changes were made in response to these comments.

Section 2013.4(g) is the Daily Usage Exemption Documentation. Section 2049 is the Hiring Compliant Fleets requirements that apply to any motor carrier, broker, governmental agency, person, or entity that hires or dispatches a State or local government agency vehicle greater than 8,500 lbs. in California; these provisions were never removed.

As part of the First 15-Day Changes, the former section 2013.7 Hiring Compliant Fleets was renumbered to a new section 2049 because the scope of the section is fundamentally different than in section 2013. Section 2049 applies to any entity that hires or dispatches a State or Local Government agency vehicle. As part of the First 15-Day Changes language was added to specify that the requirement is only applicable to vehicles with a GVWR greater than 8,500 lbs. Lastly, changes were made during the Second 15-Day Changes to make explicit section 2049 applies to agreements between a hiring entity and a State and local government agency and does not apply to an agreement with other nongovernmental entities.

Hiring Compliant Fleets, section 2049 provisions only require agencies and other entities to verify compliance and make certain disclosures, and do not require hired vehicles to be included in public agency fleets. This interpretation is consistent with CARB's notice that indicated section 2049 applies to agreements between a hiring entity and the State or local government agency, not agreements with nongovernmental entities. If a State or a local government agency were to hire or dispatch a specific vehicle within another State agency or a separate local government agency then they would need to verify compliance with the ACF regulation, provide the fleet owner as defined in the regulation with the disclosure statement, and keep records. No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

b) Hiring Compliant Fleets—Clarification for Private Waste Fleets

1557. Comment: Commenter states that CARB’s treatment of “Dispatch” in the ISOR confirms that general service contracts were not originally included as part of a State or local government fleet. Commenter adds that this distinction is directly applicable to the waste and recycling industry because a municipal franchise agreement may define service territory, collection days, performance standards, customer service requirements, reporting obligations, contamination programs, and other service expectations, but that those provisions do not make the local government the owner, operator, dispatcher, or fleet manager of the private hauler’s vehicles. Commenter states that including contracted vehicles as part of a State or local government fleet is inconsistent with the original ISOR’s explanation of how hired entities and general service contracts are treated under the regulation. (Veronica Pardo – 15d2)

Agency Response: No changes were made in response to this comment. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

c) Hiring Compliant Fleets—Request Clarification on Mutual Aid

1558. Comment: Commenter requests clarity, under Section 2049 for the Hiring of Compliant Fleets, as to whether a privately owned company – e.g., PG&E, SCE, AT&T – that requested mutual aid from a public agency would face penalties if the public agency wasn’t ACF compliant. (Derek Dolfie – 15d2)

1559. Comment: Commenter states under Section 2049 for the Hiring of Compliant Fleets, the second 15-day changes clarify that entities only need to verify compliance for entities subject to the ACF, which is currently limited to state and local government agencies. However, the requirements of the provision appear to go beyond just public agencies, and instead tasks any entity either hiring or dispatching a public agency to verify the agency’s compliance with the ACF. Based on these provisions, it appears that a privately owned company would need to restrict the dispatch of public agencies for purposes of mutual aid and emergency response to only those public agencies currently in compliance with the ACF, with little or no way to confirm such information in the midst of an emergency. (Derek Dolfie – 15d2)

Agency Response: No changes were made in response to these comments. As the commenter suggests, section 2049, Hiring Compliant Fleets provisions apply to any motor carrier, broker, governmental agency, person, or entity that hires or dispatches a vehicle in a State or a local government agency fleet. ACF compliance verification checks only need to be performed by the hiring entity once each calendar year and nothing in the regulation requires these checks to be performed during the emergency. Specific information regarding who would be subject to penalties and what enforcement actions may be taken is not necessary to include in the ACF regulation. CARB’s enforcement authority and penalty determination is outlined in the Health and Safety Code which are referenced in the ACF

regulation. More information can be found in CARB's Enforcement Policy, available at <https://ww2.arb.ca.gov/resources/documents/enforcement-policy>.

No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

d) Hiring Compliant Fleets—Remove Provision Entirely or Parts of it

1560. Comment: Commenter states that the proposed compliant fleet hiring requirements would be difficult to implement across a wide range of public agency contracts, including service, construction, maintenance, emergency response, on-call, and specialized service agreements. (Joe Sturges – 15d2)

1561. Comment: Commenter states that the proposed compliant fleet hiring provisions risk placing public agencies in the position of policing contractor fleet compliance on CARB's behalf without providing a realistic mechanism for doing so. (Joe Sturges – 15d2)

Agency Response: No changes were made in response to these comments. Compliance verification provisions of amended section 2049 are used in multiple existing CARB fleet regulations, such as the Truck and Bus regulation, and are an effective enforcement mechanism that is not overly complex or burdensome for a hiring entity to perform. Compliant fleets subject to ACF would be listed online as a compliant fleet and are issued a certificate of reported compliance. Most hiring entities are already accustomed to performing these annual compliance checks when hiring diesel truck fleets subject to the Truck and Bus Regulation and other CARB in-use fleet rules. Extending this requirement to other fleet rules keeps the process the same for the hiring entity and is an effective way to ensure compliance and achieve emission reductions. No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

e) Hiring Compliant Fleets—Request Clarification

1562. Comment: Commenter states that the Hiring Compliant Fleets provisions only required agencies to verify compliance and make certain disclosures, and did not require hired vehicles to be included in public agency fleets. (Tim Carmichael – OCP)

Agency Response: No changes were made in response to these comments. The commenter is correct. Second 15-Day Changes were made to section 2049, to clarify that only State or a local government agency would need to verify compliance with the ACF regulation, provide a disclosure statement, and keep records.

4. Vehicles Under Contract

a) Vehicles Under Contract—Request for More Changes to Exemptions and Extensions

1563. Comment: Commenter is concerned that the current regulatory framework—a mandatory purchase requirement for public agencies alone, without usable exemptions—does not adequately respond to a ZEV market that has pulled back on development. (Nicole Looney – 15d2)

1564. Comment: Commenter states that an SLG could designate a contracted exempted Backup Vehicle under the ZEV Milestone Option, which could have significant implications on another entity's vehicle. (Eric Grubb – 15d2)

- 1565. Comment:** Commenter states that the Daily Usage Exemption should be amended to account for the fact that past mileage and fueling records may not be available to SLGs until after the vehicles have already been contracted and operated. (Eric Grubb – 15d2)
- 1566. Comment:** Commenter states that the adequacy of the Fleet Resiliency Exemption needs to be reassessed given the new requirements because contracted vehicles will alter the composition of an SLG's fleet. (Eric Grubb – 15d2)
- 1567. Comment:** Commenter states that CARB should include provisions in the ZEV Purchase Exemption to cover situations where ZEVs are not available for contract, such as when an SLG does not receive any responsive bids. (Eric Grubb – 15d2)
- 1568. Comment:** Commenter requests that proposed amendment to exclude incidental, subcontracted, emergency, short-term, and on-call vehicle use from public agency compliance obligations and clarify that vehicles used incidentally under broader service contracts, including those operated by subcontractors or lower-tier contractors and vehicles not selected, dispatched, fueled, charged, maintained, replaced, or controlled by the public agency, are not part of the public agency's fleet for ACF compliance purposes. (Joe Sturges – 15d2)
- 1569. Comment:** Commenter states that many of the fundamental concerns the cities and public agencies have raised remain unresolved, including operational flexibility, and the availability of workable compliance pathways for essential public service fleets. (Noelle Mattock – 15d2)
- 1570. Comment:** Commenter states that CARB should focus on working collaboratively with local governments and service providers to identify realistic pathways toward fleet transition that account for the operational realities, infrastructure constraints, and regional differences, as this planning-based approach would better support emissions reductions while preserving essential public services without unintended burdens on the communities that rely on them. (Gebriel Saleh – 15d2)
- 1571. Comment:** Commenter states that if a State and Local Government fleet designates a contractor's vehicle as a backup vehicle, the fleet would be making compliance decisions that may have significant implications for another entity's vehicle. (Andrea Villarin – 15d2)
- 1572. Comment:** Commenter states that the ZEV Purchase Exemption was intended for actual vehicle purchases, and not contracted vehicles added to the fleet, and requests provisions for situations where an agency receives no responsive bids and ZEVs are not available to satisfy contract requirements. (Andrea Villarin – 15d2)
- 1573. Comment:** Commenter states that the Daily Usage Exemption requires past mileage and fueling records that State and Local Government fleets likely will not have until vehicles have already been contracted and operated, and requests clarification on how the exemption process would be updated for contracted fleets. (Andrea Villarin – 15d2)
- 1574. Comment:** Commenter states that adding contracted vehicles to a State and Local Government fleet will alter the composition of the fleet and require reassessment of the Fleet Resiliency Exemption process. (Andrea Villarin – 15d2)
- 1575. Comment:** Commenter states that some exemptions appear designed for vehicles the fleet owner is purchasing or placing into service, not for contractor-owned vehicles that a public agency neither owns or controls. (Rangarajan Sampath – 15d2)
- 1576. Comment:** Commenter states that the proposed text leaves unanswered how exemptions would work for vehicles no one can apply for, because Teichert is not a regulated entity and the agency neither owns nor operates the vehicles and lacks the operational knowledge to support an exemption application. (Nicholas Armstrong – 15d2)
- 1577. Comment:** Commenter requests that CARB provide an automatic or streamlined exemption for contracted specialty vehicles and heavy-duty vehicles where ZEVs are not capable of meeting the required duty cycle. (Rangarajan Sampath – 15d2)
- 1578. Comment:** Commenter asks how a public agency can apply for exemptions on behalf of a contracted fleet operator when the public agency does not own the vehicle or operate the

facility where the contracted vehicle is located. Commenter asks whether an exemption request for a contractor by one public agency carries over to that contractor's other contracts with different public agencies. Commenter asks how a public agency would apply for an exemption a year in advance for a contract that lasts less than one year. (Tim Carmichael – OCP)

- 1579. Comment:** Commenter requests that CARB make clear that construction fleets and construction contracts are exempt from the regulation because public agencies hire construction companies for price and experience to build projects, not for their fleets. Commenter states that construction projects are transitory and temporary, are not long term, and do not fit the compliance options available in the regulation. (Michael Lewis – 15d2)

Agency Response: No changes were made in response to these comments. The ACF regulation is structured to ensure the regulatory burden is placed on the SLG agencies, who are responsible to determine a compliance strategy to achieve the ZEV phase-in requirements. In other words, SLG agencies can plan which vehicles need to be ZEVs depending on how they use flexibility based on the compliance method selected and the exemptions applied. It is noted that the exemption eligibility is the same for owned, rented or leased for a year or more, or contracted vehicles and SLG agencies are responsible for collecting relevant information as needed to qualify for the exemption. How a State or local government agency complies with the ACF requirements is at their discretion; they can choose what vehicle (owned, operated, rented or leased for a year or more, or contracted for) to add to their fleet as a ZEV. No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

b) Vehicles Under Contract—Changes Expand Scope of Vehicles Subject to the SLG Requirement

- 1580. Comment:** Commenter states they are concerned about the treatment of contracts regardless of length. (Eric Grubb – 15d2)
- 1581. Comment:** Commenter states they are deeply concerned with the proposed requirement that contracted vehicles will be treated as part of a public agency's fleet for compliance purposes. (Erin Sasse – 15d2)
- 1582. Comment:** Commenter requests that in order to prevent threats to emergency response, critical infrastructure, and public health, the proposed expansion of local government's responsibility over contractor fleets should be withdrawn. (Scott McClelland– 15d2)
- 1583. Comment:** Commenter states that CARB should avoid sweeping ordinary vendor traffic into a public agency's fleet and should preserve a distinction between truly dedicated contract fleet operations and incidental contractor or vendor vehicle activity. (Austin Avery – 15d2)
- 1584. Comment:** Commenter states that the second 15-day package includes significant scope changes that warrant revisiting exemption and extension processes and possibly incorporating additional flexibilities for contracted vehicles. (Andrea Villarin – 15d2)
- 1585. Comment:** Commenter requests that CARB clearly confirm that ACF compliance obligations will not be imposed through contractual or procurement-based mechanisms. (Ryan Kenny – 15d2)
- 1586. Comment:** Commenter requests that CARB repeal the amended text related to vehicles operated under contract and the associated compliance requirements assigned through that designation, and instead requests that CARB reissue and approve the 15-day changes originally proposed in April 2026. Commenter states that reconsidering the proposed amendments is essential to refining a sustainable and practical framework that achieves shared environmental goals without compromising operational feasibility (Joe Mouawad – 15d2)

- 1587. Comment:** Commenter states that ACF waiver should not impose an undue burden on private fleets through the utilization of public agency contracts. (Kirk Sander – 15d2)
- 1588. Comment:** Comment states that adding language related to contracted fleets in this most recent batch of 15-day changes only works to make the ACF more unworkable. Commenter requests that CARB refrain from tightening oversight in the absence of discourse during this most recent round of 15-day changes. (Damon Wyckoff – 15d2)
- 1589. Comment:** Commenter requests that if CARB does not exclude the second 15-day language, then CARB should revise the proposed regulatory order to remove provisions that expand applicability to contracted fleets and impose obligations on hiring entities (Katie Vassali – 15d2)
- 1590. Comment:** Commenter requests that CARB revise the proposed text to include contracted vehicles to make clear that privately owned and operated fleets performing services under contract with public agencies are not subject to ACF compliance obligations, either directly or indirectly through the contracting public agency. (Veronica Pardo – 15d2)
- 1591. Comment:** Commenter requests that CARB clearly state that the proposed second 15-day changes is an expansion of how ACF requirements will be applied in practice. (Suzanne Seivright-Sutherland – 15d2)
- 1592. Comment:** Commenter states they have not seen analysis demonstrating the practical impacts of the second 15-day changes on construction materials fleets, public procurement practices, or project delivery. (Suzanne Seivright-Sutherland – 15d2)
- 1593. Comment:** Commenter states that CARB’s First 15-Day Changes were contrary to the Board’s direction to ensure the regulation has no adverse impact on essential public services and significantly expanded the regulation beyond the scope of the 45-day notice. (Tim Carmichael – OCP)
- 1594. Comment:** Commenter states that Resolution 25-9 did not direct CARB to expand ACF applicability to contracted fleets. (Tim Carmichael - OCP)
- 1595. Comment:** Commenter states that there was no Board discussion of expanding ACF applicability to contracted fleets and that the Board transcript does not contain discussion of contracting for services by the Board or staff. (Tim Carmichael - OCP)
- 1596. Comment:** Commenter states that the state and local government fleet provisions should not extend the Proposed Amendments to private fleets contracting with governmental entities. (John Kinsey – 15d2)
- 1597. Comment:** Commenter states that the scope of this contracted fleet proposed language could be applied to any and all private entities that state and local government contract with. Commenter states that if this expansion is not the intended purpose of the proposed language then the revised applicability is unclear. (Brittney Barsotti – 15d2)
- 1598. Comment:** Commenter states that per CARB’s statement in the 45-Day ISOR that the proposed SLG amendments would result in “no substantive changes to the way in which regulated SLG entities operate” is now inapposite, with the new proposal to incorporate contracted fleet into SLG fleet compliance determinations. Commenter states that CARB’s observation that, under the SLG provisions, a “dramatically lower number of affected vehicles [would be] required to be replaced with ZEVs” as compared to the now-defunct high priority and federal fleet provisions, is now inapposite, with the new proposal to incorporate contracted fleet into SLG fleet compliance determinations. (Christine Wolfe – 15d2)
- 1599. Comment:** Commenter states that a 15-day review process is not intended to introduce significant new regulatory concepts that materially expand the scope of regulated entities. (Justin Caporusso – 15d2)
- 1600. Comment:** Commenter states that the second 15-day amendments propose a major expansion of ACF’s scope without adequate time for public review and feedback. (Nicole Looney – 15d2)

- 1601. Comment:** Commenter states that the proposed amendments introduce a substantive expansion of regulatory scope by redefining “Fleet Owner” to include vehicles operated under contract for public agencies and shifting responsibility onto agencies for fleets they do not own or directly control. Commenter states the proposed regulation is not workable within existing operational frameworks, especially in the context of emergency response. (Amanda Roa – 15d2)
- 1602. Comment:** Commenter states that the Second 15-Day Rulemaking Package raises many questions, lacks clarity and substantially expands the scope of the original proposed rule. (James Lee – 15d2)
- 1603. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of state and local government fleets exponentially increase the vehicles included in the rule compared to the original rule. (James Lee – 15d2)
- 1604. Comment:** Commenter states that there is a severe expansion of the applicability of the rule by including contracted vehicles as part of state and local government fleets. (James Lee – 15d2)
- 1605. Comment:** Commenter states public agencies should not be placed in the position of enforcing or securing commitments from private companies to achieve compliance with ACF requirements, and any obligations on private-sector entities should be established directly through the regulatory framework applicable to those entities, rather than requirements imposed on public agencies. (Eric Grubb – 15d2)
- 1606. Comment:** Commenter states the current proposal appears to expand the scope of the State and Local Government (SLG) Fleet provisions beyond what was reflected in the original rulemaking record. The Initial Statement of Reasons indicated that private fleets were not subject to the proposed SLG amendments. The revised language, however, would require public agencies to include vehicles operated by private contractors in their compliance determinations. (Kirk Sander – 15d2)
- 1607. Comment:** Commenter states the 2nd Notice of Public Availability of Modified Text & Availability of Additional Documents changes introduce significant uncertainty by expanding the scope of the SLG Fleet provisions without adequate analysis or clarity. (Kirk Sander – 15d2)
- 1608. Comment:** Comment states that this proposed change also runs counter to the original intent of AB 1594, which was to create greater flexibility for public agencies. (Damon Wyckoff – 15d2)
- 1609. Comment:** Commenter states the second 15-day amendments propose a major expansion of ACF’s scope and CARB should not require public agencies to add private contractors’ vehicles to public agency fleets for ACF compliance. (Nicole Looney – 15d2)
- 1610. Comment:** Commenter states that the proposed expansion of public agency fleets to include contractor-owned and contractor-operated vehicles lacks sufficient clarity or detail to be implementable. (Nicole Looney – 15d2)
- 1611. Comment:** Commenter states that CARB’s new interpretation would make both private fleet owners and public agencies responsible for the private fleet owner’s ZEV purchases and fleet composition decisions, even though those decisions are controlled by the private fleet owner. (Nicole Looney – 15d2)
- 1612. Comment:** Commenter states that the original State and Local Government regulation applied only to vehicles owned, leased, or operated by a public agency, and that CARB did not state in the original regulatory text or related rulemaking documents that fleets operated by third parties under service contracts with public agencies were subject to ACF requirements applicable to those agencies. (Christine Wolfe – 15d2)
- 1613. Comment:** Commenter states that it is disingenuous for CARB to state that the incorporation of third-party vehicles operated under service contracts with SLG agencies was part of the “intent and necessarily implicit meaning of the original regulation,” since this

is belied by the structure of the SLG regulation itself—which applies, as originally adopted, solely to vehicles “own[ed], lease[d], or operate[d]” by an SLG agency and nowhere in the original regulatory text and related rulemaking documents did CARB ever state that fleets operated by a third party under a service contract with a SLG agency were subject to ACF requirements applicable to such agencies. (Christine Wolfe – 15d2)

- 1614. Comment:** Commenter states that it is clear that the ACF SLG provisions in their current form (as originally adopted by CARB) are intended to apply only to vehicles owned or leased by a government agency, which makes logical sense because the ACF requirements amount to a mandate that, practically speaking, must be implemented through the purchasing or leasing decisions of the entity best able to control the composition of its fleet. (Christine Wolfe – 15d2)
- 1615. Comment:** Commenter states the second 15-day language heightens uncertainty regarding how the ACF regulations may apply to contracted fleets and hired vehicle operations. The proposal extends compliance implications beyond vehicles owned, leased, rented, or directly operated by a public agency to include vehicles used by contractors providing services to that agency, increasing uncertainty regarding how the ACF regulation applies to contracted fleets and hired vehicle operations. (Joe Sturges – 15d2)
- 1616. Comment:** Commenter states that public agencies are not the owners or operators of contractor fleets and therefore should not be treated as the owners of, or compliance guarantors for, contractor-owned and contractor-operated vehicles that are outside the agency’s ownership, procurement control, fleet management, fueling decisions, charging infrastructure, and vehicle replacement authority. (Joe Sturges – 15d2)
- 1617. Comment:** Commenter states that there was no discussion of impacts in the original rulemaking materials, Initial Statement of Reasons, or final regulatory package for including these vehicles. (Suzanne Seivright-Sutherland – 15d2)
- 1618. Comment:** Commenter states that it is unclear whether CARB is establishing new substantive compliance obligations through interpretation rather than clarification. Commenter states that if vehicles operated by contractors, franchisees, consultants, and other third-party service providers have historically been considered part of a public agency fleet, that interpretation was not clearly reflected in the regulatory text, supporting rulemaking documents, or stakeholder discussions leading to these amendments. (Noelle Mattock – 15d2)
- 1619. Comment:** Commenter states that the proposed amendments are unclear and inconsistent regulation that are contrary to the intent of the original State and Local Government Agency Fleets regulation. (David Rothbart – 15d2)
- 1620. Comment:** Commenter states that the latest 15-day changes would significantly complicate ACF compliance for public fleets and make the regulation more difficult for CARB to administer because the changes would apply ACF to all contract agreements regardless of length. (Nick Blair – 15d2)
- 1621. Comment:** Commenter states the second 15-day changes is not a clarification, it is a substantive expansion of the SLG fleet provisions and is inconsistent with the original ACF regulatory text, CARB’s Initial Statement of Reasons (ISOR), the repeal of the High Priority Fleets requirements, and the stated purpose of the current rulemaking. (Veronica Pardo – 15d2)
- 1622. Comment:** Commenter states that CARB’s original ISOR and Economic Impact Analysis stated “There are no private fleets subject to the Proposed SLG Amendments,” and that this was the basis upon which CARB evaluated the costs, impacts, and alternatives associated with the proposed SLG amendments. Commenter states the current 15-day changes to include contracted vehicles are inconsistent with that record. (Veronica Pardo – 15d2)
- 1623. Comment:** Commenter states that the Second 15-Day Changes would effectively restore a portion of the repealed private fleet obligations by requiring local governments to count and

manage privately owned contractor vehicles as part of their own fleets, which is inconsistent with the purpose of the repeal. (Veronica Pardo – 15d2)

- 1624. Comment:** Commenter requests that CARB not adopt the newly proposed amendments. (Acquanetta Warren – 15d2)
- 1625. Comment:** Commenter states that the proposed modifications substantially change and expand the scope of the ACF regulation as applied to public fleets by including rented vehicles and vehicles contracted for operation as part of state and local government fleets. (Acquanetta Warren – 15d2)
- 1626. Comment:** Commenter requests CARB remove the contractor-vehicle provisions from the proposed amendments or revise them to make clear that vehicles under contract are not treated as part of a public agency's fleet for ACF compliance purposes. (Erin Sasse – 15d2)
- 1627. Comment:** Commenter states that CARB's change in policy to include contracted vehicles and vehicles performing contracted services in a public agency's fleet inventory substantively alters the scope of ACF compliance for public agencies. (Rosario Cortés – 15d2)
- 1628. Comment:** The second 15-Day change does not provide enough clarification to ensure that private fleets are not subject to the ACF State and local government regulations. (Clayton Miller – 15d2)
- 1629. Comment:** Commenter states that the proposed amendments considerably broaden the responsibilities of local government agencies concerning private contractor fleets. They depend on contracted fleets for emergency activities such as the delivery of portable generators, as well as construction activities, all of which are vehicles typically owned (or leased) and operated by private contractors who run their own business. By extending ACF compliance obligations to contractors hired by local government agencies, the proposal indirectly holds the government agency accountable for private contractual fleet composition and compliance deadlines beyond its direct control. Commenter request that CARB should withdraw the expansion of local government responsibility over private contractor fleets. (Amy Reeh – 15d2)
- 1630. Comment:** Commenter states the proposed amendments significantly expand local government's compliance obligations to third-party operators and private contractors performing public functions will now be treated as if they were part of the agency's fleet. (David Rothbart – 15d2)
- 1631. Comment:** Commenter states that treating contractor-operated vehicles as part of public agency fleets in the proposed amendments materially expands the scope of regulated entities and obligations and goes beyond simply clarifying terms and far beyond previous guidance in the regulation language. (David Rothbart – 15d2)
- 1632. Comment:** Commenter states that the modified text does not clearly express that contracted private construction vehicles and fleets performing public works projects for public agencies are not intended to be subject to ACF regulatory compliance requirements. Commenter states that the Second 15-Day Changes do not provide enough clarification to ensure private fleets are not subject to the ACF State and Local Government regulations. (Clayton Miller – 15d2)
- 1633. Comment:** Commenter states that the proposed amendments significantly expand the scope of the ACF regulation by applying the regulation to private fleets simply because they contract with state and local governments. (Brittney Barsotti – 15d2)
- 1634. Comment:** Commenter states they have significant concerns as the proposed amendments expands the parameters of the regulation by applying ACF fleet compliance requirements to contractor-owned and contractor-operated vehicles performing work on behalf of public agencies. Commenter states that under the proposed modifications, there is a concern that private agencies would effectively transfer ACF compliance responsibility to public agencies

for vehicles and fleet decisions that remain under the control of independent third parties.
(Jason Martin – 15d2)

- 1635. Comment:** Commenter states that despite repeated warnings from cities, counties, special districts, utilities, and emergency service providers, CARB continues to advance a framework that places regulatory compliance ahead of operational readiness during disasters and public emergencies, including during public safety power shutoffs when electric vehicles may not be able to charge. (Brittney Barsotti – 15d2)
- 1636. Comment:** Commenter states their concerns regarding the interpretation of the Second 15-Day Changes to the Advanced Clean Fleets regulation. (Carol Mohoney – 15d2)
- 1637. Comment:** Commenter states that the amendments to include contracted vehicles could effectively compel private contractors to comply with ACF requirements as a condition of maintaining business relationships with public agencies, therefore representing a substantial expansion of the rule's reach. (Alyson Piguee – 15d2)
- 1638. Comment:** Commenter states that the proposed amendments significantly expand the reach of the ACF regulation. Commenter states that many stakeholders understood the regulation to apply to fleets owned and operated by governmental entities, not to independently owned and operated private fleets providing services to those entities. (Damon Conklin – 15d2)
- 1639. Comment:** Commenter states the changes to include contracted vehicles significantly expands the compliance universe for public agencies as they routinely utilize contractors with whom the contracts involve temporary assignments, intermittent service calls, and rapidly changing fleet compositions. (Alyson Piguee – 15d2)
- 1640. Comment:** Commenter states that the amendments to include contracted vehicles are an extraordinary regulatory overreach exceeding the intent and scope of the ACF regulation inconsistent with CARB's January 2025 decision to withdraw its waiver request and abandon enforcement of the High-Priority Fleet requirements for private fleets. (Alyson Piguee – 15d2)
- 1641. Comment:** Commenter states that the proposed amendment would significantly expand the scope of the regulation beyond vehicles owned or leased by public agencies. (Chris Robbins – 15d2)
- 1642. Comment:** Commenter states that the amendments to include contracted vehicles appear to extend ACF compliance obligations beyond public agencies and into the private fleets that conduct business with them despite privately owned fleets not being currently subject to the ACF high-priority fleets requirement. (Alyson Piguee – 15d2)
- 1643. Comment:** Commenter states the proposed second 15-day amendment would expand ACF reporting obligations to include contractor-operated fleets providing services to public agencies. (Daniel Hernandez – 15d2)
- 1644. Comment:** Commenter states that the changes to include contracted vehicles significantly broadens the scope of the ACF regulation beyond public fleets and into the operations of private contractors providing services on behalf of public agencies – beyond the original intended scope of the first 15-day changes. (Gebriel Saleh – 15d2)
- 1645. Comment:** Commenter states that the Second 15-Day Modifications overhaul key definitions in the regulation and provide a sweeping expansion to the scope of entities regulated by the state and local government fleet provisions. (John Kinsey – 15d2)
- 1646. Comment:** Commenter states that the proposed amendments would significantly expand the practical reach of the ACF regulation as applied to contracted fleets. (Hilary Hobbs – 15d2)
- 1647. Comment:** Commenter states that by including vehicles operated under contracts, and contracted services utilizing vehicles, CARB has introduced a substantial policy change that reaches far beyond the direct ownership and operation of public agency fleets, with the revised definition of "fleet owner" and related provisions that would extend compliance

obligations to vehicles associated with contracted services and entities performing work on behalf of public agencies, including contractors, vendors, consultants, construction firms, emergency service providers, and other entities that support essential public services. Commenter states that these entities were not previously understood to be directly regulated by these provisions and they now face potentially substantial compliance obligations and business impacts. Commenter states that the practical effect of the second 15-day changes is to hold public agencies responsible for the compliance status of vehicles over which they have little or no operational control. Commenter states that public agencies should not be placed in the position of assuming liability for vehicles they do not own, operate, or control. Commenter requests, given both the unresolved concerns identified in the previous comment period and the significant new issues introduced through the second 15-day amendments, the language not include "contracting vehicles or services using vehicles," as per the first version of 15-day amendments. (Anthony Firenzi – 15d2)

- 1648. Comment:** Commenter states that the amended text regarding "Fleet Applicability," the definition of "Fleet Owner" and other text changes related to service contracts expands local government's compliance obligations by treating private contractors performing public functions as part of the public agency's fleet, which presents a substantial shift in the regulatory framework that has the potential for significant impacts to public agencies and the services they provide. (Joe Mouawad – 15d2)
- 1649. Comment:** Commenter states that the second 15-day proposed amendments substantially expand the scope of ACF applicability to public fleets beyond the originally adopted rule. Commenter states that the revisions to Section 2013(a)(1) and Section 2013(b) is a severe expansion of the applicability of the rule. Commenter states that the amended definitions of "fleet" and "fleet owner" in Section 2013(b) and the description provided in the accompanying guidance documents creating ambiguity and inconsistency between the regulatory text and guidance documents. (Carmen Zambrano – 15d2)
- 1650. Comment:** Commenter states that the change to the "Fleet Owner" definition will dramatically affect how public agencies and local governments procure services, structure contracts, manage franchise arrangements, and deliver essential public services. Commenter states that while regulatory agencies have been cautioned to not fundamentally alter who must comply with a regulation or how compliance is enforced through 15-day changes, in this case, the expanded definition resulted in an additional and unbounded level of uncertainty regarding compliance since the regulation does not clarify to what extent "contracts for the operation of vehicles" is considered. (Curtis Paxton – 15d2)
- 1651. Comment:** Commenter states that the proposed 15-day changes appear to require local fleets to enforce the ACF on private fleets. Commenter states they are highly concerned with the unintended and unanticipated impacts that the rule has on third-party contractors that are vendors that perform services but do not provide fleet vehicles for utility operations. (Jason Maruca – 15d2)
- 1652. Comment:** Commenter states that the proposed second 15-day amendments would significantly expand the ACF Regulation and require cities to ensure that private contractors providing services on behalf of local governments comply with the requirements. (Consuelo Hernandez – 15d2)
- 1653. Comment:** Commenter states that the proposed expansion of the "Fleet Owner" definition would extend ACF outward to private-sector entities operating or contracting with public fleets. (Nick Blair – 15d2)
- 1654. Comment:** Commenter states that including contracted vehicles substantially changes the scope of application of the ACF regulation to public fleets. Commenter states that the Second 15-day proposed changes, notably the inclusion of contracted and rented fleets, lack clarity, create many issues for compliance due to ambiguity, and they expand the ACF requirements beyond the initial ACF rule. (Cesar Rangel – 15d2)

- 1655. Comment:** Commenter states that adding hired or contracted vehicles to State and Local Government fleets was not an existing requirement or the intent of the amendments to the ACF State and Local Government language. (Andrea Villarin – 15d2)
- 1656. Comment:** Commenter states that the new requirements are a drastic change from the original regulation, which required State and Local Government fleets to provide a disclosure when hiring a compliant fleet and only hire compliant fleets subject to ACF, rather than requiring State and Local Government fleets to report contracted vehicles as part of their own fleet. (Andrea Villarin – 15d2)
- 1657. Comment:** Commenter states that by including all vehicles contracted for one year or longer in a public agency's ACF inventory, CARB greatly expands the stakeholder group impacted by the regulation. (Sara Tom – 15d2)
- 1658. Comment:** Commenter states that expanding the "Fleet Owner" definition to include entities that contract for the operation of vehicles places public agencies in the position of enforcing ACF requirements on CARB's behalf against entities they contract with to perform public services for one year or more, even though public agencies have limited or no control or authority over contracted fleet vehicles. (Sara Tom – 15d2)
- 1659. Comment:** Commenter states that they disagree with CARB's statement in the second 15-day notice that the new language is intended to "make explicit" an existing requirement that vehicles operated through contractual arrangements are part of a state and local government agency's fleet for purposes of ACF compliance. Commenter states that the Initial Statement of Reasons ("ISOR") dated August 1, 2025, expressly stated private fleets were not subject to the State and Local Government Regulations and that they have made business decisions in the past year based on CARB's explicit prior guidance. (Julia Mangin – 15d2)
- 1660. Comment:** Commenter states that the proposed second 15-day modifications have done little to provide clarity about which private fleets are covered by the regulation. Commenter states that guidance provided by CARB is conflicting in stating private fleets are not subject to the State and Local Government ACF regulation yet then providing a compliance example for contracted vehicles, which indicates private fleets are intended to be subject to the regulation. (Michael Lewis – 15d2)
- 1661. Comment:** Commenter states that CARB's second 15-Day changes now include contracted vehicles and those performing contracted services in a public agency's fleet inventory, along with related compliance duties, and that the expanded "Fleet Owner" definition likely includes private fleets engaged in contracted work. Commenter states that the definition of fleet owner has been expanded to cover any person or entity that owns, rents, leases, or operates vehicles, including those that contract with public agency, which likely includes all private fleets engaged in contracted work. (Jennifer Harrington – 15d2)
- 1662. Comment:** Commenter states that private contracted fleets were not included in the adopted and amended regulation, that the Board did not intend for them to be included, and that the Second 15-Day Notice attempts to create an indirect procurement mandate by treating contracted vehicles as part of state and local government fleets. Commenter states that the Second 15-Day modifications introduce substantial new requirements affecting contracted service providers and state and local government entities acting as hiring agencies. (Ryan Kenny – 15d2)
- 1663. Comment:** Commenter states that if contracted fleets were originally intended to be included, the removal of private fleet obligations undid that requirement. (Ryan Kenny – 15d2)
- 1664. Comment:** Commenter states they are concerned the proposed amendments would significantly expand the scope of the regulation beyond vehicles owned or leased by public agencies. Commenter also states that the proposed language appears to place public agencies in an untenable position by requiring private contractors to utilize zero-emission

vehicles as a condition of providing services to the agency, and by requiring private contractors to account for privately owned and operated internal combustion engine vehicles within the agency's fleet compliance obligations and offset those vehicles through additional public agency fleet conversions. (Kyle Swanson – 15d2)

- 1665. Comment:** Commenter states that CARB's assertion that the proposed amendments merely clarify existing requirements is undermined by concerns raised by numerous municipalities that expanding ACF to private companies performing services under contract, franchise, or similar agreements with public agencies represents a significant departure and expansion of the regulation's intended reach. Commenter states that if a broad array of stakeholders, including local governments, utilities, and regulated entities, interpreted the regulation differently, the issue is not ambiguity. Commenter states that the proposed amendments therefore function as a substantive expansion of the regulation, not a mere clarification of existing requirements. (Paolo Beltran – 15d2)
- 1666. Comment:** Commenter states that the proposed amendments significantly expand the responsibilities of local governments by requiring municipalities to oversee and administer compliance activities for private contracted fleets. (Hannah Abdoo – 15d2)
- 1667. Comment:** Commenter states that the proposed amendments place municipalities in the role of de facto regulators of private fleets. Commenter states that municipalities are not the appropriate enforcement or compliance entity for private-sector fleets. (Hannah Abdoo – 15d2)
- 1668. Comment:** Commenter states they are deeply concerned with the newly introduced interpretation of contracted vehicles and the significant operational and administrative challenges it creates for public agencies. (Eva Plajzer – 15d2)
- 1669. Comment:** Commenter states that CARB's change in policy to include contracted vehicles and vehicles performing contracted services in a public agency's fleet inventory (and related compliance obligations) substantively alters how compliance is determined, implemented, and enforced. Commenter states that CARB has not evaluated the feasibility of compliance with the substantive change in the definition of "Fleet Owner" in the proposed amendments. (Sarah Deslauriers – 15d2)
- 1670. Comment:** Commenter states that CARB is attempting to expand regulatory applicability to achieve emissions reductions from private vehicles it cannot regulate directly under ACF. (Christine Wolfe – 15d2)
- 1671. Comment:** Commenter states that the First and Second 15-Day Notices are not technical refinements and do not represent the direction provided by the Board at the September 2025 Board meeting, but instead fundamentally restructure the ACF regulatory framework at the final stage of rulemaking. (Ryan Kenny – 15d2)
- 1672. Comment:** Commenter states that the proposed amendments are inconsistent with CARB's Resolution 25-9, where CARB repealed the Drayage, and High Priority and Federal Fleet requirements and stated doing so "provides certainty" to private entities "that they do not need to demonstrate compliance." Commenter states that CARB's recent guidance that private fleets are not directly subject to the ACF regulations, is inconsistent with the inclusion of contracted vehicles in government fleets effectively requires compliance by private solid waste collection companies whose services are performed pursuant to long-term franchise agreements with local governments. Commenter states that this is a fundamental shift in the regulatory framework impermissibly introduced at the final stage of rulemaking and contrary to previous direction from CARB. (Julia Mangin – 15d2)
- 1673. Comment:** Commenter states that Regulatory language to include contracted fleets within SLG agency fleet compliance obligations was newly proposed by CARB with the issuance of the Second 15-Day Notice and the Proposal and the recent amendments differ significantly from the proposed regulations issued with the original 45-Day Notice, which concerned only amendments to the SLG fleet provisions to implement AB 1594. (Christine Wolfe – 15d2)

- 1674. Comment:** Commenter states that CARB’s proffered justification for the amendments—that are merely issued to “make explicit” an “existing requirement” for private contracted fleets to be included in the SLG agency fleet for ACF compliance purposes—is pretextual and belies the significant change in regulatory scope that CARB proposes. Commenter states that the amendments are not a clarification of existing State and Local Government requirements because they newly and significantly expand the scope of the regulation. (Christine Wolfe – 15d2)
- 1675. Comment:** Commenter states that CARB’s assertion that the proposed amendments merely clarify existing requirements is difficult to reconcile with the significant and widespread disagreement expressed during this proceeding. Commenter states the issue is not ambiguity but that it demonstrates that CARB’s current interpretation was neither clearly expressed nor reasonably understood to be part of the original regulatory framework. Commenter states that the proposed amendments therefore function as a substantive expansion of the regulation, not a mere clarification of existing requirements. (Damon Conklin – 15d2)
- 1676. Comment:** Commenter states that they have procedural concerns regarding the second 15-Day modifications because neither the original proposal nor the First 15-Day Modifications identified contracted services, franchise arrangements, consultants, vendors, or other third-party service providers as part of a public agency fleet for compliance purposes. (Noelle Mattock – 15d2)
- 1677. Comment:** Commenter states that while CARB’s Executive Officer and staff have repeatedly stated that the changes would simply provide clarification of terms, staff greatly expanded the stakeholder group impacted by the regulation by altering the definition of “Fleet Owner.” Commenter states that this substantive change reaches far beyond a simple clarification. (Curtis Paxton – 15d2)
- 1678. Comment:** Commenter requests that CARB provide a full public review period for any amendment that materially expands the scope of regulated vehicles or regulated entities. (Chris Robbins – 15d2)
- 1679. Comment:** Commenter states that the second set of 15-day changes added more stringent requirements for contracted vehicles that are beyond the scope of AB 1594, Board Resolution 25-9, and the original requirements of the ACF regulation for State and Local Government fleets. (Andrea Villarin – 15d2)
- 1680. Comment:** Commenter states that expanding the scope of the regulation beyond vehicles owned or leased by public agencies will create substantial legal challenges for local agencies providing essential public services. (Chris Robbins – 15d2)
- 1681. Comment:** Commenter states local agencies do not control, direct, or moderate the internal procurement processes utilized by contractors in the performance of their work. Commenter states that under California law and the Public Contract Code, contractors are independently responsible for determining means, methods, techniques, sequences, procedures, and management practices necessary to complete the contracted services, provided that the work complies with the contract documents and applicable legal requirements. (David Renschler – 15d2)
- 1682. Comment:** Commenter states that the revised “fleet owner” definition and related provisions extend compliance obligations to vehicles associated with contracted services and entities performing work on behalf of public agencies, including by adding language for vehicles a public agency rents, operates, or contracts for the operation of. Commenter states that adding “operates” and “contracts for the operation of” creates new bases for fleet owner status that did not exist in prior versions of the regulation, including the 45-day changes approved by the Board in September 2025. (Justin Caporusso – 15d2)
- 1683. Comment:** Commenter states that including vehicles operated under contracts, and potentially services utilizing vehicles, extends regulatory obligations of water agencies to

contractors, vendors, consultants, construction firms, emergency service providers, and other entities that support essential public services. (Justin Caporusso – 15d2)

- 1684. Comment:** Commenter states that the new administrative burdens and compliance obligations associated with contracted vehicles have not been adequately analyzed and represent a significant departure from the original scope of the regulation. (Justin Caporusso – 15d2)
- 1685. Comment:** Commenter states that including contracted vehicles and services utilizing vehicles significantly expands regulatory scope and affects an entirely new class of stakeholders, including contractors, vendors, service providers, equipment operators, and construction firms that were not previously understood to be directly regulated. (Justin Caporusso – 15d2)
- 1686. Comment:** Commenter states that the current regulatory text did not explicitly include all contracted fleets and that there is a clear distinction between the regulatory provisions impacting vehicle rentals/leases and the new provisions for contracted vehicles. It is common practice in the industry to engage in long term lease contracts of more than one year during which the fleets may have full control over the vehicle. Commenter states that the current regulatory text limits the procurement requirement to rented or leased vehicles that a public agency has “full control over” and the rental or leasing entity does not have “operational control over vehicles.” Conversely, the proposed addition of “contracted vehicles” fails to address important considerations regarding the public agency’s ability to control the contracted vehicles. (Derek Dolfie – 15d2)
- 1687. Comment:** Commenter states the extent of the changes, especially given the vague and ambiguous nature of the proposed text, exceeds the scope of the fleets previously subject to the ACF procurement requirements. The previous versions of the ACF (both those adopted in 2022 and the 45 and First 15-day version of the 2025 regulation) limit the word “contract” to vehicle purchase agreements or rental/lease agreements. Commenter states the proposed amendments will require public agency fleets to take on a new compliance obligation for contracted vehicles which introduces a new concept that was not previously addressed during the 2023 rulemaking or the 2025 rulemaking to date. (Derek Dolfie – 15d2)
- 1688. Comment:** Commenter states the proposed amendments will result in a marked expansion of the number of vehicles and fleets captured by the ACF. (Derek Dolfie – 15d2)
- 1689. Comment:** Commenter states that unlike the Innovative Clean Transit (ICT) regulation which limits the type of contracts subject to the ICT to the operation of buses, the Second 15-day changes for ACF include no such narrowing in scope. (Derek Dolfie – 15d2)
- 1690. Comment:** Commenter states while CARB’s April 2, 2026, First 15-day Rulemaking Package added flexibility for SLG fleets, it raised questions regarding how contracted private vehicles would be treated and whether SLGs would be responsible for vehicles owned and operated by private contractors providing services such as street sweeping, maintenance, or waste hauling. Commenter states while they appreciate CARB’s intent to clarify the aforementioned questions in the Second 15-Day Rulemaking Package, CARB seemed to expand the proposed rule by broadening its applicability to contracted private fleets, which raises additional questions and increased ambiguity. (Roxana Ramirez – 15d2)
- 1691. Comment:** Commenter states that the second 15-day rulemaking package substantially expands the scope of the ACF regulation by amending the fleet and fleet owner definitions to include rented vehicles and vehicles operated through contractual arrangements as part of a state or local government entity’s fleet for purposes of the regulation. (David Lawrence – 15d2)
- 1692. Comment:** Commenter states that the second 15-day rulemaking package substantially expands the scope of the original proposed rule. (David Lawrence – 15d2)

- 1693. Comment:** Commenter states that if CARB did not intend the proposed amendments to capture vehicles never contemplated by the original rule, the rule should make that clear. (David Lawrence – 15d2)
- 1694. Comment:** Commenter states that the substantive change in the definition of “Fleet Owner” in the proposed amendments will result in numerous impacts to public agencies and private entities that have not been evaluated, including how public agencies and local governments procure services, structure contracts, manage franchise arrangements, and deliver essential public services. which will impact the ability of these agencies to protect public health and the environment. (Sarah Deslauriers – 15d2)
- 1695. Comment:** Commenter states that CARB’s Guidance Document states that exemptions and extensions are available, but those exemptions and extensions need to be amended to reflect the proposed changes to the scope of ACF. Commenter states that CARB should revise the Backup Vehicle Exemption, ZEV Purchase Exemption, Daily Usage Exemption, and Fleet Resiliency Exemption to reflect the proposed expansion of ACF to contracted vehicles, as the current exemptions and extensions appear focused on vehicles owned or operated by public fleets and may not work for contracted vehicles controlled by another entity. (Nick Blair – 15d2)
- 1696. Comment:** Commenter states that the Backup Vehicle Exemption, Daily Usage Exemption, Fleet Resiliency Exemption, and ZEV Purchase Exemption should be amended to account for the proposed changes to the scope of the regulation. (Eric Grubb – 15d2)
- 1697. Comment:** Commenter states that the Second 15-Day Changes clearly indicate that CARB proposes to regulate private contractor fleets working for state and local governments. Commenter states that the Second 15-Day Changes expand the scope of the regulation well beyond the original 45-day language and contradict the original 45-day language. Commenter states that the Second 15-Day Changes impose new regulatory requirements on government agencies and do not resolve their concerns regarding contracted fleets. Commenter states that the regulation places requirements on public agencies and their contractors, including large and small contractors and short-term and long-term contractors. (Tim Carmichael – OCP)
- 1698. Comment:** Commenter states that the Second 15-Day Changes regulate private fleets indirectly by affecting how private fleets do business with public agencies and how public agencies do business with private fleets. (Tim Carmichael – OCP)
- 1699. Comment:** Commenter states that the July 29, 2025 Proposed Regulation Order and Staff Report show that CARB staff did not intend to include private fleets because the prior scope language applied to state and local government agencies that own, lease, or operate vehicles, the word “contracted” was not in the Proposed Regulation Order, and the “contracts for operation of” language was only added in the Second 15-Day Changes. (Tim Carmichael – OCP)
- 1700. Comment:** Commenter states the proposal increases compliance risk by making agencies responsible for vendors’ vehicle composition and compliance obligations. (Erin Sasse – 15d2)
- 1701. Comment:** Commenter states that expanding the regulations to apply to contracted fleets causes delayed deliveries based on a report from Caltrans. (Brittney Barsotti – 15d2)
- 1702. Comment:** Commenter states that the proposed amendments introduce new administrative and legal burdens. (Amanda Roa – 15d2)
- 1703. Comment:** Commenter states that expanding compliance obligations to contracted fleets over which the District often has limited or no direct authority creates significant uncertainty and risk for public agencies that rely on contracted services and specialized fleets to perform emergency response, capital project construction, maintenance, and system operations, including a credible risk of service disruption or system failure. (Amanda Roa – 15d2)

- 1704. Comment:** Commenter states that the proposed amendments do not adequately evaluate or account for practical constraints faced by public agencies, including procurement timelines, contractual limitations, cost impacts, substantial cost increases, delayed critical projects, and increased financial burdens on ratepayers. (Amanda Roa – 15d2)
- 1705. Comment:** Commenter states that the ACF mandates on local agencies are creating untenable and unnecessary challenges in complying while maintaining the many critical services Californians rely upon. (Thai Thao – 15d2, Andy Lawler – 15d2, Brett Hodgkiss – 15d2, Jack Bebee – 15d2, Abby Parcon – 15d2, Jodi Holeman – 15d2, Shelly Thomsen – 15d2, Chris Robbins – 15d2, Jon Curry – 15d2)
- 1706. Comment:** Commenter states that compliance under a broad interpretation of the new language to include contracted vehicles as part of state and local government fleets will lead to exponential increases in costs, which will be passed on to their community. (James Lee – 15d2)
- 1707. Comment:** Commenter states the inclusion of contracted vehicles introduces uncertainty the extends beyond California and complicates contract structures, increases financial risk, and may discourage efficient long-term planning. (Kirk Sander – 15d2)
- 1708. Comment:** Commenter states the proposed changes would create significant challenges that directly affect their ability to deliver reliable, essential services, such as the need to renegotiate contracts. (Kirk Sander – 15d2)
- 1709. Comment:** Commenter states the proposed changes would create significant challenges that directly affect their ability to deliver reliable, essential services, such as increased costs for local governments and ratepayers. (Kirk Sander – 15d2)
- 1710. Comment:** Commenter states that they and the rest of the water and wastewater community view the ACF and this current round of 15-day changes from the lens that water/wastewater supply and clean air cannot conflict with one another. (Damon Wyckoff – 15d2)
- 1711. Comment:** Commenter states that applying ACF compliance to all contract agreements regardless of length creates additional challenges for CCWD and increases risk to public water and wastewater systems during emergencies. Commenter states that the added contracted-fleet requirement diminishes public water and wastewater organizations' ability to provide safe, reliable, and cost-effective services. (Damon Wyckoff – 15d2)
- 1712. Comment:** Commenter states that CCWD relies on local outside contractors during emergencies such as sewer spills, wildfire water pumping, and water main breaks, and that these contractors know where to go and can respond quickly. Commenter states that being forced to look elsewhere for ACF-compliant contract fleets would add needless exposure and risk to water and sewer districts. (Damon Wyckoff – 15d2)
- 1713. Comment:** Commenter states that adding the requirement that contracted fleets are subject to ACF when called upon to support water and wastewater district's during emergencies further erodes their district's ability to meet their customers right to safe, wholesome, and a healthy supply of water. (Damon Wyckoff – 15d2)
- 1714. Comment:** Commenter states that the choice between excess ZEV purchases and stopping critical services would be harmful to customers, rates, and electrification efforts and CARB should consider these impacts before moving forward. (Nicole Looney – 15d2)
- 1715. Comment:** Commenter states the proposed changes to include contractor vehicles will increase costs, and these cost increases compound the cumulative cost pressures the commenter is already facing. (Nicole Looney – 15d2)
- 1716. Comment:** Commenter states that CARB's guidance suggests public agencies could use exemptions for contractors' vehicles, but the access barriers make the exemptions nearly impossible to use. For example, the commenter states CARB expects public agencies to demonstrate that its contractors' vehicle purchases could not have been made as ZEVs. (Nicole Looney – 15d2)

- 1717. Comment:** Commenter states that the proposed contractor vehicle requirements could severely limit their ability to contract for critical work and services or change what services they provide. (Nicole Looney – 15d2)
- 1718. Comment:** Commenter states that adding contractor vehicles to public agency fleets would increase ACF compliance costs that are ultimately borne by the commenter's customers. (Nicole Looney – 15d2)
- 1719. Comment:** Commenter states that public agencies may have to choose between spending millions of dollars on excess electric pickup trucks and vans they do not operationally need or allowing some critical services to stop in order to avoid ACF noncompliance and per-vehicle, per-day fines. (Nicole Looney – 15d2)
- 1720. Comment:** Commenter states that adding contractors' vehicles to public agency fleets could affect mission-critical services and double their annual ZEV purchasing requirement for 2026. (Nicole Looney – 15d2)
- 1721. Comment:** Commenter states that the proposed Second 15-day changes would have significant, adverse impacts including operation interruptions impacting safety and reliability, as well as public safety and emergency response. (Derek Dolfie – 15d2)
- 1722. Comment:** Commenter states that expanding public agency fleets to include vehicles owned and operated by contractors would create major adverse impacts for public agencies including creating uncertainty about how much control CARB expects public agencies to exercise over how consultants and contractors perform work, which could expand beyond independent contracting relationships and create unintended liabilities for public agencies. (Nicole Looney – 15d2)
- 1723. Comment:** Commenter opposes the proposal in CARB's Second 15-Day Notice to include private fleets operating under public service contracts within the State and Local Government (SLG) Fleet requirements stating that in addition to increasing compliance burdens and costs for SLG agencies subject to the regulation, the proposal would also impose exorbitant costs and burdens on service industries contracted to California state and local agencies, which would ultimately be passed down to the California communities they serve. (Christine Wolfe – 15d2)
- 1724. Comment:** Commenter states the proposed amendments threaten to undermine the benefit of the bargain in negotiated contracts between these parties and it would also interfere with service providers' reasonable expectations under their SLG agency agreements, by potentially making their compliance obligations so costly that their contracts are no longer profitable. (Christine Wolfe – 15d2)
- 1725. Comment:** Commenter states that for the waste industry specifically, the Proposal will increase the cost of solid waste collection services at a time when Californians are already struggling with the State's high cost of living, and local governments grapple with budget issues. (Christine Wolfe – 15d2)
- 1726. Comment:** Commenter states that stakeholders have been unable to evaluate potential and likely cost increases to municipal collection rates and subsequent service fees for residents, or the legal obligations for public agencies and contractors. (Katie Vassali – 15d2)
- 1727. Comment:** Commenter states that the Second 15-Day changes would be impractical and unsustainable and would create an unnecessary new cost burden for utility ratepayers. (Austin Avery – 15d2, Scott Ammon – 15d2)
- 1728. Comment:** Commenter states that if approved, the proposed scope of applicability would negatively impact future planning and capital investments in clean technologies thus resulting in increased performance risks and higher service fees. (Katie Vassali – 15d2)
- 1729. Comment:** Commenter states that when compliance obligations are unclear or subject to change, contract negotiations related to future planning and investments in clean technologies are further challenged as regulatory uncertainty disrupts financing; destabilizes

municipal collection rates; and forces entities to delay or freeze capital deployment. (Katie Vassali – 15d2)

- 1730. Comment:** Commenter states that when compliance obligations are unclear or subject to change municipalities may also face higher procurement costs and increased administrative and legal burdens. Commenter states that the additional costs are borne by taxpayers and ratepayers, without corresponding environmental benefits. (Katie Vassali – 15d2)
- 1731. Comment:** Commenter states that the proposed contractor compliance requirements could result in delayed response times, increased procurement costs and difficulties, and reduced operational flexibility in situations requiring timely action to protect public health, maintain regulatory compliance, and ensure continuity of critical utility operations. (Joe Sturges – 15d2)
- 1732. Comment:** Commenter states that the proposed contracted vehicle language would affect how public agencies would procure services and structure contracts, as public agencies operate under formal procurement requirements, budget cycles, rate-setting processes, public works requirements, and capital planning timelines. (Joe Sturges – 15d2)
- 1733. Comment:** Commenter requests that CARB recognize and account for the operational, procurement, contractor, and ratepayer impacts when compliance obligations exceed vehicle availability, infrastructure readiness, market capacity, or public agency control, noting that such requirements could reduce operational flexibility, emergency responsiveness, access to qualified contractors, and increase costs borne by ratepayers. (Joe Sturges – 15d2)
- 1734. Comment:** Commenter states that the proposed contracted vehicle language would affect how public agencies manage emergency work, because contracts involving specialized services or emergency response capabilities cannot always be amended, rebid, or replaced quickly. (Joe Sturges – 15d2)
- 1735. Comment:** Commenter states that if vehicles used to perform contracted services are considered part of a public agency fleet for compliance purposes, the amendments may negatively affect, to the public's detriment, how local governments procure services, structure contracts, manage franchise arrangements, and deliver essential public services. (Noelle Mattock – 15d2)
- 1736. Comment:** Commenter states that the Second 15-Day Modifications create uncertainty regarding the continued availability, affordability, and administration of critical contracted services. Commenter states that any reduction in contractor availability, increase in contracting or compliance costs, disruption to existing service agreements, or uncertainty regarding contractual relationships has the potential to delay infrastructure delivery, increase project costs, and could have direct impacts on a public agency's ability to provide affordable and reliable essential services. (Noelle Mattock – 15d2)
- 1737. Comment:** Commenter states that the Legislature has increasingly limited or constrained local funding mechanisms traditionally used to support growth-related infrastructure and public services, including impact fees, connection fees, and capacity charges. Commenter states that the cumulative effect of these policies is to increase costs while reducing local flexibility to recover those costs. (Noelle Mattock – 15d2)
- 1738. Comment:** Commenter states that the practical effect of the proposed amendments is to shift additional regulatory and compliance burdens onto local governments and the costs are borne by the residents, businesses, utility customers, and taxpayers who rely on local governments to provide essential public services. (Noelle Mattock – 15d2)
- 1739. Comment:** Commenter states that including all short-term rentals in ACF compliance would create challenges for both small and large public agencies because agencies responding to floods, fires, earthquakes, and other disasters may need any available vehicles to meet immediate public health needs. Commenter states that counting these temporary vehicles could put proactive public agencies out of compliance under the current 50/50 requirements

and would become more problematic after 2030 when all new purchases, leases, and contracts would need to be ZEVs. (Tenille Otero – 15d2)

- 1740. Comment:** Commenter states that the Otay Water District remains committed to participating in ACF implementation and supporting California's climate and emissions goals, but they argue that current ACF mandates create significant compliance challenges that could affect the delivery of essential services, including emergency response. (Tenille Otero – 15d2)
- 1741. Comment:** Commenter states that private contractor vehicles being included are especially problematic for solid waste services, as waste collection contracts are long-term, rate-sensitive, and structured around specialized vehicles, route density, disposal and processing infrastructure, labor agreements, service levels, and emergency response obligations. Commenter adds that many existing agreements were negotiated before the Second 15-Day Changes and do not contemplate accelerated zero-emission fleet conversion, vehicle-level reporting to support ACF compliance, charging or hydrogen fueling infrastructure, or the allocation of legal and financial responsibility for noncompliance. (Veronica Pardo – 15d2)
- 1742. Comment:** Commenter states that requiring public agencies to count contractor vehicles for ACF purposes will force difficult renegotiations and may increase costs to ratepayers, as public agencies generally do not own, maintain, operate, dispatch, or finance the private hauler's fleet, and existing contracts often do not give the public agency the unilateral ability to dictate vehicle procurement, require specific fleet technologies, obtain all vehicle-level compliance data, or absorb the cost of accelerated replacement. (Veronica Pardo – 15d2)
- 1743. Comment:** Commenter states they are concerned that the proposal creates unnecessary administrative burdens on public agencies by requiring ongoing monitoring of contractor vehicle fleets, contract status, and related compliance documentation. (Erin Sasse – 15d2)
- 1744. Comment:** Commenter states the proposal diverts staff resources away from public service responsibilities by making agencies responsible for vendors' vehicle composition and compliance obligations. (Erin Sasse – 15d2)
- 1745. Comment:** Commenter states the proposed amendments will cause severe cost constraints affecting contract fleets. (David Rothbart – 15d2)
- 1746. Comment:** Commenter states that compliance under a broad interpretation of the new contracted-vehicle language would lead to exponential cost increases, including increased project costs, fleet replacement and compliance expenses, higher bid prices, and higher service rates passed on to public agencies. (Acquanetta Warren – 15d2)
- 1747. Comment:** Commenter states that the proposed modifications could lead to project delays and reduced contractor availability, affecting the City's ability to deliver essential public works projects in a timely and cost-effective manner. (Acquanetta Warren – 15d2)
- 1748. Comment:** Commenter states the proposed amendments may cause the water and wastewater agencies to lose access to mission critical vehicles whenever needed including vehicles that must be contracted to support reliable essential public services to protect communities. (David Rothbart – 15d2)
- 1749. Comment:** Commenter is concerned that if compliant contract vehicles are not available, waiting for vehicle exemptions could cause delays in essential public functions. Commenter states this could lead to public entities' needs being unmet or vulnerable to supply shortages. (David Rothbart – 15d2)
- 1750. Comment:** Commenter is concerned that if compliant contract vehicles are not available, high demand for a limited number of vehicles could drive costs up to local governments to hire contract vehicles. (David Rothbart – 15d2)
- 1751. Comment:** Commenter states that because the proposed amendments expand the regulation's scope to include contracted vehicles, public agencies may be at high risk of

system failures and uncertainty if they are unable to rely on contracted fleet vehicles and cannot immediately fill gaps in services. (David Rothbart – 15d2)

- 1752. Comment:** Commenter states that the proposed amendments will decrease reliability of public services and will impede public agencies from protecting California citizens. (David Rothbart – 15d2)
- 1753. Comment:** Commenter requests CARB to consider modifications or concessions to make the proposed amendments more workable to prevent avoidable critical infrastructure failures due to improper regulatory evaluation while continuing to achieve state goals and protecting communities. (David Rothbart – 15d2)
- 1754. Comment:** Commenter states that Caltrans' report shows that ZEVs are significantly more expensive than ICE counterparts, and that expanding the regulation to private fleets that contract with local governments will compound these cost burdens and significantly increase the cost of contracts entered into by state and local governments. (Brittney Barsotti – 15d2)
- 1755. Comment:** Commenter states that expanding the regulations to apply to contracted fleets causes a significant cost shift onto local governments and ratepayers without corresponding demonstrated need. (Brittney Barsotti – 15d2)
- 1756. Comment:** Commenter states that the proposed recordkeeping language for agreements contracting for services using vehicles will add significant administrative burdens to local governments and require analysis of whether every contract could involve services using a vehicle. (Brittney Barsotti – 15d2)
- 1757. Comment:** Commenter states the proposed amendments to add contracted fleets as part of the local government fleets significantly expand cost implications for their members and will shift significant costs onto local governments and ratepayers. (Brittney Barsotti – 15d2)
- 1758. Comment:** Commenter states that if the regulation is interpreted to apply broadly to any consultant or construction contractor performing work for a public agency, it could significantly increase project costs, delay urgent repairs and infrastructure improvements, and create substantial administrative burdens for both public agencies and the businesses that support them. (Melanie Schumacher – 15d2)
- 1759. Comment:** Commenter states that if local agencies must collect VIN, engine-family, and other emissions information for each rotating contract truck, the resulting compliance expense will be borne through rates, public-project costs, administrative overhead, delayed contracting, and reduced budget flexibility. Commenter states that uncertainty under the contract language will make it difficult for government agency fleet managers to forecast when vehicle purchases will be necessary, disrupting utilities and local government capital budgets and placing additional pressure on utility ratepayers. Commenter states uncertainty regarding when public agencies must purchase vehicles under the contract language creates budget and ratepayer impacts. (Austin Avery – 15d2)
- 1760. Comment:** Commenter states that requiring public agencies to collect and continuously update vehicle-specific information for non-dedicated private contractor fleets would create a major compliance burden with little practical value. (Austin Avery – 15d2)
- 1761. Comment:** Commenter states that the contract language raises public-service concerns for work that TID must sometimes perform through outside contractors and vendors, including concerns related to workable timelines, realistic capital planning, infrastructure lead time, affordability, operational reliability, emergency response, restoration operations, and flexible exemptions for public agencies with critical service responsibilities. (Austin Avery – 15d2)
- 1762. Comment:** Commenter states that requiring public utilities to account for contracted vehicles may require cancellation or delay of existing contracts relied upon for essential utility infrastructure projects, maintenance, first-responder services, and day-to-day delivery of clean water and power. (Scott Ammon – 15d2)
- 1763. Comment:** Commenter states that the proposed amendments would create significant operational challenges, adding administrative burdens, elevating procurement risks, and

increasing costs. Commenter states that incorporating CARB-specific requirements into municipal contracts for contracted fleets and third-party fleets will very likely increase procurement costs and ultimately increase costs borne by taxpayers. Commenter states that under the proposed amendments, cities would be required to incorporate CARB-specific requirements into municipal contracts, take on significant recordkeeping, and assume responsibility for monitoring compliance by third-party fleets. (Hilary Hobbs – 15d2)

- 1764. Comment:** Commenter states that requiring public works bidders to purchase or use ZEVs will significantly drive-up costs. (Brittney Barsotti – 15d2)
- 1765. Comment:** Commenter states that these contracted fleet amendments continue to prioritize rigid compliance mandates over operational realities faced by the public agencies responsible for protecting lives, maintaining critical infrastructure, and responding to disasters, leaving the communities they serve at risk. Commenter states that they respectfully urge CARB to consider the realities state and local governments face as a result of the climate change these regulations are trying to prevent. (Brittney Barsotti – 15d2)
- 1766. Comment:** Commenter states their concerns regarding the effect of the Second 15-Day Changes to the Advanced Clean Fleets regulation will have on the ability to contract services to maintain essential public services. (Carol Mohoney – 15d2)
- 1767. Comment:** Commenter states their concerns regarding the impacts to ratepayers associated with the Second 15-Day Changes to the Advanced Clean Fleets regulation. (Carol Mohoney – 15d2)
- 1768. Comment:** Commenter states that the latest amendments would create significant uncertainty for existing service agreements and future procurements. Commenter states that the second 15-day changes will generate administrative burdens and compliance obligations that have not been adequately analyzed. (Anthony Firenzi – 15d2)
- 1769. Comment:** Commenter states that it is technically and administratively infeasible for them to assume responsibility for the compliance, purchase planning, monitoring, and reporting of vehicles that are not owned, operated, or purchased by the agency. (Joe Mouawad – 15d2)
- 1770. Comment:** Commenter states that the new requirements will result in unquantifiable project delays, increased procurement costs, and direct threats to the core operational functions that protect public health. (Joe Mouawad – 15d2)
- 1771. Comment:** Commenter states that placing the burden of private sector compliance on public agencies does not accelerate the transition to zero-emission vehicles; rather, it creates a fragmented and unworkable compliance environment. (Joe Mouawad – 15d2)
- 1772. Comment:** Commenter states that extending ACF obligations to private fleets might create service delivery delays due to limited vehicle availability and insufficient charging or fueling infrastructure, which are particularly burdensome for a small district. (Amy Reeh – 15d2)
- 1773. Comment:** Commenter states that by indirectly holding local government agencies accountable for private contractual fleet composition and compliance deadlines beyond their direct control would have immediate practical and financial impacts. Commenter states that it is excessively burdensome to make them act as de facto regulators responsible for verifying emissions compliance and auditing contractor fleets. Commenter states that the additional administrative requirements (audits, disclosures, recordkeeping) would create procurement challenges and impose untenable financial strain. (Amy Reeh – 15d2)
- 1774. Comment:** Commenter states that the most recent proposal is untenable as it raises administrative burdens for local government agencies by extending fleet compliance obligations to private contractors working under agreements with these agencies. Commenter states that the proposed amendments impose significant new administrative responsibilities on local government agencies, including verifying private contractor emissions compliance and maintaining detailed records for audit purposes. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)

- 1775. Comment:** Commenter states that the proposed second 15-day amendment to include contractor-operated fleets in ACF regulation may require the City of Glendale to renegotiate or amend existing contracts to obtain information that is not currently required under existing contracting agreements, which generally do not require scheduled reporting of contractor vehicles and equipment. For example, commenter states existing contracts already require compliance with applicable CARB and South Coast AQMD emissions standards, but do not require detailed fleet information necessary to support ongoing TRUCRS reporting. (Daniel Hernandez – 15d2)
- 1776. Comment:** Commenter states that the amendments raise broader concerns regarding the role of local governments in implementing and overseeing compliance by private entities and would require cities to incorporate CARB-specific requirements into municipal contracts, maintain additional records, and assume responsibility for monitoring compliance by third-party fleets. Commenter states that these activities fall outside the traditional role of local governments and would impose new administrative responsibilities without corresponding funding or resources. (Damon Conklin – 15d2)
- 1777. Comment:** Commenter states the changes to include contracted vehicles create substantial administrative and reporting burdens that were not contemplated as public agencies may now be required to identify, track, document, verify, and report information regarding vehicles that they neither own nor directly control, and that this new obligation could require the development of entirely new administrative processes and contractual requirements. (Alyson Piguee – 15d2)
- 1778. Comment:** Commenter requests that CARB meaningfully address substantial concerns arising from including contracted vehicles related to administrative burdens. (Alyson Piguee – 15d2)
- 1779. Comment:** Commenter states that requiring public agencies to account for contractor-owned vehicles as part of their own compliance obligations creates a regulatory burden disconnected from agency decision-making authority. (Chris Robbins – 15d2)
- 1780. Comment:** Commenter states the proposed second 15-day amendment to include contractor-operated fleets in ACF reporting obligations could impose significant administrative and contractual burdens on local governments that were not contemplated when many existing service agreements were executed. (Daniel Hernandez – 15d2)
- 1781. Comment:** Commenter states that contractor agreements potentially affected by the proposed 15-day amendments are administered across multiple city departments. Requiring each department to collect, monitor, and report contractor fleet information would create a significant administrative challenge and could necessitate new processes, staffing resources, and contract management procedures. (Daniel Hernandez – 15d2)
- 1782. Comment:** Commenter states that the most recent proposal is untenable as it raises costs for local government agencies by extending fleet compliance obligations to private contractors working under agreements with these agencies. Commenter states that by making water districts responsible for verifying emissions compliance and auditing contractor fleets, contractors have expressed concerns that these procurement requirements might increase contract costs. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)
- 1783. Comment:** Commenter states that the most recent proposal is untenable as it raises costs and administrative burdens for local government agencies by extending fleet compliance obligations to private contractors working under agreements with these agencies. (Scott McClelland – 15d2)
- 1784. Comment:** Commenter states that the rule would impose substantial near-term costs on contracted solid waste fleets. Commenter states that fleet sizes, service territories, population density, topography, route conditions, and contract structures vary significantly across the state. Commenter states that regulations that do not account for those differences risk unintended consequences, including higher rates. (Sophie Helpard – 15d2)

- 1785. Comment:** Commenter states that applying new fleet requirements through contractual arrangements to provide essential services will likely increase procurement costs and ultimately increase costs borne by taxpayers and ratepayers. (Damon Conklin – 15d2)
- 1786. Comment:** Commenter requests that CARB meaningfully address substantial concerns arising from including contracted vehicles related to increased costs. (Alyson Piguee – 15d2)
- 1787. Comment:** Commenter states that expanding the scope of the regulation beyond vehicles owned or leased by public agencies will create substantial financial challenges for local agencies providing essential public services. Commenter states that if contractors are unable or unwilling to replace specialized equipment to maintain eligibility for public agency contracts, agencies may experience increased procurement costs. (Chris Robbins – 15d2)
- 1788. Comment:** Commenter states that when public agencies force these ZEV compliance requirements into their procurement and bidding processes, they are unintentionally narrowing the field of qualified vendors. Commenter states that the result is a system where only the largest, most well-capitalized firms can afford to bid on government contracts which potentially drives up costs for taxpayers. (Jason Cole – 15d2)
- 1789. Comment:** Commenter states that the current approach of including contracted fleets as a part of public agency fleets lacks the transparency and broad public consultation that a permanent rulemaking process would provide. These policies have far-reaching impacts on the cost and availability of services we rely on daily, and they should not be managed through continuous stopgap measures that inadvertently disadvantage smaller businesses. (Jason Cole – 15d2)
- 1790. Comment:** Commenter states that changing compliance interpretations for private contractor fleets prevents agencies from effectively planning operations, making sound contracting decisions, and ensuring responsible use of ratepayer funds. (Alisa Nichols – 15d2)
- 1791. Comment:** Commenter states that fleet sizes, service territories, population density, topography, route conditions, and contract structures vary significantly across the state. Commenter states that regulations that do not account for those differences risk unintended consequences, including disruption of essential public services and reduced service flexibility. (Sophie Helpard – 15d2)
- 1792. Comment:** Commenter states that Twain Harte Community Services District and many other critical local agencies will not be able to keep their communities safe unless emergency support vehicles are exempted. Commenter states that they provide services where severe winter storms and extended power outages are normal during winter months, and it would be impossible to keep a ZEV fleet continuously charged and operational during such extended power outages. (Tom Trott – 15d2)
- 1793. Comment:** Commenter states that by making water districts responsible for verifying emissions compliance and auditing contractor fleets, contractors have expressed concerns that these procurement requirements might delay service delivery. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)
- 1794. Comment:** Commenter states that the current ACF regulation and draft amendments to expand the rule to vehicles operated by or for local agencies, including vehicles that are leased, rented, or contracted for operation create unnecessary and impractical compliance challenges for agencies that must respond immediately to wastewater emergencies and urgent infrastructure failures. (Paul Bushee – 15d2)
- 1795. Comment:** Commenter states that the proposed contracted vehicle amendments will increase operational challenges for local governments and the communities they serve. Commenter states that the contractor amendments should provide broader exemptions for vehicles supporting emergency response and critical infrastructure operations. Commenter states that that zero-emission alternatives are not yet available or operationally suitable for

many specialized vehicle applications essential to public safety and community resilience. (Damon Conklin – 15d2)

- 1796. Comment:** Commenter states that expanding the scope of the regulation will create substantial compliance and operational challenges for local agencies providing essential public services. Commenter states that if contractors are unable or unwilling to replace specialized equipment to maintain eligibility for public agency contracts, agencies may experience delayed project delivery and diminished emergency response capabilities. (Chris Robbins – 15d2)
- 1797. Comment:** Commenter requests that CARB meaningfully address substantial concerns arising from including contracted vehicles related to emergency response impacts. (Alyson Piguee – 15d2)
- 1798. Comment:** Commenter states that expanding local agency responsibilities related to private contractor fleets creates substantial uncertainty for essential services that public agencies rely on, including waste and debris hauling, organics collection, and construction activities. (Alisa Nichols – 15d2)
- 1799. Comment:** Commenter states the proposed contractor obligations would require them to either renegotiate all service contracts to mandate ZEV use, or offset contractors' non-ZEV vehicles with its own public fleet, neither of which is feasible within the City of Artesia's budget or the current compliance timeframe. (Carmen Zambrano – 15d2)
- 1800. Comment:** Commenter states that while they are considered a “small fleet” of less than 10 vehicles, the proposed changes could have significant impacts on their annual operating budget and ratepayers. (Scott McClelland – 15d2)
- 1801. Comment:** Commenter states that contractors have already expressed concerns that the procurement requirements might increase contract costs or delay service due to limited vehicle availability and insufficient charging or fueling infrastructure. (Scott McClelland – 15d2)
- 1802. Comment:** Commenter states that the proposed amendments impose significant new administrative responsibilities on local government agencies, including verifying private contractor compliance, making mandatory disclosures, and maintaining detailed records for audit purposes. (Scott McClelland – 15d2)
- 1803. Comment:** Commenter states that the proposed amendments impose significant new legal responsibilities on local government agencies, including verifying private contractor compliance, making mandatory disclosures, and maintaining detailed records for audit purposes. (Scott McClelland – 15d2)
- 1804. Comment:** Commenter states they anticipate that their third-party contractors will pass along significant implementation costs, resulting in higher costs that will ultimately be passed on to ratepayers. Commenter states that the anticipated difficulties with their contractors could affect their ability to operate critical infrastructure. (Jason Maruca – 15d2)
- 1805. Comment:** Commenter requests that CARB meaningfully address substantial concerns arising from including contracted vehicles related to procurement disruption. (Alyson Piguee – 15d2)
- 1806. Comment:** Commenter states that despite the flexibility provided by exemptions and extensions for rented, leased or contracted vehicles, case-by-case exemptions are not a workable solution for routine public procurement and construction contracting. Requiring an agency to identify, report, and seek exemptions for every potentially covered contractor vehicle creates a heavy administrative burden and does not provide the certainty needed to advertise, award and administer public contracts. (Rangarajan Sampath – 15d2)
- 1807. Comment:** Commenter states that the addition of the word “contracted” to the definitions of “Fleet” or “Total fleet” in section 2013(b) creates compliance challenges, additional costs, and potential service-related impacts for public water systems, which would then be borne by the rate payers. Commenter states that the definition of “Fleet owner” in section 2013(b)

does not account for addressing essential utility needs with specialized services.

(Rangarajan Sampath – 15d2)

- 1808. Comment:** Commenter states that under the proposed changes to section 2013, the contracting of private fleets would be subject to a more onerous regulatory pathway than the government agency fleets, thereby placing a substantial compliance obligation on the contracting authority rather than the fleet's actual owner. (Rangarajan Sampath – 15d2)
- 1809. Comment:** Commenter states that a regulation intended to influence vehicle emission reductions should not create inadvertent delays, or unnecessarily inflate the costs, of projects that protect public health and the environment. Commenter states that including contractor vehicles in an agency's compliance calculation would fundamentally change the costs and the compliance obligation. Commenter states that the impact of the amendments are especially serious for water agencies because their projects are directly tied to public health, fire protection, water reliability, water conservations, environmental protection, and compliance with State and federal drinking-water requirements. Commenter states that the changes would undermine the delivery of essential public services, delay and add cost to improvements of aging infrastructure, and further impact water affordability to the public. (Rangarajan Sampath – 15d2)
- 1810. Comment:** Commenter expresses concerns that the amendments would increase administrative burdens on agencies and contractors; result in higher construction and hauling costs; cause delays in pipeline replacement, dam safety improvement, seismic improvement, water conveyance and transmission, water-supply, water-quality, and emergency-repair projects; and reduce the ability of public agencies to respond to main breaks, storm damage, contamination events, and other urgent public-health and safety needs. Commenter states that reporting and counting contractors' vehicles as part of the agency's fleet would require substantial staffing levels and/or software infrastructure to track, administer, and manage this level of compliance for outside businesses/entities. Commenter states that reporting and counting contractors' vehicles as part of the agency's fleet would make their compliance pathway impossible to manage as the agency cannot purchase ZEVs on behalf of their contractors, or ensure that every subcontractor at every tier uses ZEVs, particularly for emergency repairs and specialized public works services. (Rangarajan Sampath – 15d2)
- 1811. Comment:** Commenter states that the proposed amendments could require public agencies to include in their compliance calculations a wide range of privately owned contractor vehicles that the agency does not own, lease, dispatch, maintain, purchase, replace, or control—a change that would add burdensome work of reporting and recordkeeping under sections 2013.3 and 2013.4 for each vehicle used in public works contracts that is not under the control of the public agency, including but not limited to its vehicle identification number, make, model, year, license plate number, state or jurisdiction of issuance, fuel and powertrain type, and date of vehicle purchase. (Rangarajan Sampath – 15d2)
- 1812. Comment:** Commenter states the proposed changes do not account for contractual relationships with third-party contractors. Commenter states that this rulemaking could put them in an untenable position where they may need to choose between a third-party contractor that refuses to comply with their requests for information under the contractual agreement, or adhering to the ACF rule. (Jason Maruca – 15d2)
- 1813. Comment:** Commenter states that the proposed second 15-day amendments would create substantial operational, financial, administrative, procurement, and legal burdens for local governments without providing corresponding funding or flexibility. (Consuelo Hernandez – 15d2)
- 1814. Comment:** Commenter states that the proposed second 15-day amendments may also reduce contractor availability and competition since many small and medium-sized contractors may be unable or unwilling to absorb the financial and operational costs

associated with compliance which will reduce competition which can delay critical infrastructure projects. (Consuelo Hernandez – 15d2)

- 1815. Comment:** Commenter states that the proposed second 15-day amendments create substantial legal and operational risks for local governments where cities could be forced to suspend work, terminate contracts, rebid projects, or address disputes regarding responsibility for compliance or if a contractor falls out of compliance. This could jeopardize the timely delivery of critical public services and infrastructure improvements. (Consuelo Hernandez – 15d2)
- 1816. Comment:** Commenter states that the proposed second 15-day amendments would require local governments to redirect scarce resources toward regulatory compliance activities that were previously the responsibility of the State. (Consuelo Hernandez – 15d2)
- 1817. Comment:** Commenter states that the proposed second 15-day amendments will impact public works operations by increasing costs associated with vehicle replacement, charging infrastructure, reporting requirements, and regulatory compliance. These costs will inevitably be passed on to local governments through higher contract prices, increasing the cost of delivering public services and maintaining public infrastructure. (Consuelo Hernandez – 15d2)
- 1818. Comment:** Commenter states that the proposed second 15-day amendments may also reduce contractor availability and competition since many small and medium-sized contractors may be unable or unwilling to absorb the financial and operational costs associated with compliance, this will reduce competition which can increase project costs and reduce local governments' ability to obtain best value for taxpayers. (Consuelo Hernandez – 15d2)
- 1819. Comment:** Commenter states that current ACF and 15-day changes language does not provide enough clarity, and as such, compliance under a broad interpretation of the new language added leads to exponential increases in costs. (Cesar Rangel – 15d2)
- 1820. Comment:** Commenter states that extending ACF applicability to hired fleets and contracted vehicles will have an enormous adverse impact on State and Local Government fleets, including LADWP's ability to provide safe and reliable water and power. Commenter states that LADWP contracts for a wide range of services, including construction of large capital infrastructure projects, emergency response, and other services needed to ensure continued supply of safe and reliable water and power, and that the proposed contracted-vehicle changes are expected to have immediate and long-term impacts on existing projects, including operational challenges and significant cost implications. Commenter states that the new contracted-vehicle requirements will substantially undermine future capital infrastructure projects and utilities' ability to provide essential service and respond to emergencies. (Andrea Villarin – 15d2)
- 1821. Comment:** Commenter states that expanding the scope of the regulation to include hired and contracted fleets will be extremely burdensome and could make the regulation infeasible for State and Local Government fleets to comply with. (Andrea Villarin – 15d2)
- 1822. Comment:** Commenter states that the newly added requirements create additional inconsistencies and will make it more challenging for public utility fleets to comply, and that the new requirements, current ZEV market conditions, and restrictive exemption process make it nearly impossible for LADWP to update its fleet as needed to continue providing essential public services. (Andrea Villarin – 15d2)
- 1823. Comment:** Commenter states, due to lack of proper evaluation of impacts, the current regulation will decrease reliability of such services and impede public agencies from protecting California citizens. (Curtis Paxton – 15d2)
- 1824. Comment:** Commenter states that CARB's second 15-Day changes now include contracted vehicles and those performing contracted services in a public agency's fleet inventory, along

with related compliance duties, and it could result in enforcing ACF standards on private fleets on behalf of CARB, adding further burdens. (Jennifer Harrington – 15d2)

- 1825. Comment:** Commenter states that the proposed amendments to include contracted vehicles would require material changes to existing agreements, procurement timelines, and capital planning cycles between public agencies and contracted fleets. (Julia Mangin – 15d2)
- 1826. Comment:** Commenter states that the Second 15-Day Notice threatens essential public services and goes against Board members' concerns regarding public service reliability, ratepayer impacts, utilities, water districts, sanitation agencies, and emergency response fleets. Commenter states that the Second 15-Day modifications introduce new compliance conditions on local governments that were not contemplated when existing contracts were formed and cannot reasonably be integrated into those agreements without renegotiation, service disruption, or legal conflict. (Ryan Kenny – 15d2)
- 1827. Comment:** Commenter states that the Second 15-Day modifications create significant regulatory uncertainty for private fleets that may discourage investment, disrupt commercial relationships, conflict with existing contractual obligations, force renegotiation of lawfully executed contracts, increase collection costs for municipal residents and businesses, and expose municipalities, public agencies, and contractors to legal disputes and performance risks. (Ryan Kenny – 15d2)
- 1828. Comment:** Commenter states that additional compliance obligations could affect procurement timelines, bid evaluation, administrative workload, contract oversight requirements, and project and service delivery costs. Commenter states reduced contractor participation could increase service costs, limit availability of specialized and emergency response providers, and delay essential services. Commenter states that local governments operating under fixed budgets may be unable to absorb increased costs associated with the proposed changes, and those costs could directly impact residents if essential services are disrupted or diminished. Commenter states that while the recent amendments address certain uncertainties, significant gaps remain that could impact service delivery, operational feasibility, and contractual relationships. (David Renschler – 15d2)
- 1829. Comment:** Commenter states they are concerned that the proposed amendments would create substantial compliance, operational, and financial challenges for local agencies providing essential public services. (Kyle Swanson – 15d2)
- 1830. Comment:** Commenter states that forcing Freeway Service Patrol and CHP contractors to transition to zero-emission vehicles before CHP-compliant, high-capacity electric or hydrogen tow trucks are commercially available would result in severe fleet shortages and a functional collapse of the service. (Greg Hurner – 15d2)
- 1831. Comment:** Commenter states that a premature forced mandate on FSP and CHP contractors will increase overall transportation emissions. Commenter states that FSP operations are well documented by U.C. Berkeley as a net-positive environmental program that provides congestion relief, stop-and-go reduction and idling mitigation. Commenter states that Forcing FSP and CHP contractor trucks off the road due to an unachievable zero-emission mandate will cause freeway congestion to spike, ultimately increasing net emissions across California's highway system. (Greg Hurner – 15d2)
- 1832. Comment:** Commenter states that the proposed amendments would significantly expand the practical reach of the ACF regulation and increase costs, administrative burdens, and operational challenges for local governments and the communities they serve. Commenter states that the proposed expansion would impose additional and costly administrative burdens on local governments because cities could be required to incorporate CARB-specific requirements into municipal contracts, maintain additional records, and assume responsibility for monitoring compliance by third-party fleets. (Paolo Beltran – 15d2)

- 1833. Comment:** Commenter states that implementation of the proposed amendments would require municipalities to identify contractors across multiple departments, review and revise existing contract language, establish new internal compliance procedures, and substantial coordination across departments and administrative oversight beyond current staffing and resources. (Hannah Abdoo – 15d2)
- 1834. Comment:** Commenter states that monitoring contractor fleets would increase personnel costs for municipalities. (Hannah Abdoo – 15d2)
- 1835. Comment:** Commenter states any regulatory requirement that delays the contracting process may negatively affect a municipality's ability to provide essential public services. (Hannah Abdoo – 15d2)
- 1836. Comment:** Commenter states the proposed amendments results in an expansion of scope to private fleets that would increase compliance burdens for public agencies and complicate project delivery, procurement, and emergency response. (Eva Plajzer – 15d2)
- 1837. Comment:** Commenter states that public contracting follows a fixed sequence in which the agency develops a scope, budgets against it, solicits bids, and awards to a responsive low bidder. Commenter states that if a scope does not require ZEVs, no rational bidder prices them in, and that agencies cannot plan or execute RFPs when what applies to contracted vehicles is unknown. (Nicholas Armstrong – 15d2)
- 1838. Comment:** Commenter states that public agencies may be abruptly and unexpectedly unable to rely on contractors and may not be able to immediately fill the gap in those services due to the challenges in getting contractor participation. Commenter states that these changes will impose new compliance costs that have not been evaluated. Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets leaves public agencies at high risk of system failures and not being able to fulfill maintenance needs or regulatory requirements. (Sarah Deslauriers – 15d2)
- 1839. Comment:** Commenter states that holding public agencies responsible for contractor vehicle compliance creates significant uncertainty for existing service agreements and future procurements. (Justin Caporusso – 15d2)
- 1840. Comment:** Commenter states that successive amendment packages have introduced additional complexity and uncertainty and made the regulation less workable for agencies responsible for maintaining critical water infrastructure. (Justin Caporusso – 15d2)
- 1841. Comment:** Commenter states that the Second 15-day changes are a substantial expansion of the existing regulation and risk interrupting necessary utility operations conducted through contracts. (Derek Dolfie – 15d2)
- 1842. Comment:** Commenter states that including contracted vehicles in the rule, as proposed in the Second 15-day changes is an expansion of the scope that would have significant and complicated impacts on public fleet operations and corresponding impacts on ratepayers, including the ability of public agency utilities to prepare for and respond to safety issues and emergency situations. (Derek Dolfie – 15d2)
- 1843. Comment:** Commenter states the new contracted vehicle provisions are likely to increase the costs of contracted services, from a combination of increased compliance costs and a decrease in the pool of contractors willing and able to contract with public agencies. (Derek Dolfie – 15d2)
- 1844. Comment:** Commenter states that public agency utilities that provide critical services in the Truckee-Tahoe Basin, Sierra and Plumas Counties would be further constrained in efforts to secure annual construction, maintenance and special services contracts, likely resulting in higher costs and longer lead times and may be entirely unavailable during winter severe weather conditions. (Derek Dolfie – 15d2)
- 1845. Comment:** Commenter states that while these contracts reflect “business-as-usual” operations, any disruption or added uncertainty in these agreements risk compromising emergency response, wildfire mitigation efforts, and the delivery of safe, reliable, affordable

drinking water and electricity. Accordingly, changes affecting contracted vehicles should be carefully evaluated and implemented prospectively to avoid unintended impacts. (Derek Dolfie – 15d2)

- 1846. Comment:** Commenter expresses concern vehicle purchase plans and agreements, which are often developed through a multi-year process, will all need to be revisited and revised in light of the resulting expansion of public agency fleets to include contracted vehicles. (Derek Dolfie – 15d2)
- 1847. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets may risk a public agency's ability to deliver service at a moment's notice and to responsibly manage ratepayer funds as they operate under strict budget cycles, funding restrictions, procurement schedules and requirements, and capital planning processes that require years of lead time. (Sarah Deslauriers – 15d2)
- 1848. Comment:** Commenter states that that the proposed amendments to include contracted vehicles as part of the state and local government fleets puts the wastewater sector at high risk of losing support for contracted services, and in turn, high risk of system failures. (Sarah Deslauriers – 15d2)
- 1849. Comment:** Commenter states that the ACF regulation as written today to include contracted vehicles as part of the state and local government fleets will decrease the reliability of water and wastewater services. (Sarah Deslauriers – 15d2)
- 1850. Comment:** Commenter states implementation will impede public agencies from protecting California citizens due to the lack of proper evaluation of impacts to services by including contracted vehicles as part of the state and local government fleets and the lack of appropriate amendments to ensure reliability remains paramount. (Sarah Deslauriers – 15d2)
- 1851. Comment:** Commenter states that the ACF regulation and the second 15-Day Changes to include contracted vehicles as part of the state and local government fleets will result in a regulation that will ultimately harm local governments and their ratepayers as they will have trouble working with contractors for services. (Sarah Deslauriers – 15d2)
- 1852. Comment:** Commenter states the Second 15-Day Rulemaking Package raises significant procurement and essential service concerns. (Roxana Ramirez – 15d2)
- 1853. Comment:** Commenter states that SLGs may need to revise procurement documents, contract terms, and bid evaluations to account for ACF compliance obligations, potentially affecting public health and safety related to the safe and reliable delivery of drinking water and water necessary for fire response and increasing costs. (Roxana Ramirez – 15d2)
- 1854. Comment:** Commenter states that broad application of the proposed language could affect contracts needed for water treatment, emergency response, infrastructure repair (including emergency infrastructure repair), construction support, facility maintenance, waste hauling, and other essential emergency and operational services. (Roxana Ramirez – 15d2)
- 1855. Comment:** Commenter states that SLGs must track contracts and determine if each arrangement falls under the rule's "contracts for the operation of" language, creating administrative overhead and potential retroactive risk if interpretations shift. (Roxana Ramirez – 15d2)
- 1856. Comment:** Commenter states that if the Agency's sludge hauling contract is covered by the rule, the contract may have significant impacts on sludge hauling costs. Commenter also states generally that compliance under a broad interpretation of the new language would lead to exponential increases in costs. (David Lawrence – 15d2)
- 1857. Comment:** Commenter states that the ACF mandates on local agencies are creating untenable and unnecessary challenges in complying while maintaining the many critical services Californians rely upon. (Charlotte Gallock – 15d2)

- 1858. Comment:** Commenter states the proposed changes would create significant challenges that directly affect their ability to deliver reliable, essential services, such as a need to develop a vehicle recharge system to meet the daily demand of waste collection. (Kirk Sander – 15d2)
- 1859. Comment:** Commenter states that the revised proposal is untenable, as it significantly raises costs for local government agencies by extending their fleet compliance obligations to private contractors, which are particularly burdensome for a small district. (Amy Reeh – 15d2)
- 1860. Comment:** Commenter states that many of the fundamental concerns raised by their city and public agencies remain unresolved, including affordability and operational flexibility. (Noelle Mattock – 15d2)
- 1861. Comment:** Commenter states that these changes would have immediate practical and financial impacts to wastewater districts to act as de factor regulators responsible for verifying emissions compliance and auditing contractor fleets. (Scott McClelland – 15d2)
- 1862. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets may risk a public agency's ability to deliver service at a moment's notice and to responsibly manage ratepayer funds as vehicle availability and utility coordination necessary to support fleet electrification alone take several years to design, permit, fund, procure, and construct. (Sarah Deslauriers – 15d2)
- 1863. Comment:** Commenter states that expanding compliance obligations to private contractors without addressing operational and financial constraints could lead to higher costs for public agencies, reduced vendor competition, and potential service disruptions. Commenter states that barriers to fleet electrification remain significant following expansion of compliance obligations to private contractors, including utility interconnection delays and substantial capital costs, especially in rural areas where electrical capacity and charging access are limited. (Gebriel Saleh – 15d2)
- 1864. Comment:** Commenter states that by making water districts responsible for verifying emissions compliance and auditing contractor fleets, contractors have expressed concerns that these procurement requirements might delay service delivery due to limited vehicle availability, and insufficient charging or fueling infrastructure for ZEVs. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)
- 1865. Comment:** Commenter states that expanding the regulations to apply to contracted fleets causes a significant cost shift onto local governments and ratepayers without corresponding available vehicle technology. (Brittney Barsotti – 15d2)
- 1866. Comment:** Commenter states that the cost-benefit ratio and emissions reductions associated with replacing an ICE vehicle with a ZEV would be much higher than using a contracted ICE vehicle for a short term, and that investments could instead be made elsewhere to achieve greater emissions reductions. (Andrea Villarin – 15d2)
- 1867. Comment:** Commenter states that contractors have already expressed concerns that these procurement requirements might increase contract costs due to insufficient charging or fueling infrastructure. (Amy Reeh – 15d2)
- 1868. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets may risk a public agency's ability to deliver service at a moment's notice and to responsibly manage ratepayer funds as specialized equipment requirements, charging infrastructure, facility modifications, and infrastructure upgrades necessary to support fleet electrification alone take several years to design, permit, fund, procure, and construct. (Sarah Deslauriers – 15d2)
- 1869. Comment:** Commenter states that contractors have already expressed concerns that these procurement requirements might increase contract costs due to limited vehicle availability. (Amy Reeh – 15d2)

- 1870. Comment:** Commenter states that the Second 15-Day Changes go in the opposite direction of the Board's direction by significantly expanding the regulation in a manner that will subject government entities to more costs, more administrative burden, more fleet-management complexity, and more compliance risk. (Tim Carmichael – OCP)
- 1871. Comment:** Commenter states that the Second 15-Day Changes impose new regulatory requirements on government agencies and do not ensure the regulation has no adverse impact on essential public services. (Tim Carmichael – OCP)
- 1872. Comment:** Commenter states that the First and Second 15-Day amendment packages do not follow the Board's direction to utilize exemption criteria to ensure the regulation has no adverse impact on essential public services. (Tim Carmichael – OCP)
- 1873. Comment:** Commenter requests that CARB ensure adequate funding is available before imposing additional requirements for contracted solid waste fleets. (Sophie Helpard – 15d2)
- 1874. Comment:** Commenter states that requiring cities to incorporate CARB-specific requirements into municipal contracts, maintain additional records, and monitor compliance by third-party fleets falls outside the traditional role of local governments and would impose new administrative responsibilities without corresponding funding or resources. (Paolo Beltran – 15d2)
- 1875. Comment:** Commenter states that the proposed amendments do not provide dedicated funding to support local governments in carrying out additional contractor compliance responsibilities. (Hannah Abdoo – 15d2)
- 1876. Comment:** Commenter states that barriers to fleet electrification include vehicle availability problems, and adding requirements without addressing those problems could create unintended consequences for communities that rely on contracted services. (Gebriel Saleh – 15d2)
- 1877. Comment:** Commenter states that ZEV capital costs are a barrier to fleet electrification and that adding requirements without addressing capital costs could create unintended consequences for communities that rely on contracted services. (Gebriel Saleh – 15d2)
- 1878. Comment:** Commenter states CARB should: evaluate the impacts on contractor participation, service availability, procurement costs, and local government budgeting. (David Renschler – 15d2)
- 1879. Comment:** Commenter states that State and Local Government fleets may not be able to contract for vehicles under the Purchase Schedule pathway when the 100 percent purchase requirement begins in 2030 or when ZEV Milestone percentage requirements begin in the compliance milestone year. (Andrea Villarin – 15d2)
- 1880. Comment:** Commenter states that if the regulation is interpreted to apply broadly to any consultant or construction contractor performing work for a public agency, it could significantly reduce the pool of available contractors and create substantial administrative burdens for both public agencies and the businesses that support them. (Melanie Schumacher – 15d2)
- 1881. Comment:** Commenter states that expanding compliance obligations to contracted fleets could result in contractors declining to bid on public agency work or terminating existing agreements, reducing competition. (Amanda Roa – 15d2)
- 1882. Comment:** Comment states that the changes will force the district to end long-standing relationships for outside services with vendors who have intimate knowledge of the numerous district facilities because they are not ACF compliant. (Damon Wyckoff – 15d2)
- 1883. Comment:** Commenter states that if contractors determine that public agency work exposes them to ACF compliance obligations they may increase prices, decline to bid, limit availability, or refuse emergency or on-call work. (Joe Sturges – 15d2)
- 1884. Comment:** Commenter states that contractors may prioritize other work since working for the public agency may require substantial spending on fleet upgrades, especially in

circumstances where there is competition for critical specialized work and contractor resources are limited. (Nicole Looney – 15d2)

- 1885. Comment:** Commenter states implementing the proposed amendments could result in fleet operators refraining from entering public contracts with California agencies altogether, leading to a dearth of contracted fleets to carry out essential services such as paving, waste hauling, and others. (Christine Wolfe – 15d2)
- 1886. Comment:** Commenter states that the proposed ACF contractor compliance requirements could limit access to contracted resources, such as specialty vehicles contracted on an as-needed basis, by reducing accessibility to specialized equipment and availability of qualified bidders. (Joe Sturges – 15d2)
- 1887. Comment:** Commenter states that when compliance obligations are unclear or subject to change municipalities may also face reduced competition. (Katie Vassali – 15d2)
- 1888. Comment:** Commenter states that the second 15-day changes lack clarity regarding how the amendments could influence public procurement requirements or competitive bidding processes, and how would subcontractors and multi-tier contracting arrangements be treated. (Suzanne Seivright-Sutherland – 15d2)
- 1889. Comment:** Commenter states that contractors and service providers may break existing contracts or stop bidding on public agency services, leaving public agencies at high risk of system failures and unable to fulfill public services without contracted fleet vehicles. (David Rothbart – 15d2)
- 1890. Comment:** Commenter states that extending ACF obligations to private fleet creates procurement challenges, such as reduced bidder participation, which are particularly burdensome for a small district. Commenter states that contractors have already expressed concerns that these procurement requirements might reduce bidder participation due to limited vehicle availability and insufficient charging or fueling infrastructure. (Amy Reeh – 15d2)
- 1891. Comment:** Commenter states that compliance under a broad interpretation of the new contracted-vehicle language could limit the number of eligible contractors and reduce competition among bidders. (Acquanetta Warren – 15d2)
- 1892. Comment:** Commenter states that CARB should clearly define which entities and activities are subject to ACF and should evaluate the operational implications of including contracted vehicles. They note that rural communities and smaller jurisdictions often have access to only a limited number of qualified contractors, with few or no reasonable alternatives. Commenter adds that if contractors determine that compliance obligations are operationally unfeasible, the public agencies that rely on them may face increased costs, service disruptions, or difficulty securing qualified vendors altogether. (Gebriel Saleh – 15d2)
- 1893. Comment:** Commenter opposes applying ACF to contractors operating vehicles on behalf of public agencies because doing so would undermine the ability to select compliant contractors, particularly where vehicles are not available on the market that can meet both CARB requirements and the public utility's operational and safety needs. (Scott Ammon – 15d2)
- 1894. Comment:** Commenter states that incorporating CARB-specific requirements into municipal contracts for contracted fleets and third-party fleets will very likely reduce competition among vendors unable to meet evolving regulatory thresholds. (Hilary Hobbs – 15d2)
- 1895. Comment:** Commenter states that requiring public works bidders to purchase or use ZEVs will likely limit bidders for public works projects. (Brittney Barsotti – 15d2)
- 1896. Comment:** Commenter states that the latest amendments may discourage contractors from bidding on critical public works and emergency response projects. (Anthony Firenzi – 15d2)
- 1897. Comment:** Commenter states that the new requirements will create a significant market chilling effect, leading businesses to terminate contracts with public agencies to avoid the secondary layer of regulatory oversight. (Joe Mouawad – 15d2)

- 1898. Comment:** Commenter states that if contractors are unable or unwilling to replace specialized equipment to maintain eligibility for public agency contracts, agencies may experience reduced vendor availability. (Chris Robbins – 15d2)
- 1899. Comment:** Commenter expresses concerns that applying ACF compliance requirements to contractor-owned and contractor-operated vehicles could create significant procurement and contracting impacts for public agencies. This may force public agencies to evaluate contractor fleets as part of contract administration, potentially reducing the pool of available vendors capable of performing critical infrastructure work. (Jason Martin – 15d2)
- 1900. Comment:** Commenter states that by making water districts responsible for verifying emissions compliance and auditing contractor fleets, contractors have expressed concerns that these procurement requirements might reduce bidder participation. (Kimberly Thorner – 15d2)
- 1901. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of state and local government fleets might reduce bidder participation from contractors. (Isam Hireish – 15d2)
- 1902. Comment:** Commenter states that requiring contractors to provide only ZEVs could significantly reduce competition for public contracts. (Chris Robbins – 15d2)
- 1903. Comment:** Commenter states that the Board should ensure that the transition to new technology does not come at the expense of fair and open competition in government contracting. (Jason Cole – 15d2)
- 1904. Comment:** Commenter states that requiring local governments to collect and report contractor fleet information, which may not be the most effective means to address the disparity caused by ACF requirements applying to local governments but not equally applied to private operators, placing public agencies at a competitive disadvantage in certain service areas. (Daniel Hernandez – 15d2)
- 1905. Comment:** Commenter states that fleet sizes, service territories, population density, topography, route conditions, and contract structures vary significantly across the state. Commenter states that regulations that do not account for those differences risk unintended consequences, including conglomeration of private enterprises. (Sophie Helpard – 15d2)
- 1906. Comment:** Commenter states that the proposed contractor related requirements could limit who can deliver goods to public agencies to a few large companies or monopolies. (Jason Martin – 15d2)
- 1907. Comment:** Commenter states that applying new fleet requirements through contractual arrangements to provide essential services will likely reduce competition. (Damon Conklin – 15d2)
- 1908. Comment:** Commenter states the ACF requirements, specifically how they apply to government contractors, are stifling competition in the marketplace. (Jason Cole – 15d2)
- 1909. Comment:** Commenter states that attempting to reintroduce requirements on private fleets through contracting requirements raises serious concerns regarding regulatory authority, implementation, and enforceability that will invite heightened scrutiny from affected industries and public agencies alike. (Alyson Piguee – 15d2)
- 1910. Comment:** Commenter states that by requiring private fleets that contract with government agencies to perform public services to meet ZEV mandates, the state is inadvertently creating a significant barrier to entry. (Jason Cole – 15d2)
- 1911. Comment:** Commenter states that applying new fleet requirements through contractual arrangements to provide essential services will likely create contractual uncertainty. (Damon Conklin – 15d2)
- 1912. Comment:** Commenter states that the ACF changes will result in the potential for contractors and service providers to break their contracts in the near term and no longer bid on public agency services, which leaves public agencies at high risk of system failures and will negatively impact the ability of these agencies to protect public health and the

environment. Commenter states that public agencies may be abruptly and unexpectedly unable to rely on those essential contracts as a result of these changes and cannot immediately fill the gap in those services. (Curtis Paxton – 15d2)

- 1913. Comment:** Commenter states that contractors have already expressed concerns that the procurement requirements might reduce bidder participation due to limited vehicle availability and insufficient charging or fueling infrastructure. (Scott McClelland – 15d2)
- 1914. Comment:** Commenter states that the changes to include contracted fleets will increase the likelihood that contractors may choose not to work with them. (Jason Maruca – 15d2)
- 1915. Comment:** Commenter states that the proposed second 15-day amendments may also reduce contractor availability and competition since many small and medium-sized contractors may be unable or unwilling to absorb the financial and operational costs associated with compliance, this will reduce competition which can limit available service providers. Commenter states that any regulatory framework that limits contractor availability or creates uncertainty regarding emergency service delivery could have significant consequences for public safety and community resilience. (Consuelo Hernandez – 15d2)
- 1916. Comment:** Commenter states that the new contracted-vehicle requirements could severely affect future bids and the ability to provide essential services if private fleets are unable to bid on State and Local Government projects requiring ZEVs. (Andrea Villarin – 15d2)
- 1917. Comment:** Commenter states that when compliance obligations are unclear or subject to change, municipalities face higher procurement costs as bidders price in regulatory risk, reduced competition, and increased administrative and legal burdens, with costs ultimately borne by taxpayers and ratepayers. (Ryan Kenny – 15d2)
- 1918. Comment:** Commenter states that additional compliance obligations could affect contractor participation. Commenter states that compliance costs associated with vehicle acquisition, infrastructure, and operations could reduce contractor participation in government contracts, particularly where contract revenue cannot offset compliance expenses. (David Renschler – 15d2)
- 1919. Comment:** Commenter states that the proposed requirements may discourage contractors from pursuing municipal work. (Hannah Abdoo – 15d2)
- 1920. Comment:** Commenter states that the increased financial and administrative burdens associated with the proposed amendments may reduce competition for public contracts. (Hannah Abdoo – 15d2)
- 1921. Comment:** Commenter states that fleet reporting and tracking requirements may deter qualified firms from bidding on municipal contracts. (Hannah Abdoo – 15d2)
- 1922. Comment:** Commenter states that additional fleet reporting and tracking requirements may particularly affect smaller businesses with limited resources. (Hannah Abdoo – 15d2)
- 1923. Comment:** states that reduced competition for municipal contracts may increase costs to taxpayers. (Hannah Abdoo – 15d2)
- 1924. Comment:** Commenter states that reduced competition for municipal contracts may hinder municipalities' ability to efficiently deliver services, including emergency services. (Hannah Abdoo – 15d2)
- 1925. Comment:** Commenter states that if public water agencies must treat ordinary contractor vehicles as part of their fleets, they will be forced to impose new ZEV-related vehicle requirements in their bids and contracts, which will sharply reduce the number of qualified bidders and deter competitive bidding. Commenter expresses concerns that the amendments would cause fewer bids on public works and maintenance contracts. (Rangarajan Sampath – 15d2)
- 1926. Comment:** Commenter states that if public agencies are expected or believe they are expected to count contractor owned vehicles toward their fleet compliance obligations, private businesses could face significant pressure to transition fleets, alter equipment purchasing decisions, or incur substantial compliance costs simply to remain eligible for

public work, which will raise the costs for public works projects and will decrease the bidder pool on public works projects as smaller contractors simply do not have the capital to afford to do these vehicle upgrades. (Treston Keys – 15d2)

- 1927. Comment:** Commenter states that the predictable results of the proposed interpretation are higher bid prices passed through to public budgets, reduced bidder participation where fleets cannot source compliant heavy-duty ZEVs for construction duty cycles, and an unlevel field where identical work carries different fleet obligations depending on the customer. (Nicholas Armstrong – 15d2)
- 1928. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets is a significant expansion in the regulation's scope that subjects local public agencies to the potential for contractors and service providers to break their contracts in the near term and no longer bid on public agency services. (Sarah Deslauriers – 15d2)
- 1929. Comment:** Commenter states that the proposed amendments may discourage contractors from bidding on critical public works and emergency response projects. (Justin Caporusso – 15d2)
- 1930. Comment:** Commenter states that if the amendments are adopted as proposed, contractors operating vehicles that do not meet ACF requirements may decline public agency work rather than assume compliance uncertainty over equipment they own and operate independently. (Justin Caporusso – 15d2)
- 1931. Comment:** Commenter states that regulatory frameworks should not jeopardize essential public services or reduce the pool of contractors willing to bid on critical water infrastructure and emergency response contracts. (Justin Caporusso – 15d2)
- 1932. Comment:** Commenter states that reduced contractor participation would result in diminished competition, higher contract costs, and reduced emergency response capacity for rural ratepayers and Sierra Nevada communities. (Justin Caporusso – 15d2)
- 1933. Comment:** Commenter states that SLGs may need to revise procurement documents, contract terms, and bid evaluations to account for ACF compliance obligations, potentially limiting the pool of available vendors. (Roxana Ramirez – 15d2)
- 1934. Comment:** Commenter states that the proposed changes may result in private firms not being interested in contracting with a public agency if that results in new ACF requirements being placed on them. (Derek Dolfie – 15d2)
- 1935. Comment:** Commenter states that the addition of new fleet requirements on contractors will compound existing contracting challenge of limited choice due to the specialized nature of the services contracting for. (Derek Dolfie – 15d2)
- 1936. Comment:** Commenter expresses concern that the impacts will be felt more keenly in rural areas where the already limited pool of available vendors would be further constrained by additional contracting requirements. (Derek Dolfie – 15d2)
- 1937. Comment:** Commenter states that small business contracts may be disproportionately affected by expanded ZEV requirements. (Nicole Looney – 15d2)
- 1938. Comment:** Commenter states that when public agencies force these ZEV compliance requirements into their procurement and bidding processes, they are unintentionally narrowing the field of qualified vendors. Commenter states that the result is a system where only the largest, most well-capitalized firms can afford to bid on government contracts which limits healthy competition. (Jason Cole – 15d2)
- 1939. Comment:** Commenter states that when public agencies force these ZEV compliance requirements into their procurement and bidding processes, they are unintentionally narrowing the field of qualified vendors. Commenter states that the result is a system where only the largest, most well-capitalized firms can afford to bid on government contracts which forces out smaller, reliable service providers who play a critical role in our local economy. (Jason Cole – 15d2)

1940. Comment: Commenter expresses concerns that the amendments would cause potential exclusion of small and local contractors from public work. (Rangarajan Sampath – 15d2)

1941. Comment: Commenter states that the language of the proposed amendments with regard to third-party contracts creates an impractical solution that is not equitable or consistent with the original purpose of the regulation. (Kyle Swanson – 15d2)

Agency Response: No changes were made in response to these comments. State and local government agencies already have full access to exemptions and extensions for all vehicles in their fleet, including those rented, leased or under contract. The Second 15-Day changes do not impose new requirements on contracted fleets but instead clarify existing ones. Additionally, the Second 15-Day changes do not introduce new obligations that would create contractual uncertainty; they clarify the existing regulatory structure to ensure consistent and enforceable compliance.

It is speculative to assume diminished flexibility in negotiating long-term service agreements. State or local government entities have considerable flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. Furthermore, state and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF and meet their compliance obligations.

State and local government agencies in designated low-population counties or those with 10 or fewer vehicles need to report annually, but do not have any ZEV purchase requirements until at least 2030. Starting 2030, with the ZEV Purchase schedule, no other action is required until vehicles are newly added to the fleet. This means no vehicles need to be retired or replaced, including those under contract before 2030. In addition, the agency would not need to purchase any ZEVs unless adding vehicles to the fleet whether through direct purchasing, leasing, renting, or through a new contract. The State or a local government agency also has the opportunity to elect to use the ZEV Milestones Option.

ACF is structured to ensure the regulatory burden is placed on the controlling party—on the State or a local government agency, who needs to determine a compliance strategy to achieve the ZEV phase-in requirements. How a State or local government agency complies with the ACF requirements is at their discretion; they can choose what vehicle (owned, operated, rented or leased for a year or more, or contracted for) to add to their fleet as a ZEV. The ACF regulation does not regulate agreements between the agencies and their contractors.

Public fleets are the only entities subjected to the regulation, private fleets are not. The Proposed Amendments do not expand the scope, or the applicability provision of section 2013(a)(1). Changes in the Second 15-Day changes were made in response to prior comments about ambiguity. Furthermore, the Second 15-Day Changes consists of clarifications made explicit to the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between State or local government agencies that operate a fleet of vehicles whether they are owned, operated under contract, or rented or leased for a year or more. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. Making changes in response to these comments, to reduce the scope of the vehicles under

SLG requirement, would be unnecessary and undermine the emission reduction goals of the regulation. Since the scope of ACF has not changed, the Proposed Amendments are not expected to cause changes in administrative burdens, cost, emergency response, charging infrastructure, operational frameworks, planning impacts, service disruptions, or public health.

c) Vehicles Under Contract—Request for Clarity on Types of Vehicles Under the SLG Requirement and Exclusions

- 1942. Comment:** Commenter states that CARB has not clarified which contractual relationships are affected with the addition of contracted fleets to public agency fleets, (Noelle Mattock – 15d2)
- 1943. Comment:** Commenter seeks clarification on whether the regulation would apply to service contracts where vehicles are used to complete a service but not operated by the state or local government fleet (e.g., when a public fleet hires a construction company for a project or contracts for chemical delivery). (Eric Grubb – 15d2)
- 1944. Comment:** Commenter requests that CARB clarify that specialized service contracts do not create fleet ownership or fleet operational responsibility for the contracting public agency. (Jason Martin – 15d2)
- 1945. Comment:** Commenter requests that CARB to consider modifications to exclude contractor operated vehicles from a public agency's ACF fleet when the public agency does not own, control, dispatch, or direct the procurement of those vehicles. (Jason Martin – 15d2)
- 1946. Comment:** Commenter states that they respectfully urge that CARB withdraw the contractor fleet provisions. (Brittney Barsotti – 15d2)
- 1947. Comment:** Commenter states that they cannot safely serve their communities unless private contractor fleet vehicles are excluded from the regulation. (Scott McClelland – 15d2)
- 1948. Comment:** Commenter requests that the CARB create a safe harbor for essential public infrastructure contracts, including water, wastewater, stormwater, flood-control, emergency repair, solid waste, hazardous waste, and public works construction contracts, where the contractor certifies that it is not the subject to the State and local government fleet requirements and that it remains responsible for compliance with any other applicable CARB regulations. (Rangarajan Sampath – 15d2)
- 1949. Comment:** Commenter states CARB should remove or substantially revise the contractor-fleet provisions so local governments remain responsible for their own fleets and private fleet operators retain direct responsibility for their own compliance. (Hannah Abdoo – 15d2)
- 1950. Comment:** Commenter requests that the regulation be revised to remove the inclusion of “contracted vehicles” in the definition of “Fleet” and that CARB withdraw its position that contracted vehicles are included in a State and Local Government Agency's fleet for purposes of determining compliance with ACF. (Julia Mangin – 15d2)
- 1951. Comment:** Commenter states that rented, leased, and contracted vehicles should not be automatically considered part of a State and Local Government fleet unless that treatment is stated in the contract. (Andrea Villarin – 15d2)
- 1952. Comment:** Commenter requests CARB revise the proposed regulatory language to clearly state that: privately owned and operated fleets are not part of a state or local government fleet solely because they provide services under contract; and entering into or maintaining a service agreement does not constitute ownership, control, or operation of those vehicles by a public agency for ACF compliance purposes. (Kirk Sander – 15d2)
- 1953. Comment:** Commenter requests that if CARB does not exclude the second 15-day language, then CARB should clarify that ACF compliance obligations will not be imposed through contractual or procurement-based mechanisms. (Katie Vassali – 15d2)

- 1954. Comment:** Commenter requests that CARB clarify the regulation's application to contracted vehicle operations and explicitly state that public agencies are not considered fleet owners of contractor-owned or contractor-operated vehicles solely because they contract for services involving vehicle-supported work, including emergency response, construction, maintenance, hauling, regulatory compliance activities, and other essential utility operations. (Joe Sturges – 15d2)
- 1955. Comment:** Commenter states that the proposed expansion of local government's responsibility over contractor fleets should be withdrawn. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)
- 1956. Comment:** Commenter requests that CARB revise the Final Statement of Reasons and CARB guidance materials to confirm that private fleets performing services under contract with public agencies are not subject to ACF SLG compliance obligations and are not required to be counted in the public agency's compliance determination. (Veronica Pardo – 15d2)
- 1957. Comment:** Commenter states contracted vendors should not be considered part of a district's fleet for supporting district operations. (Erin Sasse – 15d2)
- 1958. Comment:** Commenter requests that CARB clarify that contractor-owned and contractor-operated vehicles are not included in public agency fleet inventories or compliance calculations, including ZEV purchase requirements and ZEV milestone obligations, unless the public agency owns, leases, rents, or directly operates the vehicles. (Joe Sturges – 15d2)
- 1959. Comment:** Commenter requests that CARB expressly exclude vehicles owned, leased, or operated by independent contractors from public fleet compliance calculations. (Chris Robbins – 15d2)
- 1960. Comment:** Commenter states that the proposed text leaves unanswered whether a ready-mix truck delivering to a public works project, a vehicle carrying employees, tools, and supplies to a jobsite, or vehicles moving between public and private work are considered "under contract" and counted in a public agency's ACF compliance inventory. (Nicholas Armstrong – 15d2)
- 1961. Comment:** Commenter requests that CARB clarify that construction contracts do not create fleet ownership or fleet operational responsibility for the contracting public agency. (Jason Martin – 15d2)
- 1962. Comment:** Commenter states that the proposed amendments to the definition of fleet owner will result in an additional and unbounded level of uncertainty regarding compliance since the regulation does not clarify to what extent "contracts for the operation of vehicles" is considered. Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets reach far beyond a simple clarification. Commenter states that the ACF regulation and the second 15-Day Changes to include contracted vehicles as part of the state and local government fleets will result in a regulation that is unimplementable and lacks clarity around critical issues. (Sarah Deslauriers – 15d2)
- 1963. Comment:** Commenter states that the definition of 'Fleet Owner' is a substantive change, is vague and unclear. Commenter states that the changes to Section 2013 (a)(1) appear to expand the definition of fleets, yet this language appears to conflict with the definition of 'Fleet Owner' in the regulation. Commenter states that the definition of 'Fleet Owner' has been amended, adding confusion throughout the proposed language about which vehicles should be included in agency fleets. (Jason Maruca – 15d2)
- 1964. Comment:** Commenter states that CARB's assertion that the Second 15-Day Changes are clarifications rather than expansions is unsubstantiated. Commenter states that if CARB's position is that the regulation obviously included private contracted fleets, it is unclear why

CARB needed to specify that private fleets are now included when under contract with state and local governments. (Tim Carmichael – OCP)

- 1965. Comment:** Commenter states that including contracted vehicles creates significant uncertainty regarding the applicability of the ACF regulation to private fleets that provide contracted services to state and local government agencies. Commenter states that the newly proposed language regarding vehicles that are "rented, leased, or contracted to operate on behalf" of a public agency raises substantial questions and creates uncertainty regarding whether contractors, material suppliers, trucking providers, and other private entities could ultimately become subject to ACF requirements as a condition of performing public work. Commenter requests that CARB provide clear and direct guidance and explicitly confirm whether privately owned fleets performing work for state and local government agencies are subject to any ACF requirements, either directly or indirectly, or are exempt from ACF requirements. (Treston Keys – 15d2)
- 1966. Comment:** Commenter states that a construction contract or supply contract is different from an agreement whose subject is the ongoing operation of vehicles for the agency. Commenter states that the agency purchases a finished capital improvement or a good, not the operation of vehicles, and that "contract for services" has no limiting principle unless CARB expressly distinguishes dedicated fleet-service contracts from construction and material-supply work. (Nicholas Armstrong – 15d2)
- 1967. Comment:** Commenter states that CARB's September 2025 amendments and the Initial Statement of Reasons confirm that general instructions to a hired entity, such as a contract specifying areas to service or when and where road repair activities are to be made, do not constitute dispatch of specific vehicles. Commenter states that a construction or supply contract specifies a scope, site, and schedule, but does not dispatch identified vehicles. (Nicholas Armstrong – 15d2)
- 1968. Comment:** Commenter requests that, if the second 15-day changes are intended as a clarification, CARB expressly state that construction and material-supply work are excluded. (Nicholas Armstrong – 15d2)
- 1969. Comment:** Commenter states that the phrase "binding agreement with a third party" cannot serve as an independent trigger for capturing contractor vehicles because that phrase is tethered to vehicles added to the agency's California fleet, and a purchase order for material or a fixed-price construction contract adds no vehicle to anyone's fleet. Commenter states that if "binding agreement" meant any contract whatsoever, it would capture every vendor that delivers anything to any public site, which would be irreconcilable with CARB's guidance stating that private fleets are not subject to the ACF State and Local Government regulations. Commenter requests that CARB define "binding agreement" and "under contract" in regulatory text. (Nicholas Armstrong – 15d2)
- 1970. Comment:** Commenter states that the proposed text does not distinguish short-term from long-term contracts, full-period from partial-period engagements, or provide treatment for emergency and disaster work performed for public agencies on hours' notice. (Nicholas Armstrong – 15d2)
- 1971. Comment:** Commenter requests that CARB confirm in regulatory text, not guidance, that private fleets performing construction, public works, design-build, project-specific, material-supply, emergency-response, and subcontracted work are outside the scope of the State and Local Government regulation. (Nicholas Armstrong – 15d2)
- 1972. Comment:** Commenter requests that CARB clarify that "contracts to operate on its behalf" reaches only agreements whose subject is the operation of vehicles for the agency. (Nicholas Armstrong – 15d2)
- 1973. Comment:** Commenter requests that CARB define "contract," "binding agreement," "under contract," "services," and any dollar or duration thresholds, along with the time and

allocation basis for counting contracted vehicles, including how double counting, conflicting pathway elections, and exemption standing. (Nicholas Armstrong – 15d2)

- 1974. Comment:** Commenter requests that CARB publish a list identifying which services are included and which are not, and requests that construction, infrastructure work, maintenance, and the supply of construction materials such as asphalt, concrete, and aggregate be expressly placed in the not-included category. (Nicholas Armstrong – 15d2)
- 1975. Comment:** Commenter states that the Second 15-Day Changes create new uncertainty regarding whether there is a de minimis contract length or fleet size threshold before contracted trucks are included in a public agency's fleet. Commenter asks whether a public agency contract for a three-day service or a one-month service using one truck would cause those trucks to be included in the agency's fleet. Commenter asks whether all contracts are included under the Second 15-Day Changes or only contracts for services that the local or state agency would have performed with its own fleet. (Tim Carmichael – OCP)
- 1976. Comment:** Commenter asks whether vehicles used for laundry delivery, uniform delivery, or food service for a special event hosted by a city would be included under the contracted-vehicle requirements. (Tim Carmichael – OCP)
- 1977. Comment:** Commenter asks whether emergency contracts, such as wildfire, storm, or flood cleanup contracts, are included under the Second 15-Day Changes. (Tim Carmichael – OCP)
- 1978. Comment:** Commenter requests that CARB exclude from a public agency's compliance calculation contractor owned vehicles that are: 1) not owned, leased, purchased, or maintained by the public agency; 2) not dedicated exclusively or primarily to the public agency; 3) used by the contractor for multiple public and private customers; 4) selected and controlled by the contractor rather than the public agency; 5) used for discrete construction, hauling, disposal, repair, maintenance, or emergency-response tasks; and 6) commercially unavailable as ZEVs in the required configuration or duty cycle. (Rangarajan Sampath – 15d2)
- 1979. Comment:** Commenter states that the proposed treatment of contracted vehicles as part of a water agency's fleet presents a serious and immediate compliance problem for public water agencies and other essential infrastructure providers. Commenter requests that CARB exclude private contractors' vehicles for public works, construction, hauling, disposal, repair, maintenance and professional-service contracts from a local government's agency fleet compliance calculation. Commenter states that a water agency does not have the practical ability to require a contractor to operate vehicles that meet the water agency's current ZEV compliance schedule. Commenter requests that CARB revise the proposed amendments and accompanying guidance to address the contracted-vehicle issue before final adoption. (Rangarajan Sampath – 15d2)
- 1980. Comment:** Commenter states that the ACF regulation currently provides little clarity regarding which contracted vehicles must be counted. Commenter requests that CARB clarify that public agency fleet compliance obligations apply only to vehicles directly owned, leased, operated, dispatched, or otherwise under the direct operational control of the public agency in the performance of its governmental functions. Commenter states that the ACF regulation currently provides little clarity regarding how long a contractual relationship must exist before vehicles become subject to reporting. Commenter states that the changes to include contracted vehicles currently provide little clarity regarding how public agencies should treat on-call or intermittent service agreements. (Alyson Piguee – 15d2)
- 1981. Comment:** Commenter requests that CARB add language which preserves CARB's intended authority over true fleet-operation contracts while avoiding unintended consequences for ordinary public works and essential-service contracts, such as: "For purposes of this article, a State or local government agency does not 'contract for the operation of' a vehicle, and such vehicle is not part of the agency's fleet, solely because the

agency enters into a contract for construction, public works, repair, maintenance, hauling, waste disposal, emergency response, professional services, or other services where the contractor uses privately owned or controlled vehicles as tools to perform the contracted work. Contractor-owned vehicles shall be included in the agency's fleet only where the contract is principally for the operation of vehicles on behalf of the agency as a dedicated substitute for, or extension of, the agency's own fleet, and the agency exercises operational control over the vehicles or requires the vehicles be dedicated to agency service."

(Rangarajan Sampath – 15d2)

1982. Comment: Commenter requests that CARB clarify that public agencies are not required to account for contractor-owned vehicles when demonstrating compliance with the ACF Regulation. (Chris Robbins – 15d2)

1983. Comment: Commenter states that the proposed modifications create a disconnect and ambiguity between the regulatory language and guidance documents regarding contracted vehicles and public services carried out through contractual arrangements. Commenter states that the current language does not clarify what constitutes a contract triggering applicability, including whether private paving, construction, roadway rehabilitation, street maintenance, material delivery, one-time, short-term, or emergency contracts are covered. (Acquanetta Warren – 15d2)

1984. Comment: Commenter states that the proposed language does not make clear whether the regulation applies only to contracts specifically or solely for the operation of a vehicle, contracts for any service that could reasonably or potentially include operation of a vehicle, or every contract. Commenter states that "contracts for the operation of" lacks clarity and, because it is listed in addition to "leases" and "rents," appears intended to be broader than direct vehicle lease or rental arrangements. (Brittney Barsotti – 15d2)

1985. Comment: Commenter requests that CARB should provide clear and specific language regarding the scope and applicability of the provisions regarding contracted vehicles as part of the state and local government fleet, so they are not interpreted more broadly than intended. (Melanie Schumacher – 15d2)

1986. Comment: Commenter states that the contracted fleet requirement guidance is very broad including any contract for any project, or purpose, even those that are for services at single location where "operation of" a vehicle may not be for the expressed purpose of operating a vehicle, but the private entity may have to purchase and transport supplies or equipment to that singular site. Commenter states, as noted above there is a wide range of contracts implicated here, rather than just leased or rented vehicles. Commenter states that they urge CARB to clarify the ACF regulations and the public guidance to specify the true scope of contracts that are intended to comply with ACF are specifically for the operation of a vehicle or be clear on the intended breadth of this draft. (Brittney Barsotti – 15d2)

1987. Comment: Commenter states that CARB's clarifications have made the practical compliance boundaries less clear for local agencies and, if taken at face value, unworkable for government fleets. Commenter states that guidance alone is insufficient because the operative regulatory text will control procurement decisions, annual reporting, contract administration, and audits, and that the public agency community needs the contract boundary to be clear in the regulation itself. (Austin Avery – 15d2)

1988. Comment: Commenter states that it is unclear whether this responsibility applies to construction firms subcontracting to companies that provide vehicles supporting construction activities and this ambiguity will directly impact them, as it plans major upgrades to its treatment plant to meet new regulations. (Jennifer Harrington – 15d2)

1989. Comment: Commenter states that for contracted fleets there are drastic differences between these potential interpretations and implications. Commenter states that CARB should clarify that ACF does not apply to anything beyond a contract specifically for

operation of a vehicle that is equivalent to the rental or lease to perform state or local government functions. (Brittney Barsotti – 15d2)

- 1990. Comment:** Commenter states that a public agency may procure a service result without procuring the operation of a specific vehicle, and that a covered vehicle should not become part of a public agency's fleet merely because a contractor used it to travel to a jobsite while performing a broader service contract. (Austin Avery – 15d2)
- 1991. Comment:** Commenter states including rented and contracted vehicles creates confusion, generates compliance exposure to the SLGs, and leads to inconsistent implementation as there is no clarification as to what constitutes a contract under the rule triggering its applicability. (Cesar Rangel – 15d2)
- 1992. Comment:** Commenter asks whether vendors such as Amazon or Comcast would be subject to ACF merely because they provide goods or services involving vehicles to state or local governments. (Brittney Barsotti – 15d2)
- 1993. Comment:** Commenter requests clarification on whether ACF applies to service contracts where vehicles are used to complete the service but are not operated by the public fleet, such as when a public fleet hires a construction company for a project or contracts for chemical delivery. (Nick Blair – 15d2)
- 1994. Comment:** Commenter states that the revised 15-day amendments create additional confusion for contractors under the Freeway Service Patrol program and contractors with California Highway Patrol contracts for roadside assistance, tow, and recovery work. (Greg Hurner – 15d2)
- 1995. Comment:** Commenter states that the amendment's proposed language does not distinguish between: 1) contracts under which a contractor operates vehicles as a functional extension of the public agency's fleet and 2) ordinary service, construction, hauling, disposal, emergency-repair, and public works contracts in which privately owned vehicles or equipment are incidental to the contractor's performance of the work, while the distinction between these situations is critical. Commenter requests that CARB confirm that contract renewals, change orders, extensions, emergency work authorizations, on-call task orders, and amendments to existing service or construction contracts do not constitute adding new vehicles to the public agency's California fleet unless the public agency specifically requires the addition of a dedicated vehicle to serve as part of the agency's fleet. (Rangarajan Sampath – 15d2)
- 1996. Comment:** Commenter states that the proposal does not clearly define the types of contracts, services, or business relationships that would cause a privately owned vehicle or fleet to be considered part of a public agency fleet. Commenter requests that CARB define the types of contracts that would cause a privately owned vehicle or fleet to be considered part of a public agency fleet, including whether contract duration, contract value, scope of work, or operational control are factors in determining applicability. Commenter requests CARB clearly identify the services CARB intends to capture under the phrase "contracted to operate on its behalf" and provide examples of contractual arrangements that would and would not be subject to these provisions. (Treston Keys – 15d2)
- 1997. Comment:** Commenter states private contractor firms are selected by agencies for public works projects in an open competitive bidding environment based on price and experience, not the vehicles to be utilized on a project. Vehicles used on construction projects are transitory and can be used on various public works projects being performed concurrently by a firm. To include contractor private fleet vehicles in an agency's covered fleet would create confusion and possible double counting of vehicles in reporting and regulatory compliance and is simply not appropriate and beyond the scope the ACF regulation. (Clayton Miller – 15d2)
- 1998. Comment:** Commenter requests that CARB establish a de minimis safe harbor or objective duration or dedication threshold before a covered contract vehicle is considered added to a

public agency fleet, such as a contract term of one year or more or a stated dedication threshold based on cumulative days or assignment to the agency. Commenter states that without such a threshold, local agencies will have no administrable way to distinguish an incidental vendor visit from a true contract fleet vehicle. (Austin Avery – 15d2)

1999. Comment: Commenter asks whether contracting for 10 vehicles needed to respond to an emergency or complete a utility maintenance project over 2 weeks would require SFPUC to add those vehicles to its fleet and purchase 10 additional ZEVs to offset them. (Austin Avery – 15d2, Scott Ammon – 15d2)

2000. Comment: Commenter states the phrase “services using vehicles” as used in section 2013.4(b) recordkeeping requirements for contracted vehicles is undefined, lacks a limiting principle, lacks a threshold, and contains no carve-out for short-term, emergency, or specialized service contracts. (Justin Caporusso – 15d2)

2001. Comment: Commenter states that a water agency engaging a contractor to deliver treatment chemicals, repair a pipeline at a remote intake structure, or conduct vegetation management on watershed lands could plausibly fall within the undefined “services using vehicles” recordkeeping requirement. Commenter requests that CARB define “services using vehicles” with sufficient precision to allow consistent compliance or remove the language from the current amendment package before final adoption. (Justin Caporusso – 15d2)

2002. Comment: Commenter requests that CARB remove the provisions that include contracted vehicles and services utilizing vehicles from the current 15-day amendment package. (Justin Caporusso – 15d2)

2003. Comment: Commenter states that although CARB intended to clarify the treatment of vehicles under contract, the second 15-day rulemaking package raises many questions and lacks clarity regarding the treatment of contracted vehicles. (David Lawrence – 15d2)

2004. Comment: Commenter states that the amended fleet and fleet owner definitions create a disconnect and ambiguity between the regulatory text and the accompanying guidance documents. Commenter states that the proposed amendments do not clarify what constitutes a contract that triggers applicability under the rule. Commenter states that it is unclear whether the Agency’s sludge hauling contract with a private company would be covered by the rule. Commenter asks whether one-time contracts, short-term contracts, or contracts for emergencies would be covered by the proposed amendments. (David Lawrence – 15d2)

2005. Comment: Commenter expresses concerns over hiring scenarios under ACF Amendments, in particular construction project contracts and refuse hauling contracts, and whether such examples would be considered part of the ACF fleet and required to be reported. (Ron Matsuoka – 15d2-E)

2006. Comment: Commenter requests clarification on whether the ACF regulation applies to instances when a government agency contracts with a private company to construct a public work project. (Brittney Barsotti – 15d2-E)

2007. Comment: Commenter expresses the understanding that under the second 15-day changes, that fleets contracted to perform work for the public on behalf of the SLG apply to the regulation, but that contracted fleet vehicles providing service directly to SLGs are not subject to the regulation and would not be part of the SLG’s internal ACF inventory. (Carol Kaufman – 15d2-E)

2008. Comment: Commenter generally conveys requests for clarification or expresses through posing questions to CARB, that the second 15-day changes have created confusion for state and local government fleets as to which fleets the regulation applies to. (David Worthington – 15d2-E; David Renschler – 15d2-E; Katharine Larson – 15d2-E; Mike Lewis – 15d2-E; William Whitten – 15d2-E)

2009. Comment: Commenter requests clarification for whether the proposed amendments apply to contractors operating their own vehicles and equipment, as well as franchise agreements. (Shea Eccleston – 15d2-E)

Agency Response: No changes were made in response to these comments. Vehicles affected by the Proposed SLG Amendments are the same ones identified in the scope of the original ACF regulation except for the excluded vehicles identified in section 2013(c). SLG agencies are the only entities subject to the amended regulation due to the repeal of the High Priority and Drayage portions. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. The SLG agency is responsible to identify all vehicles including those that are owned, rented or leased for a year or more, or under contract. It is unnecessary to add language to explicitly include vehicles such as vehicles under sludge hauling contracts, laundry service vehicles, and other vehicles that are already covered in the ACF regulation. Making changes in response to these comments, to exclude certain types of vehicles under contract or certain types of contracts, would undermine the emission reduction goals of the regulation.

d) Vehicles Under Contract—State and Local Government Agencies Have No Control Over Contractors

2010. Comment: Commenter states that without further detail, public agencies may struggle to interpret their compliance responsibilities, structure contracts appropriately, and maintain required reporting and documentation for vehicles they neither own nor control. (David Renschler – 15d2)

2011. Comment: Commenter requests that CARB reconsider or further clarify the proposed contractor fleet provisions to ensure they are not interpreted in a manner that unintentionally expands compliance obligations to contractors performing essential services on behalf of public agencies. (Melanie Schumacher – 15d2)

2012. Comment: Commenter states that the proposed amendments would impose substantial operational burdens on contracted solid waste fleets. Commenter requests that CARB provide clear exceptions or flexibility for fleets facing unique route-related, operational, or geographic constraints for contracted solid waste fleets. (Sophie Helpard – 15d2)

2013. Comment: Commenter states that after the 100 percent ZEV purchase requirement takes effect in 2030, the proposed text does not explain how an agency would comply for contracted vehicles whose purchase decisions it does not control, or whether the purchase obligation would spill over to a contractor's entire fleet, including vehicles never used on that agency's work. (Nicholas Armstrong – 15d2)

2014. Comment: Commenter states that the second 15-day changes create new questions regarding reporting, compliance verification, and potential enforcement responsibilities and that public agencies should not be placed in the position of tracking contractor fleet compliance, collecting and maintaining compliance records for vehicles they do not own, operate, or control. (Anthony Firenzi – 15d2)

2015. Comment: Commenter states that contractors may not be able to certify that their subcontractors are compliant with the proposed ACF contractor fleet requirements or identify what type of drivetrain is used by their delivery trucks or subcontractors. (Jason Martin – 15d2)

- 2016. Comment:** Commenter asks how municipal fleets will comply with the 100 percent ZEV purchase schedule after 2030 without direct control over purchase decisions made by private fleet contractors. (Tim Carmichael – OCP)
- 2017. Comment:** Commenter states that many aspects of the proposal remain unclear and require significant revision to avoid jeopardizing the ability of local governments to provide normal and essential services. Commenter states to support practical, durable, and achievable implementation of the proposed regulation and protect the ability of public agencies to continue delivering essential services without disruption, CARB should align compliance accountability with direct contractual relations and operational control. (David Renschler – 15d2)
- 2018. Comment:** Commenter states the proposed changes would create significant challenges that directly affect their ability to deliver reliable, essential services, such as uncertainty about compliance responsibility and risk. (Kirk Sander – 15d2)
- 2019. Comment:** Commenter states the requirements would place agencies in the position of overseeing vendors' vehicle composition and compliance obligations despite having no direct ownership or operational control. (Erin Sasse – 15d2)
- 2020. Comment:** Commenter states the new contracted fleet provisions place an entirely new compliance burden on public agencies for the vehicles being used by private fleets, which a public agency may have little or no ability to influence or control. (Derek Dolfie – 15d2)
- 2021. Comment:** Commenter states that the proposed amendments set forth in the Second 15-day language fail to address how to limit the compliance requirements for contracted vehicles or services – there is no guidance or direction on how much control the public agency has over the vehicle or whether the contractor maintains operational control. (Derek Dolfie – 15d2)
- 2022. Comment:** Commenter states that State and Local Government fleets should not be responsible for making compliance decisions or applying for exemptions and extensions for vehicles owned by another entity. (Andrea Villarin – 15d2)
- 2023. Comment:** Commenter requests, at minimum, CARB clarify that the scope the ACF changes does not include contractor-owned or contracted-operated vehicles outside of direct agency control. (Erin Sasse – 15d2)
- 2024. Comment:** Commenter states that by extending ACF compliance obligations to contractors hired by local government agencies, the proposal indirectly holds the government agency accountable for private contractual fleet composition and compliance deadlines beyond its direct control. (Kimberly Thorner – 15d2, Isam Hireish – 15d2, Scott McClelland – 15d2)
- 2025. Comment:** Commenter states that the proposed language appears to require that public agencies mandate private contractors to utilize ZEVs as a condition of providing services to the agency or to account for privately owned and operated ICE vehicles within the agency's fleet compliance obligations and offset those vehicles through additional public agency fleet conversions. Commenter states that neither option is practical, equitable, or consistent with the original purpose of the regulation. Commenter states that public agencies should not be required to offset emissions from vehicles they neither own nor control. Commenter states that they lack legal authority and practical ability to direct fleet procurement decisions for the many specialized contractors that provide essential services because public agencies generally do not own, lease, control, maintain, or operate contractor vehicles. (Chris Robbins – 15d2)
- 2026. Comment:** Commenter states that a water agency does not have the legal ability to require a contractor to operate vehicles that meet the water agency's current ZEV compliance schedule. (Rangarajan Sampath – 15d2)
- 2027. Comment:** Commenter states that as a result of the changes to include contracted vehicles, public agencies lack clear guidance on whether they may be held responsible for

compliance deficiencies associated with vehicles over which they have no ownership, operational control, or management authority. (Alyson Piguee – 15d2)

- 2028. Comment:** Commenter states that requiring local governments to collect and report contractor fleet information could position public agencies as an extension of the regulatory compliance and enforcement process, creating additional costs and administrative burdens without providing local governments with corresponding authority over contractor fleet operations. (Daniel Hernandez – 15d2)
- 2029. Comment:** Commenter requests that CARB simplify rules around contractors and third-party vendors. Commenter states that CARB should focus on voluntary data collection on contractors and third-party fleets rather than creating additional complexity and costs for agencies. (Jason Maruca – 15d2)
- 2030. Comment:** Commenter states that CARB's recently posted Guidance Document leaves additional questions for public fleets that contract and lease vehicles. Commenter states that CARB should clarify how lease and contract agreements are viewed as part of a public fleet for ACF compliance. (Nick Blair – 15d2)
- 2031. Comment:** Commenter states that the proposed compliant fleet hiring provisions could place public agencies in the position of monitoring contractor fleet compliance on CARB's behalf without providing a practical mechanism to do so. Commenter states that many agreements involve subcontractors that may use covered vehicles in ways not fully known at the time of contracting, and that public agencies do not directly control the selection, dispatch, fueling, charging, maintenance, or replacement of vehicles used by contractors or subcontractors to perform services. (Joe Sturges – 15d2)
- 2032. Comment:** Commenter states that public agencies do not possess regulatory authority over private fleets operating under franchise agreements, service agreements, or other contractual arrangements. Commenter states that public agencies do not have access to the compliance reporting information previously available through TRUCRS or the resources necessary to independently verify fleet compliance. Commenter states that CARB has not identified how public agencies are expected to fulfill these responsibilities, what authority agencies would possess to compel compliance, or whether additional funding will be provided to support these activities. (Noelle Mattock – 15d2)
- 2033. Comment:** Commenter states that the Second 15-Day Modifications appear to shift responsibility for addressing compliance issues associated with certain private fleets onto state and local government agencies. Commenter states the Second 15-Day Modifications raise questions regarding whether public agencies will be expected to evaluate, monitor, account for, or make contracting decisions based upon vehicles operated by private entities performing contracted services. (Noelle Mattock – 15d2)
- 2034. Comment:** Commenter states that the expansion of the "Fleet Owner" to include contracts for operation of vehicles puts public agencies in the position of enforcing ACF regulation requirements on CARB's behalf against any entities contracting to perform public services (for one year or more). Commenter states that this creates problems as public agencies have limited control or authority over contracted vehicle fleets. (David Rothbart – 15d2)
- 2035. Comment:** Commenter requests that public agencies compliance should not depend upon the fleet composition of independent contractors over whom they have no ownership, operational control, or procurement authority. (Kyle Swanson – 15d2)
- 2036. Comment:** Commenter states the portions of the proposed changes appear to extend compliance responsibility to agencies without corresponding authority. Commenter states that smaller jurisdictions with limited staff may face significant challenges with these requirements and encourages CARB to streamline documentation and reporting expectations, and minimize unnecessary administrative complexity. Commenter urges CARB to ensure the implementation timelines and expectations reflect the reality that while

compliance obligations fall disproportionately on local government fleets, key compliance factors—such as vehicle availability, utility interconnection timelines, infrastructure readiness, supply chain limitations, and contractor capacity—remain outside their control. (David Renschler – 15d2)

2037. Comment: Commenter states that the proposed amendments would require local governments to monitor and report compliance information associated with private contractors performing work on behalf of municipalities. (Hannah Abdoo – 15d2)

2038. Comment: Commenter states that the amendments create new questions regarding reporting, compliance verification, and potential enforcement responsibilities because public agencies should not be required to track contractor fleet compliance, collect and maintain contractor compliance records, or assume liability for vehicles they do not own, operate, or control. (Justin Caporusso – 15d2)

2039. Comment: Commenter states even applying a one year minimum to the “Vehicle Purchase” definition, public agencies would still be left reporting an overwhelming number of contracts as part of fleets that they do not own, rent, or lease, and ultimately, do not control. (Derek Dolfie – 15d2)

Agency Response: No changes were made in response to these comments. SLG agencies have sufficient control over the types of vehicles used for contracted work such that those agencies can comply with the ACF regulation. How a State or local government agency complies with the ACF requirements is at their discretion; they can choose what vehicle (owned, operated, rented or leased for a year or more, or contracted for) to add to their fleet as a ZEV.

State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with the ACF regulation, and how to meet their compliance obligations. After the repeal of the High Priority and Drayage portions of ACF regulation, a private fleet owner does not have any reporting or compliance responsibilities under the ACF regulation. But, if a State or local government agency contracts with a private fleet, then the agency has to include those vehicles in its fleet under the ACF regulation. Of note, the amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

Controlling service vehicles through contracting language is an existing concept commonly used by municipalities. The types of vehicles, including the type of powertrain, is already a requirement for many public fleet service contracts. For example, many cities and counties within the South Coast Air Quality Management District’s jurisdiction already have franchise waste hauler agreements with contract language that requires their service vehicles to be in full compliance with the South Coast Air Quality Management District Rule 1193. Some agreements specifically state, “If during the term of the Franchise Agreement, new technologies are available such as hybrid or electric powered collection vehicles, the City or the Contractor may request/negotiate implementation for such new collection vehicles, with a corresponding change to the Maximum Service Rates to reflect additional cost or savings.”

No changes were made in response to these comments because it would be unnecessary and would undermine the emissions reduction goals of the regulation.

e) Vehicles Under Contract—General Implementation Questions

- 2040. Comment:** Commenter states that CARB has not explained how public agencies are expected to address existing contractual commitments, including multi-year contracts, if contracted vehicles are now considered part of a public agency's fleet for compliance purposes. (Noelle Mattock – 15d2)
- 2041. Comment:** Commenter adds that the regulated community cannot determine how existing contracts must be treated. (Veronica Pardo – 15d2)
- 2042. Comment:** Commenter requests that CARB provide examples of how these amendments would be applied in common contracting arrangements involving public agencies and private fleet operators. Commenter requests that CARB evaluate and disclose potential impacts on public procurement infrastructure construction, service contracting, and the competitive bidding processes. (Suzanne Seivright-Sutherland – 15d2)
- 2043. Comment:** Commenter states that the Second 15-Day Changes will create additional complexity for public agencies because they require agencies to include contracted fleets in their own fleet emissions calculations starting from day one. (Tim Carmichael – OCP)
- 2044. Comment:** Commenter states that the proposed contractor fleet oversight provisions may divert limited local resources away from the deployment of zero-emission vehicles and infrastructure. Commenter states that the proposed contractor fleet oversight provisions would add a substantial layer of complexity to municipalities' transition to zero-emission vehicles. (Hannah Abdoo – 15d2)
- 2045. Comment:** Commenter states that due to the substantial and unclear nature of the proposed changes, public agencies may need to pause, cancel, or delay existing contracts that involve vehicle operation as they assess the corresponding impact on ACF compliance. (Derek Dolfie – 15d2)
- 2046. Comment:** Commenter states that Teichert currently holds multi-year construction, maintenance, and supply agreements with state and local government entities that were scoped, priced, bid, and awarded without any requirement or notice that Teichert's vehicles would be counted in the agency's ACF compliance inventory or that zero-emission vehicles would be expected. (Nicholas Armstrong – 15d2)
- 2047. Comment:** Commenter states that the amendments would effectively compel agencies to accelerate conversion of their own fleets in order to compensate for independent business decisions made by private contractors. (Chris Robbins – 15d2)
- 2048. Comment:** Commenter states that the proposed text leaves unanswered against whom CARB would enforce if a contracted private fleet's composition causes an agency to miss a milestone: the agency that does not control the vehicles or the contractor the regulation does not reach. (Nicholas Armstrong – 15d2)
- 2049. Comment:** Commenter requests that CARB withdraw the Second 15-Day contract language because the changes require public utilities to account for vehicles contracted for with private entities as part of the public utility fleet, which would give rise to a number of implementation issues and operational challenges. (Scott Ammon – 15d2)
- 2050. Comment:** Commenter requests that CARB revise or formally clarify the Second 15-Day contract language before adoption because the new language leaves critical implementation questions unanswered for public agencies using contractual arrangements, including how vehicles operated by or for state and local governments through contracts are treated when private fleets themselves are not subject to the State and Local Government ACF requirements. (Austin Avery – 15d2)
- 2051. Comment:** Commenter states that public works projects are different from solid waste franchise agreements because a public works contract may require a contractor to use

private vehicles for some tasks necessary to complete the project, but the contract itself is not specifically for the operation of a vehicle. (Brittney Barsotti – 15d2)

- 2052. Comment:** Commenter requests that CARB revise the hiring compliant fleets provisions so that public agencies are not required to police contractor fleet compliance or obtain compliance representations, and that any hiring fleet requirements be practical for public procurement, emergency response, capital project delivery, and essential utility operations. (Joe Sturges – 15d2)
- 2053. Comment:** Commenter states their concerns regarding compliance challenges associated with the Second 15-Day Changes to the Advanced Clean Fleets regulation. (Carol Mohoney – 15d2)
- 2054. Comment:** Commenter states that extending an agency's responsibility beyond its own fleet to include the fleet of private third-party vendors increases the complexity of compliance by substantively altering how compliance is determined, implemented, and enforced. (Joe Mouawad – 15d2)
- 2055. Comment:** Commenter states this instead will increase public agency's compliance obligations, substantively alters how compliance is determined, implemented, and enforced, and expands the regulatory burdens to local governments. (David Rothbart – 15d2)
- 2056. Comment:** Commenter states that if the amendments are adopted, state and local government agencies planning compliance under the ZEV Purchase Schedule or ZEV Milestones Option would have to require third-party service providers to take on the agency's ACF obligations through vehicle purchasing or leasing practices and agree to specific fleet-composition criteria in their contracts. (Christine Wolfe – 15d2)
- 2057. Comment:** Commenter requests that CARB confirm that hiring a contractor with covered ICE vehicles does not, by itself, compel the public agency to purchase an equivalent number of public-agency ZEVs in the same year. Commenter states that unresolved contract language may cause a public agency that is not otherwise replacing vehicles in a given year to incur additional ZEV obligations, reporting burdens, and internal procurement pressure simply because a project requires contractor ICE vehicles. (Austin Avery – 15d2)
- 2058. Comment:** Commenter states the proposed contractor related requirements would allow vehicles to slip through the cracks and cause government agencies to be out of compliance. (Jason Martin – 15d2)
- 2059. Comment:** Commenter states that while the Second 15-Day amendments are directed at contractor operations, cities would effectively become responsible for monitoring, documenting, and verifying contractor compliance throughout the duration of public contracts. (Consuelo Hernandez – 15d2)
- 2060. Comment:** Commenter states that ambiguity regarding contracted vehicles creates confusion, compliance exposure for state and local governments, inconsistent implementation, risk of noncompliance, and difficulty for CARB to monitor compliance. (Acquanetta Warren – 15d2)
- 2061. Comment:** Commenter states that CARB's change in policy to include contracted vehicles and vehicles performing contracted services in a public agency's fleet inventory alters how ACF compliance is determined, implemented, and enforced. (Rosario Cortés – 15d2)
- 2062. Comment:** Commenter states CARB's change in policy to include contracted vehicles and vehicles performing contracted services in a public agency's fleet inventory (and related compliance obligations) substantively alters compliance requirements for essential public services and how compliance is determined, implemented, and enforced. (Curtis Paxton – 15d2)
- 2063. Comment:** Commenter states that as an economically disadvantaged community, they rely on careful management of ratepayer funds to ensure value and if approved, the second 15-Day changes could create implementation challenges for them. (Jennifer Harrington – 15d2)

- 2064. Comment:** Commenter states that in the recent amendments, the language regarding the inclusion of private contract fleets creates ambiguity and implementation challenges for local agencies. (Alisa Nichols – 15d2, Sara Tom – 15d2)
- 2065. Comment:** Commenter states that it is unclear how a public agency will comply with the regulation due to the complexity of the amendments introduced in the Second 15-Day Changes. Commenter states that the Second 15-Day Changes create more uncertainty and lack sufficient clarity regarding how public agencies would manage ACF compliance when including trucks operated by contracted fleets. (Tim Carmichael – OCP)
- 2066. Comment:** Commenter states that CARB has not clarified whether public agencies will be expected to evaluate the fleet compliance status of every contractor, consultant, vendor, franchisee, or service provider seeking to do business with the agency. Commenter states that CARB has not explained whether a public agency could be required to disqualify an otherwise qualified contractor if that contractor's fleet is not compliant with ACF requirements, despite the contractor not otherwise being directly subject to the regulation. (Noelle Mattock – 15d2)
- 2067. Comment:** Commenter states that it is unclear whether municipalities would be required to identify, monitor, and report compliance information for subcontractor vehicles. (Hannah Abdoo – 15d2)
- 2068. Comment:** Commenter states that the regulation does not clearly specify if and how a State and Local Government fleet can be subdivided for contracted vehicles, whether contractors' vehicles would be in separate TRUCRS accounts or within a single account, or how separate compliance pathways may be used. (Andrea Villarin – 15d2)
- 2069. Comment:** Commenter requests that CARB clarify how exemptions, compliance pathways, reporting obligations, and enforcement provisions would apply when contracted fleets are involved. (Suzanne Seivright-Sutherland – 15d2)
- 2070. Comment:** Commenter states that CARB should prioritize on developing a clear method for identifying short-term contracts in future amendment discussions after the 2025–26 amendment process is completed. (Nick Blair – 15d2, Tenille Otero – 15d2)
- 2071. Comment:** Commenter encourages CARB to continue working with public fleets following the close of the 15-day change process to identify and address ongoing ACF implementation concerns. (Eric Grubb – 15d2)
- 2072. Comment:** Commenter requests further guidance on how lease and contract agreements are viewed as part of a public fleet. (Eric Grubb – 15d2)
- 2073. Comment:** Commenter states additional guidance is needed on how leases and contracts fit within larger fleet compliance. (Eric Grubb – 15d2)
- 2074. Comment:** Commenter seeks clarification on whether public fleets would be allowed to treat rental and contract agreements as a separate fleet from their internal fleet for purposes of ACF compliance. If so, Commenter asks if the separate fleet could follow the Milestone pathway. (Eric Grubb – 15d2)
- 2075. Comment:** Commenter states that questions remain regarding the extent to which agencies must independently verify what documentation must be maintained due to the changes to include contracted vehicles, and that this new obligation could require the development of entirely new administrative processes and contractual requirements. (Alyson Piguee – 15d2)
- 2076. Comment:** Commenter states that questions remain regarding how agencies are expected to maintain the accuracy of data provided by third parties due to the changes to include contracted vehicles, and that this new obligation could require the development of entirely new administrative processes and contractual requirements. (Alyson Piguee – 15d2)
- 2077. Comment:** Commenter states the proposed amendments are ambiguous, that the proposed changes to ACF applicability and the “fleet” and “fleet owner” definitions use new language regarding public agencies that “contract for the operation of” vehicles or have “contracted”

vehicles, but provide very little guidance on how these requirements will work. (Nicole Looney – 15d2)

- 2078. Comment:** Commenter states that it is unclear which contractors' vehicles (or purchases) will be added to public agency compliance requirements. There are outstanding questions regarding contractors that use a ZEV one day, but an internal combustion engine vehicle the next and for large companies that can dispatch vehicles and crews from multiple states to fulfill a contract. (Nicole Looney – 15d2)
- 2079. Comment:** Commenter states that it is unclear how public agencies will account for contractors' vehicles when applying for exemptions. In the first 15-day changes, CARB conditioned exemption access on a showing that no other vehicle purchase made by the public agency could have been a ZEV. (Nicole Looney – 15d2)
- 2080. Comment:** Commenter states that CARB should develop additional guidance that separates major contracts from short-term contracts and works through case-by-case scenarios with public agencies. (Nick Blair – 15d2, Tenille Otero – 15d2)
- 2081. Comment:** Commenter adds that the regulated community cannot determine who is responsible for compliance, who must report vehicle data, and who bears enforcement risk. (Veronica Pardo – 15d2)
- 2082. Comment:** Commenter states that the proposed amendments do not address how compliance responsibilities would apply when contractors utilize subcontractors to perform contracted work. (Hannah Abdoo – 15d2)
- 2083. Comment:** Commenter states to support practical, durable, and achievable implementation of the proposed regulation and protect the ability of public agencies to continue delivering essential services without disruption, CARB should: 1) provide detailed implementation guidance for contracted fleet operations; 2) clarify documentation, reporting, and recordkeeping requirements; 3) define the treatment of subcontractors and downstream providers; 4) clarify when agencies may rely on contractor provided compliance information; 5) provide transparent audit and oversight procedures. (David Renschler – 15d2)
- 2084. Comment:** Commenter states that while the Second 15-Day amendments are directed at contractor operations, cities would effectively become responsible for monitoring, documenting, and verifying contractor compliance throughout the duration of public contracts. (Consuelo Hernandez – 15d2)
- 2085. Comment:** Commenter requests that CARB include or clarify a clear safe-harbor provision allowing public agencies to rely on contractor certifications rather than independently verifying vehicle compliance. (Jason Martin – 15d2)
- 2086. Comment:** Commenter states that the second 15-day changes lack clarity regarding how contractors performing work for SLG entities be affected and how exemptions or compliance pathways apply to SLG fleets when services are performed by private contractors. (Suzanne Seivright-Sutherland – 15d2)
- 2087. Comment:** Commenter states the regulation lacks clarity as to how existing franchise agreements be treated, and what obligations public agencies have to monitor or enforce compliance. (Noelle Mattock – 15d2)
- 2088. Comment:** Commenter states the regulation lacks clarity as to how the city is going to be required to deny, terminate, or decline to renew a non-exclusive franchise agreement if the privately owned and operated franchise holder's fleet does not comply with ACF requirements. (Noelle Mattock – 15d2)
- 2089. Comment:** Commenter states that CARB has not clarified how public agencies are expected to evaluate contractor fleet compliance, what authority agencies would have to compel compliance. (Noelle Mattock – 15d2)
- 2090. Comment:** Commenter asks whether CARB will enforce against contractors or whether public entities will bear compliance risk on behalf of their contractors. (Tim Carmichael – OCP)

- 2091. Comment:** Commenter states that unaddressed questions remain regarding how enforcement responsibility would be applied if a contractor's fleet compliance status changes after reporting has occurred, because of the changes to include contracted vehicles. (Alyson Piguee – 15d2)
- 2092. Comment:** Commenter states they are concerned that the current proposal raises operational and procedural issues for local agencies. (Erin Sasse – 15d2)
- 2093. Comment:** Commenter states that the proposed text leaves unanswered how the same vehicle would be counted when it serves multiple public agencies in the same compliance period, including whether different agencies could place the same vehicle under incompatible compliance pathways. (Nicholas Armstrong – 15d2)
- 2094. Comment:** Commenter states that public agencies should only be required to report vehicle-specific data, such as VIN, engine year, and engine family name, for vehicles specifically assigned or dedicated to the agency above the applicable threshold. Commenter states that granular vehicle-data obligations should remain with the entity that owns and controls the vehicles, while CARB should receive auditable contract records at the public-agency level. (Austin Avery – 15d2)
- 2095. Comment:** Commenter states that construction-support or hauling contractors may use a pool of vehicles that changes daily or weekly depending on scheduling, maintenance, weather, and project sequencing, and that TID often will not know which precise VINs will be used throughout a project or possess engine family numbers, emission-control-label information, or other vehicle-specific data for each unit. (Austin Avery – 15d2)
- 2096. Comment:** Commenter states that contractors may consider fleet information proprietary or commercially sensitive. Commenter states that requiring contractors to identify vehicles used for municipal work and provide detailed vehicle information at the VIN level would create significant operational challenges. (Hannah Abdoo – 15d2)
- 2097. Comment:** Commenter states that obtaining the required reporting and recordkeeping information from contractors would be a very difficult and time-consuming process. Commenter states that the recent changes would represent an approach that is not feasible under current market conditions. Commenter states that the agency does not have control over the equipment or staff their contractor decides to use, whether they decide to subcontract portions of the work, where vehicles are housed, how they are maintained, and how they are deployed across many public and private customers. Commenter states that a public agency cannot always obtain from a contractor the documentation that might be required for an exemption, particularly for subcontracted vehicles, short term work, emergency work, or vehicles serving multiple customers. Commenter requests that CARB develop a simplified reporting framework that does not require public agencies to collect VIN-level, mileage-level, or fleet-composition data from every contractor and subcontractor performing public works or maintenance services. (Rangarajan Sampath – 15d2)
- 2098. Comment:** Commenter requests that, if CARB intends certain contract vehicles to count, CARB allows those vehicles to be reported as a separate contracted subfleet or subdivision under the existing split-pathway and joint-compliance framework, with the contract-vehicle count fixed as of January 1 for that reporting year. (Austin Avery – 15d2)
- 2099. Comment:** Commenter requests that CARB adopt a contract-level documentation safe harbor for non-dedicated contractor fleets, under which a public agency could satisfy section 2013.4(b) by retaining contract-level records such as the written agreement, contractor TRUCRS identification number, proof of reported compliance or a signed statement, and an annual attestation describing the maximum number and general types of covered vehicles that may be used under the contract. (Austin Avery – 15d2)
- 2100. Comment:** Commenter requests clarification regarding the reporting interval for contractor fleet changes, including how annual TRUCRS reporting applies to contractor vehicles that rotate after January 1 and whether a public agency must amend its records every time a

contractor substitutes one covered truck for another. Commenter requests that annual true-up be sufficient for non-dedicated contract fleets. (Austin Avery – 15d2)

- 2101. Comment:** Commenter requests that CARB remove or narrow the proposed recordkeeping requirement for “copies of any agreement contracting for vehicles or services using vehicles” so that it does not require public agencies to maintain or produce private service contracts for the purpose of treating contractor vehicles as part of the public agency fleet. (Veronica Pardo – 15d2)
- 2102. Comment:** Commenter states that required records may not be easily accessible because State and Local Government fleets are not the true owners of contracted vehicles, and hired fleets would need to be contractually obligated to collect and provide the required vehicle information. (Andrea Villarin – 15d2)
- 2103. Comment:** Commenter states that the requirement to report specific vehicle information is outside the scope of existing contracts, but under the proposed amendments State and Local Government fleets would be required to report information that can only be provided by contractors. (Andrea Villarin – 15d2)
- 2104. Comment:** Commenter states that the contract recordkeeping language in proposed section 2013.4(b), combined with TRUCRS’s vehicle-specific reporting architecture, would be exceedingly difficult and sometimes impossible for a hiring public agency to administer for rotating contractor fleets. (Austin Avery – 15d2)
- 2105. Comment:** Commenter states that the proposed amendments would hold public agencies responsible for the compliance status of vehicles over which they have little or no operational control. (Justin Caporusso – 15d2)
- 2106. Comment:** Commenter expresses concern about potentially significant administrative burden to track and monitor fleet vehicle specifications for third party vendors over which the public agency has no operational control, increased reporting, and higher costs. (Derek Dolfie – 15d2)
- 2107. Comment:** Commenter states that the proposed changes in the Second 15-day changes would impose significant administrative burdens on public agencies. While public agencies already keep records of contracts, contracts for services typically don’t include details on vehicles used for those services unless the vehicle is being specifically operated by the public agency, and does not include the level of detail required for reporting. (Derek Dolfie – 15d2)
- 2108. Comment:** Commenter states that public agencies will need to review each and every contract that includes “services using vehicles” to assess what the compliance impact will be for the public agency. The process of identifying and collecting information on each contractor’s vehicles will add considerable administrative burden for public agencies (with associated cost impacts), not just for reporting for ACF, but in order to determine how those contracts impact the agency’s compliance obligation as well as its current and future vehicle procurement plans. (Derek Dolfie – 15d2)
- 2109. Comment:** Commenter is concerned that the Second 15-day Rulemaking Package introduces substantial changes that create ambiguity in the implementation of the proposed rule. (Roxana Ramirez – 15d2)
- 2110. Comment:** Commenter states the Second 15-Day Rulemaking Package raises significant reporting concerns. (Roxana Ramirez – 15d2)
- 2111. Comment:** Commenter states that there is ambiguity regarding the compliance responsibility, definition and applicability of the Second 15-Day Rulemaking Package. (Roxana Ramirez – 15d2)
- 2112. Comment:** Commenter states that with ambiguity in the rule, regulators may enforce differently across regions or fleets, while operators may face penalties for failing to comply under an interpretation they could not reasonably anticipate. (Roxana Ramirez – 15d2)

- 2113. Comment:** Commenter states that the ACF Guidance document implies reporting when a vehicle is added through a third-party binding agreement, but the basis for determining what constitutes a “covered vehicle” may not be consistently applied if the rule lacks precise definitions resulting in inconsistent reporting. (Roxana Ramirez – 15d2)
- 2114. Comment:** Commenter states that when the same vehicle is under contract with several SLGs, multiple overlapping reporting obligations may be triggered leading to redundant submissions to CARB, inconsistent data, and increased audit complexity, straining resources and creating confusion about which SLG is responsible for each report, with the risk of double-counting or omissions. Commenter adds that additional challenges may arise if one entity selects the Milestone Pathway for a vehicle and the other follows the ZEV Purchase Pathway. (Roxana Ramirez – 15d2)
- 2115. Comment:** Commenter states that they maintain long-standing contracts for goods and services with private companies that involve vendor-owned and vendor-controlled vehicles that are not part of their day-to-day fleet management and that serve multiple State and Local Government customers. Commenter requests CARB to consider the comments provided to ensure the ACF Regulation clearly distinguishes their fleet obligations from the obligations of private vendors that own, operate, and control their own vehicles. (Roxana Ramirez – 15d2)
- 2116. Comment:** Commenter states that the requirement for an SLG to consider a vendor vehicle in their ACF compliance strategy would be significantly disruptive and may pose a compliance risk because SLGs have already been forecasting purchases and replacements based on budgets and projected needs with the 2023 adoption of ACF. (Roxana Ramirez – 15d2)
- 2117. Comment:** Commenter requests clarity in the definition of “vehicles purchase” as it relates to the proposed changes, specifically whether it is considered a vehicle purchase when a contracted fleet owner purchases a vehicle or when the public agency enters into a new contract. (Derek Dolfie – 15d2)
- 2118. Comment:** Commenter states that there is no language that clarifies or explains what sort of contracting triggers a procurement requirement obligation, and how that obligation needs to be met. (Derek Dolfie – 15d2)
- 2119. Comment:** Commenter states that the proposed amendments fail to address how contracts might impact a public agency’s ACF compliance requirements. This lack of clarity in the proposed regulatory text leaves public agencies with no information on how to structure contracts in the future to account for a new ACF requirement on third-party fleets that are otherwise not regulated by the ACF. (Derek Dolfie – 15d2)
- 2120. Comment:** Commenter states that the proposed amendments lack clarity as to whether the entire fleet of the contractor is now considered new vehicles within the public agency’s fleet or whether only those vehicles specifically providing services to the public agency are considered new vehicles within the public agency’s fleet. It is also unclear whether a public agency would only have to report changes to the contractor’s fleet. (Derek Dolfie – 15d2)
- 2121. Comment:** Commenter requests clarity in the proposed changes as to whether the public agency is expected to submit exemption requests on behalf of the contracted fleet. (Derek Dolfie – 15d2)
- 2122. Comment:** Commenter states that declaring that a contractor’s fleet is now part of the public agency’s fleet leaves the public agency with an expansive new compliance obligation, without operational control over the contractor’s fleet composition. Commenter expresses concern that contracted fleet’s vehicles could technically be the public agency’s fleets under the proposed changes, meaning that the public agency would be required to report to CARB specifically what vehicles are being operated, and whether or not there is a ZEV option available for fleet vehicles that they neither own nor control. (Derek Dolfie – 15d2)

- 2123. Comment:** Commenter states that the proposed changes would require new or revised contracts. This proposed change can interfere with the public process of finalizing contracts and starting work based on the timeline needed for exemptions to be approved. (Derek Dolfie – 15d2)
- 2124. Comment:** Commenter requests clarity as to whether the subcontractors' vehicles would also be considered part of the public agency's fleet. (Derek Dolfie – 15d2)
- 2125. Comment:** Commenter expresses concern that public agencies would need to report every single contract that involves the use of vehicles as part of the public agency's fleet, even if the contracted work is for only one day. Combined with the requirement to report any changes to our fleets within 30 days, public agencies could be constantly updating their fleet count as contracts start and end, assuming the actual vehicle owner timely provided the necessary information to the public agency. Commenter states there is a lack of clarity on how an annual vehicle purchase requirement would work. (Derek Dolfie – 15d2)
- 2126. Comment:** Commenter states that because there are no temporal limits to the contracts being reported for the public agency, there's a distinct possibility that more than one public agency will be utilizing the same contractor for services during the same timeframe. The commenter requests clarity as to whether all public agencies contracting with the same contractor consider the private vehicles as part of their fleet. Commenter states that in this scenario public agencies will be left double counting the contractor's vehicles in their fleet, and both shouldering the compliance burden. (Derek Dolfie – 15d2)
- 2127. Comment:** Commenter requests clarity for when a contract is considered a renewal or considered a new contract, specifically when an existing contract is renewed and includes other amendments beyond the extension of the contract term. Commenter states, in regard to renewing a "service contract agreement," it is not clear whether this provision only applies to renewals of the same exact contract terms, or whether public agencies be able to make other modifications through the renewal process without triggering a new contract. (Derek Dolfie – 15d2)
- 2128. Comment:** Commenter states that the lack of clarification regarding covered contracts creates confusion, compliance exposure for state and local governments, and inconsistent implementation. (David Lawrence – 15d2)
- 2129. Comment:** Commenter requests that CARB hold off on enforcing contracts as part of ACF compliance until further dialogue occurs. (Nick Blair – 15d2)
- 2130. Comment:** Commenter states that the proposed amendments expansion of the "Fleet Owner" definition puts public agencies in the position of enforcing the requirements of the ACF regulation on CARB's behalf on all entities for which they contract to perform public services (for one year or more). (Sarah Deslauriers – 15d2)
- 2131. Comment:** Commenter states that extending an agency's responsibility beyond its own fleet to include the fleets of private third-party vendors increases the complexity of compliance by increasing compliance obligations. Commenter states that this is extremely problematic because they do not have control or authority over the vehicles owned by contracted vendors. (Joe Mouawad – 15d2)
- 2132. Comment:** Commenter states that newly including contracted fleets within State and Local Government requirements would significantly increase the number of fleets subject to the ACF State and Local Government provisions and create unworkable implementation problems for fleets performing contracted services. (Christine Wolfe – 15d2)
- 2133. Comment:** Commenter states vehicle availability creates significant implementation challenges that cannot be accelerated for a regulation that simply did not account for these challenges. (Curtis Paxton – 15d2)
- 2134. Comment:** Commenter states that the proposed amendments fail to acknowledge or account for implementation challenges such as ZEV availability, specialized equipment requirements, charging infrastructure, and facility modifications. (David Rothbart – 15d2)

- 2135. Comment:** Commenter states that vehicle availability, utility coordination, charging infrastructure, facility modifications, and specialized equipment requirements creates significant implementation challenges that cannot be accelerated for a regulation that simply did not account for these challenges. (Curtis Paxton – 15d2)
- 2136. Comment:** Commenter states that the proposed amendments fail to acknowledge or account for implementation challenges such as utility coordination. (David Rothbart – 15d2)
- 2137. Comment:** Commenter states that the public agency will be pressured to impose ACF-related obligations through franchise agreements, procurement documents, contract amendments, indemnity provisions, service negotiations, and rate proceedings. (Veronica Pardo – 15d2)
- 2138. Comment:** Commenter states the proposal creates unnecessary complexity by making agencies responsible for vendors' vehicle composition and compliance obligations. (Erin Sasse – 15d2)
- 2139. Comment:** Commenter states that the proposed compliant fleet hiring provisions risk placing public agencies in the position of policing contractor fleet compliance on CARB's behalf without providing a realistic mechanism for doing so. (Joe Sturges – 15d2)
- 2140. Comment:** Commenter states that CARB should develop standardized reporting tools and compliance forms. (David Renschler – 15d2)
- 2141. Comment:** Commenter requests that CARB state short-term project related contractor vehicles do not create mid-year reporting obligations. (Austin Avery – 15d2)

Agency Response: No changes were made in response to these comments. State and local government entities have considerable flexibility in deciding how to obtain ZEVs to remain compliant with the ACF regulation, and how to meet their compliance obligations, which was the intent of the proposed amendments. After the repeal of the High Priority and Drayage portions of ACF regulation, a private fleet owner does not have any reporting or compliance responsibilities under the ACF regulation. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

The Proposed Amendments provide clarification to ensure a consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, or contract for the operation of part or all of their fleet. State and local government agencies have full access to exemptions and extensions for all vehicles in their fleet; including those rented for a year or more, leased or under contract. The ACF regulation aligns with the Emergency Vehicle definition in CVC 165 and excludes those vehicles from the regulation entirely. Emergency response and other essential utility operations have numerous exemptions and extensions available to them, and those flexibilities are much easier to access through these amendments.

State and local government entities should continue to develop their own processes to verify a contractor is meeting the terms of their contract. State and local government entities also have considerable flexibility in deciding how to obtain ZEVs to remain compliant with ACF and meet their compliance obligations.

State and local government agencies currently have mechanisms to audit and verify performance with their existing contracts, the ACF regulation does not change these mechanisms or take them away. Similarly, State and local government entities already have

standard provisions for municipal agreements and the ACF regulation does not require these terms to be added or taken away.

In regards to the comments on the proprietary information related to fleet makeup, CARB routinely handles sensitive and confidential information and where a SLG determines there are trade secrets or confidential business information or some other exemption outlined in Government Code section 7920.000 et seq., CARB does have a process it follows in California Code of Regulations, title 17, section 91000 et seq. CARB encourages SLGs submitting information to properly label the information if it contains such information.

CARB acknowledges requests for additional specificity regarding contracted fleets, subcontractors, or other downstream providers. At this time, no further amendments are necessary. The regulatory text establishes the necessary framework, and CARB will continue providing implementation support to the extent necessary. CARB has already produced numerous ACF implementation materials⁶⁹ including fact sheets, guidance, training videos, and checklists. CARB will continue outreach efforts and assist SLGs as implementation of this regulation moves forward and CARB encourages SLGs to meet with CARB on a case-by-case basis.

In response to the request for a definition, of “covered vehicle,” this definition is not necessary as section 2013 (a)(2) specifies that the vehicles subject to the regulation are “[e]xcept for excluded vehicles as specified in section 2013(c), vehicles subject to this article are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs. that are operated in California.” The term “vehicle” is defined in section 2013(b) as “either a device as defined in CVC section 670, or is a yard tractor that is not intended for use on highways.” The CVC section 670 defines vehicle as “a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.”

In response to the comment on further clarity on the definition of “vehicle purchase,” this definition is sufficiently clear. Section 2013 (b) defines “vehicle purchase” as “an action wherein a fleet owner adds a vehicle to its California fleet. The action taken shall be for immediate delivery or installation and the purchaser shall have already paid for or entered into a binding agreement with an authorized dealer, entity who converts vehicles to ZEVs, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase does not include renewing a lease or service contract agreement for a vehicle already in the California fleet. A vehicle purchase includes when 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, authorized dealer, or entity who converts vehicles to ZEVs 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, authorized dealer, or entity who converts vehicles to ZEVs 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

⁶⁹ CARB, Advanced Clean Fleets, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> (last visited July 14, 2026).

(D) A signed, written rental or lease agreement for a new vehicle to be placed in service in the California fleet for a contract term of one year or more.

With respect to enforcement, section 2013.5(b) of the ACF regulation states that that any person who fails to meet the requirements of the regulation may be subject to penalties. CARB's enforcement authority and penalty determination is outlined in the Health and Safety Code which are referenced in the ACF regulation.

More information can be found in CARB's Enforcement Policy, available at <https://ww2.arb.ca.gov/resources/documents/enforcement-policy>. This response incorporates CARB's responses provided at subsection IV.B.14.q), "Vehicles Under Contract—Inconsistent Implementation Undermines Advanced Clean Fleets" and the commenter is encouraged to review that subsection for more information. Please see response to Comment 1264.

f) Vehicles Under Contract—Questions About Implementation Timelines

- 2142. Comment:** Commenter states the proposed amendments would unreasonably impair existing contracts between service providers (e.g., waste haulers) and their SLG contracting partners by requiring SLG agencies to revise pre-existing contractual obligations to mandate ACF compliance for third-party owned fleet vehicles. (Christine Wolfe – 15d2)
- 2143. Comment:** Commenter states that contracted vehicles should not be counted toward the hiring State and Local Government fleet's vehicle purchases because vehicle purchases permanently become part of the public fleet and are intended to remain available for the vehicle's useful life, while contracted vehicles typically serve an immediate need and are used for a shorter period. (Andrea Villarin – 15d2)
- 2144. Comment:** Commenter states that CARB has not clarified how existing contractual obligations should be addressed. (Noelle Mattock – 15d2)
- 2145. Comment:** Commenter states that CARB's split-pathway and joint-compliance flexibilities do not answer how and when a public-agency capital project or temporary operational need that increases contractor vehicles affects the agency's procurement obligations. Commenter states that a temporary project decision should not create an unplanned ACF consequence for the agency's procurement plan or immediate procurement pressure because an outside contractor is performing project work. Commenter requests that CARB clarify that short-term project-related contractor vehicles do not create immediate mid-year procurement obligations for the hiring public agency. (Austin Avery – 15d2)
- 2146. Comment:** Commenter states that the ZEV Purchase and Milestone Schedules do not make sense as applied to vehicles operated by a third party under contract, an SLG agency fleet owner cannot "purchase" a vehicle for a fleet it does not own or similarly, an SLG agency fleet owner would be unable to manage its own compliance without 100% control over its contracted service provider's fleet procurement decisions, given that many exemptions and extensions in the regulations are tied to "purchase" of new vehicles (see, e.g., Section 2013.1(f)(4) ("ZEV Purchase Exemptions"). (Christine Wolfe – 15d2)
- 2147. Comment:** Commenter states that applying the proposed contracted-vehicle changes on or after January 1, 2024, would retroactively impose new requirements on existing fleets that have already begun implementation. (Andrea Villarin – 15d2)
- 2148. Comment:** Commenter states that existing contracted vehicles may become non-compliant under the available compliance options, which could severely affect State and Local Government compliance plans and potentially cause a fleet to be out of compliance. (Andrea Villarin – 15d2)

- 2149. Comment:** Commenter asks whether the regulation is retroactive for Milestone compliance. (Tim Carmichael – OCP)
- 2150. Comment:** Commenter requests that CARB extend compliance timelines where necessary for contracted solid waste fleets. (Sophie Helpard – 15d2)
- 2151. Comment:** Commenter requests that CARB provide a multi-year transition period before any contracted-service vehicle reporting or compliance obligation affects a State or local government agency's compliance calculations. (Rangarajan Sampath – 15d2)
- 2152. Comment:** Commenter requests that CARB allow vehicles procured under existing franchise or contract terms to remain in service for their expected useful life. (Sophie Helpard – 15d2)
- 2153. Comment:** Commenter states that regulation mandates and aggressive compliance timelines present significant operational challenges. (Alisa Nichols – 15d2)
- 2154. Comment:** Commenter seeks clarification on proposed requirements that appear retroactive. Commenter states the applicability of these proposed requirements seem to begin on January 1, 2024, and adding all contracted vehicles to an SLG fleet now could place the SLG fleet with existing contracted vehicles in noncompliance. (Eric Grubb – 15d2)
- 2155. Comment:** Commenter states that CARB should provide guidance on whether public fleets must retroactively apply ACF requirements to contracted vehicles beginning January 1, 2024, because doing so could place public fleets with existing contracted vehicles into non-compliance. Commenter states that, for existing contracts, contractors may not be obligated to provide the vehicle reporting information needed for ACF compliance. (Nick Blair – 15d2)
- 2156. Comment:** Commenter states that the proposed regulatory order would negatively impact contracted service providers as well as state and local government entities acting as hiring agencies by imposing additional requirements that cannot be reasonably integrated into existing agreements without renegotiation, service disruption, or legal conflict for the reason that many of the third-party service providers operate under long-term, highly structured agreements with local jurisdictions that typically span ten years or longer; rely on fixed capital investments and long-term fleet deployment strategies; and are governed by negotiated service, rate and performance terms contemplated at contract formation. Commenter states that these pressures destabilize service delivery systems that depend on continuity and reliability, and impact projected revenue estimates. (Katie Vassali – 15d2)
- 2157. Comment:** Commenter states that the modified definitions clarify that contract entry and contract exit matter, but do not explain what event causes a vehicle to enter a public agency fleet in the first place. Commenter requests that CARB confirm that a one-day service visit or similarly incidental appearance by a contractor vehicle does not add that vehicle to a public agency's fleet. (Austin Avery – 15d2)

Agency Response: No changes were made in response to these comments. The amendments already provide additional time and flexibility to SLG agencies to determine which vehicle purchases should be ICE or ZE. In the First 15-Day Changes, the 100% ZEV Purchase requirement was already delayed till January 1, 2030. In addition, language was added during the Second 15-Day changes to clarify that if vehicles in an existing contract are kept on the default ZEV Purchase Schedule, then there is no ACF requirement to turnover those vehicles to ZEVs. Furthermore, the Second 15-Day Changes clarify that vehicles renewed through existing leases or service contracts do not count as vehicle purchases. Also under the ZEV Purchase Schedule, there is no requirement to remove any existing vehicle from service, existing vehicles can continue to operate for their expected useful life. Under the ZEV Milestone pathway, vehicles purchased with the Captive Biofuel Use Exemption can be kept the full useful life and gives the qualifying fleet owner a longer timeline, till 2030, before they need to demonstrate 10% of their fleet is ZEV or NZEV. Adding a time limit to vehicles under contract or specifying a minimum contract length would

impede the purpose of the regulation, to reduce emissions from State and local government fleet operations. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

g) Vehicles Under Contract—Questions on reporting the same trucks in different accounts

- 2158. Comment:** Commenter states that if private fleets voluntarily comply with ACF and are listed as compliant fleets, their vehicles may already be captured in a separate TRUCRS account. (Andrea Villarin – 15d2)
- 2159. Comment:** Commenter states that private companies may provide services to multiple state and local governments, so the same vehicle could provide service to different public entities in a short period of time. Commenter states that applying the rule as proposed could result in the same vehicle being counted multiple times for different fleets, defeating the purpose and reporting requirements of the original rule. Commenter states that without clarification, the proposed amendments create risk of noncompliance and monitoring by CARB would be almost impossible. (David Lawrence – 15d2)
- 2160. Comment:** Commenter states that the Second 15-Day Changes could result in duplicative reporting if a contractor voluntarily complies with ACF and has vehicles already reported in TRUCRS. Commenter states that a contractor serving more than one public fleet could result in duplicative reporting of the same vehicle in different ACF compliance pathways, including the Purchase Schedule and Milestone pathways. Commenter states that public fleets are not the Department of Motor Vehicles registered owners or Clean Truck Check owners of contracted or leased vehicles, which creates reporting and compliance uncertainty for contracted vehicles. (Nick Blair – 15d2)
- 2161. Comment:** Commenter states that the ACF Guidance document states SLG agencies “*must report any covered vehicle added to its California Fleet through a binding agreement with a third party.*” Commenter states that many private fleets provide service to multiple public and private entities, so a particular vehicle could be involved with different entities in a short period of time possibly leading to multiple and repeated reporting for such vehicles. Commenter adds that these concepts are not clearly incorporated into the proposed regulatory text, creating uncertainty about how CARB intends to distinguish between vehicles operated as part of public agency-controlled fleet and vendor-owned vehicles used to provide service to the agency. (Roxana Ramirez – 15d2)
- 2162. Comment:** Commenter states that if the amendments were adopted, it is unclear how fleet vehicles that provide contracted service to multiple SLG agencies at the same time would be counted, i.e., whether they potentially could be considered part of more than one agency’s “fleet” and subject to conflicting phase-out and operational restrictions under ACF. (Christine Wolfe – 15d2)
- 2163. Comment:** Commenter states that a contracted vehicle could provide services to more than one State and Local Government agency, resulting in duplicative reporting where each agency could choose different compliance pathways. (Andrea Villarin – 15d2)
- 2164. Comment:** Commenter states that because private companies may provide service to multiple state and local government entities in a short period, applying the proposed modifications could result in the same vehicle being counted multiple times across different public fleets, defeating the purpose and reporting requirements of the original rule. (Acquanetta Warren – 15d2)
- 2165. Comment:** Commenter expresses concerns on how SLG agency compliance will be determined for contracted fleet vehicles that are potentially included in more than one “fleet.” (Christine Wolfe – 15d2)

- 2166. Comment:** Commenter requests clarification regarding whether multiple municipalities would be required to report the same contractor vehicles when a contractor performs work for more than one municipality. Commenter states that contractors do not typically dedicate specific vehicles to specific customers or contracts. (Hannah Abdoo – 15d2)
- 2167. Comment:** Commenter states that the amendments establishing that a fleet owner includes any entity that contracts fleets introduce uncertainty regarding compliance accountability in situations where contractors perform services for multiple public agencies simultaneously. Commenter states the ACF regulation does not clearly define how contracted vehicles should be allocated among agencies or how overlapping service relationships should be treated where contractors perform services for multiple public agencies simultaneously. (Alyson Piguee – 15d2)
- 2168. Comment:** Commenter states that if CARB intends vehicles operated by private contractors to be treated as part of a public agency fleet for compliance purposes, it is unclear how those vehicles would be accounted for, reported, or tracked when the same contractor performs services for multiple public agencies and private entities. Commenter states that the proposed amendments provide no guidance regarding whether the same privately owned vehicle could effectively be counted as part of multiple public agency fleets, how compliance responsibilities would be allocated, or how duplicative reporting and recordkeeping would be avoided. (Noelle Mattock – 15d2)
- 2169. Comment:** Commenter states that because contractor vehicles and equipment utilized under contract are not dedicated exclusively to its jurisdiction, identifying and tracking contractor assets attributable to a specific public agency may prove difficult and could result in inconsistent reporting across jurisdictions. (Daniel Hernandez – 15d2)
- 2170. Comment:** Commenter states that inconsistent reporting issues could occur given that for existing contracts, contractors may not be obligated to provide the necessary vehicle reporting information. (Eric Grubb – 15d2)
- 2171. Comment:** Commenter states that inconsistent reporting issues could occur due to duplicative reporting by contractors who have voluntarily complied with ACF and have vehicles already reported in TRUCRS. (Eric Grubb – 15d2)
- 2172. Comment:** Commenter states the regulation lacks clarity as to how the city is expected to evaluate the fleet compliance status of franchise holders that are no longer required to report into TRUCRS. (Noelle Mattock – 15d2)
- 2173. Comment:** Commenter states that proposed contractor obligations lack clarity regarding what constitutes a contract for purposes of triggering the application under the rule nor distinguish between contractors that primarily serve a single public agency and those that serve multiple public entities. Commenter states proposed contract obligations would lead to the same vehicle being counted multiple times for different public fleets since private contractors may provide services to multiple public agencies during the same reporting period, creating duplicative reporting issues which undermines the intent and reporting framework of the original rule. (Carmen Zambrano – 15d2)
- 2174. Comment:** Commenter states that if the amendments were adopted, a private fleet could find itself subject to multiple conflicting contractual requirements intended to facilitate ACF compliance by different SLG agencies, which would be highly impracticable for fleet planning, fleet deployment, and fuel/power infrastructure planning. (Christine Wolfe – 15d2)
- 2175. Comment:** Commenter asks how CARB will handle contradictory reporting for the same contracted trucks when a private fleet contractor uses one truck to serve multiple cities or agencies and those agencies use different ACF compliance pathways. Commenter states that private entities and public agencies are often required to report compliance with all existing laws, and that relying on case-by-case subjective enforcement places these entities at risk of noncompliance. (Tim Carmichael – OCP)

- 2176. Comment:** Commenter states that private companies provide contracted services to multiple state and local government fleets at the same time, meaning the same vehicle could service different public entities within a short period of time. Applying the rule as proposed would result in the same vehicle being counted multiple times across different fleets, thus defeating the rule's purpose and reporting structure. Without clarification, there is not only a risk of non-compliance, but it also creates a situation that makes it almost impossible for CARB to monitor compliance. (James Lee – 15d2)
- 2177. Comment:** Commenter states that the proposed amendments do not meet CalAPA's clarity standard because they do not clearly explain how State and Local Government fleets would ensure compliance for contracted fleet vehicles or how compliance would be determined for vehicles potentially included in more than one fleet. (Christine Wolfe – 15d2)
- 2178. Comment:** Commenter states that inconsistent reporting issues could occur given that a contractor may service more than one SLG, which could result in duplicative reporting of a vehicle in different compliance pathways (Purchase Schedule and Milestone). (Eric Grubb – 15d2)
- 2179. Comment:** Commenter states that applying the inclusion of contracted vehicles as proposed would lead to counting the same vehicle multiple times for different fleets, thus defeating the purpose and reporting requirements of the original rule. Commenter states that without clarification, there is not only a risk of non-compliance, but also almost impossibility of monitoring by CARB. (Cesar Rangel – 15d2)
- 2180. Comment:** Commenter requests that if contracted public works fleets are subject to ACF requirements, clarify how vehicles may be counted multiple times in different jurisdictions. (Treston Keys – 15d2)
- 2181. Comment:** Commenter states that vehicles used by construction companies are not assigned to specific projects and may move between projects, public agencies, subcontractors, material suppliers, equipment rental companies, and contracts with differing timelines, creating confusion and duplication in reporting and compliance. (Michael Lewis – 15d2)
- 2182. Comment:** Commenter requests clarification on whether rental and contract agreements may be treated as a separate fleet from a public agency's internal fleet for ACF compliance and, if so, whether the separate fleet can follow the Milestone pathway. (Nick Blair – 15d2)

Agency Response: No changes were made in response to these comments. The ACF regulation does not need to rely on DMV registration information to assign responsibility to vehicles under the scope of the regulation that are owned, leased or rented for one year or longer, or contracted for by a State or local government agency. State or local government fleets may elect to report separately for different subdivisions if they utilize the compliance flexibility of the ZEV Milestones Option. Subdivisions can operate independently based on their elected compliance pathway. Under ACF, vehicles registered in different TRUCRS accounts can be consolidated by the fleet owner or separated (even if they are in the same State or local government agency's fleet and even if vehicles are reported under separate TRUCRS IDs). The SLG agency needs to account for vehicles it owns, leases or rents for one year or longer, or contracts for, and it does not matter if same vehicle is used in another SLG fleet in the same year or if the SLG agency sells their truck in the middle of the year to another SLG agency. The definition of dispatched vehicles makes clear that contracted fleet vehicles only apply when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37. The amendments do not bring private fleets into the regulation.

Compliance accounts in TRUCRS for the Truck and Bus regulation are separate. Similarly, trucks registered under High Priority Fleets compliance accounts are separate from those reported by State and local government agencies. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

h) Vehicles Under Contract—General Comments Not Requesting Any Changes

- 2183. Comment:** Commenter states that their service district requests a waiver of the 10% ZEV requirement under Section 2013 for small fleets where the regulated agency can demonstrate that it has neither purchased, rented, or leased a covered vehicle since the adoption of the ACF regulations. (James Emmons – 15d2)
- 2184. Comment:** Commenter states that they have doubts that any available ZEV can reliably operate in their service district, but they are willing to explore the possibility of renting a ZEV truck for a trial period to determine feasibility. (James Emmons – 15d2)
- 2185. Comment:** Commenter supports the principle that public and private sector entities should be subject to comparable environmental standards, and questions whether requiring local governments to collect and report contractor fleet information is the most effective means of addressing this concern. (Daniel Hernandez – 15d2)

Agency Response: No changes were made in response to these comments. These comments are not requesting any changes be made to the regulatory proposal. If a public agency has questions about how to report or utilize any of the flexibilities for the vehicles that it owns, rents, leases, or operates under contract, please contact CARB staff at zevfleet@arb.ca.gov.

i) Zero-Emission Vehicle Technology—Infrastructure Readiness and Availability Concerns

- 2186. Comment:** Commenter states that the proposed amendments do not adequately evaluate or account for practical constraints faced by public agencies, including infrastructure readiness. (Amanda Roa – 15d2)
- 2187. Comment:** Commenter requests that CARB ensure supporting infrastructure is available before imposing additional requirements for contracted solid waste fleets. (Sophie Helpard – 15d2)
- 2188. Comment:** Commenter states that barriers to fleet electrification remain significant following expansion of compliance obligations to private contractors, including limited charging infrastructure, especially in rural areas where electrical capacity and charging access are limited. (Gebriel Saleh – 15d2)
- 2189. Comment:** Commenter states that barriers to fleet electrification include limited charging infrastructure, utility interconnection delays, and limited electrical capacity, especially in rural areas where charging access is limited. (Gebriel Saleh – 15d2)
- 2190. Comment:** Commenter states that for many smaller, local, or highly specialized contractors, the transition to ZEVs requires access to infrastructure that these businesses do not possess. (Jason Cole – 15d2)
- 2191. Comment:** Commenter states that barriers to fleet electrification are often more severe in rural areas where electrical capacity and charging access are limited. (Gebriel Saleh – 15d2)

- 2192. Comment:** Commenter states that for many smaller, local, or specialized contractors, the transition to ZEVs requires access to infrastructure these businesses do not possess. (Jason Cole – 15d2)
- 2193. Comment:** Commenter states the proposed changes would create significant challenges for waste collection because of the need to develop a vehicle recharge system to meet daily service demand. (Kirk Sander – 15d2)
- 2194. Comment:** Commenter states that infrastructure constraints and regional differences must be addressed to identify realistic pathways toward fleet transition while preserving essential public services. (Gebriel Saleh – 15d2)

Agency Response: No changes were made in response to these comments. The ACF regulation is designed to provide compliance flexibility that considers infrastructure readiness. The existing ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for one to five years. Fleet owners may apply for the exemption before their next applicable ZEV Milestones compliance deadline. This flexibility ensures fleet owners avoid being out of compliance if they cannot install infrastructure on time. Additionally, the ZEV Infrastructure Delay exemption delays ZEV purchases which allows fleet owners to closely align their ZEV deployments with the actual rollout of infrastructure. As part of the First 15-Day Changes, CARB delayed the 100% ZEV purchase requirement to 2030, which gives fleet owners time to initiate early utility engagement, even before they are ready to submit a service request. The amendments broadly reduce the overall number of ZEVs deployed, more gradually introduce ZEVs into the fleet, and provide more time for associated infrastructure to be deployed. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

j) Zero-Emission Vehicle Technology—Zero-Emission Vehicle Availability and Market Readiness for Contracted Public Services

- 2195. Comment:** Commenter states that barriers to fleet electrification include vehicle availability problems, and adding requirements without addressing those problems could create unintended consequences for communities that rely on contracted services. (Gebriel Saleh – 15d2)
- 2196. Comment:** Commenter states that public agencies need access to vehicles capable of performing essential functions while helping achieve the state's NOx and climate goals. (Katie Vassalli – 15d2)
- 2197. Comment:** Commenter states that currently available ZEVs are not functionally equivalent to traditional vehicles needed for essential public functions. (Ryan Kenny – 15d2)
- 2198. Comment:** Commenter states that there are no commercially available zero-emission tow or recovery trucks that meet the rigorous state standards enforced by the California Highway Patrol. (Greg Hurner – 15d2)
- 2199. Comment:** Commenter states that construction work is short-term and transitory and that zero-emission configurations are not available for many heavy-duty construction duty cycles. (Nicholas Armstrong – 15d2)
- 2200. Comment:** Commenter states that if the Agency's sludge hauling contract is covered by the rule, the Agency is concerned the hauler may not be able to comply with the new regulations given the weight of the loads. (David Lawrence – 15d2)
- 2201. Comment:** Commenter states that tow and recovery operators require medium- and heavy-duty vehicles capable of continuous, demanding duty cycles, rapid response, and heavy extractions under extreme conditions. (Greg Hurner – 15d2)

- 2202. Comment:** Commenter states that many heavy-duty construction duty cycles do not have available zero-emission configurations suitable for construction work. (Nicholas Armstrong – 15d2)
- 2203. Comment:** Commenter states that vehicle availability and specialized equipment requirements create significant implementation challenges that cannot be accelerated for a regulation that did not account for those challenges. (Ryan Kenny – 15d2)
- 2204. Comment:** Commenter states that contracted service providers may need specialized vehicles and equipment that are not available in zero-emission configurations suitable for rugged terrain, remote locations, or emergency response conditions. (Tresten Keys – 15d2)
- 2205. Comment:** Commenter states that Freeway Service Patrol and CHP tow and recovery vehicles require continuous, demanding duty cycles and rapid response, which raises concerns about whether available zero-emission vehicles can meet operating-duration needs. (Greg Hurner – 15d2)
- 2206. Comment:** Commenter states that public agencies and service providers need realistic fleet-transition pathways that account for operational realities, regional differences, and infrastructure constraints that affect vehicle operating duration. (Gebriel Saleh – 15d2)
- 2207. Comment:** Commenter states that Freeway Service Patrol and CHP-contracted tow and recovery vehicles perform emergency roadside assistance and recovery functions that should continue until zero-emission recovery trucks meeting all CHP safety and operational specifications are widely available. (Greg Hurner – 15d2)
- 2208. Comment:** Commenter states that forcing Freeway Service Patrol and CHP contractors to transition before suitable zero-emission tow and recovery vehicles are commercially available would threaten emergency roadside assistance and freeway recovery operations. (Greg Hurner – 15d2)
- 2209. Comment:** Commenter states that utility trucks should be permanently excluded because they are frontline emergency responders routinely dispatched to restore essential water, sewer, and power services. (Dan Sunseri – 15d2)
- 2210. Comment:** Commenter states that the Second 15-Day Notice threatens essential public services and emergency response fleets when available ZEVs are not functionally equivalent to traditional vehicles used for those functions. (Ryan Kenny – 15d2)
- 2211. Comment:** Commenter states that many vehicles involved in the commenter's large contracts—like heavier work trucks, foreman trucks, dump trucks, line trucks, and aerial buckets—are not available as ZEVs. (Nicole Looney – 15d2)
- 2212. Comment:** Commenter states that many specialized contracted service providers currently rely on medium- and heavy-duty vehicles for which commercially available zero-emission alternatives remain limited. (Chris Robbins – 15d2)
- 2213. Comment:** Commenter states that previously raised concerns regarding the lack of availability of reliable zero-emission vehicles ZEVs apply equally to the proposed amendments affecting rented and leased vehicles. Commenter states that if reliable ZEVs are not available for purchase, they are likewise unlikely to be available for rent or lease. (David Pedersen – 15d2)
- 2214. Comment:** Commenter states that cities, counties, utilities, and special districts have consistently raised concerns regarding the proposed amendments that zero-emission alternatives are not yet available for many specialized vehicle applications essential to public safety and community resilience. Commenter states that the proposed ACF regulations disregard concerns regarding ZEV availability for specialized vehicle applications. (Paolo Beltran – 15d2)
- 2215. Comment:** Commenter expresses concerns regarding the Second 15-Day Changes as zero-emission configurations are not available for many heavy-duty construction duty cycles. (Nicholas Armstrong – 15d2)

2216. Comment: Commenter requests that CARB provide an automatic or streamlined exemption for contracted specialty vehicles and heavy-duty vehicles where ZEVs are not commercially available or available in the required configuration. Commenter states that many local and regional contractors, including small businesses and disadvantaged business enterprises, may not own the appropriate heavy-duty and specialty ZEVs because those vehicles are unavailable. (Rangarajan Sampath – 15d2)

2217. Comment: Commenter states that barriers to fleet electrification remain significant following expansion of compliance obligations to private contractors, including vehicle availability problems, especially in rural areas where electrical capacity and charging access are limited. (Gebriel Saleh – 15d2)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement under the ZEV Purchase Schedule was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and provides more flexibility to prioritize which vehicles are purchased as ICE or as ZEVs. The ACF regulation includes multiple flexibilities for SLG fleet owners when ZEVs are not available, do not meet the operational needs of the fleet, or when sufficient infrastructure does not exist. The First 15-Day Changes also expanded access to the ZEV Purchase Exemption, removed and streamlined elements of the Daily Usage Exemption, and expanded the Fleet Resiliency Exemption so that fleet owners have additional tools to manage vehicle availability, operational suitability, infrastructure, emergency response, and resiliency concerns.

Specifically, the ZEV Milestones Option schedule provides a longer phase-in for specialty vehicles and fleet owners flexibility in how ZEVs are introduced to their fleet so long as the ZEV threshold is met. The ZEV Purchase Exemption addresses situations in which a ZEV is not available in the needed configuration. The Fleet Resiliency Exemption permits fleet owners to purchase a new ICE vehicle or designate an existing ICE vehicle to address any fleet resiliency concerns for any ICE vehicle in the fleet. The Daily Usage Exemption permits fleet owners to purchase a new ICE vehicle if no new ZEV is available that can meet the demonstrated daily usage needs of any existing vehicle of the same type in the fleet. NZEVs may also be counted the same as ZEVs until the 2035 model year, which offers flexibility to fleet owners that have duty cycles with extended range, high auxiliary power, or minimal refueling downtime for which ZEVs may not be entirely suitable for in the early stages of the regulation. The ZEV Infrastructure Delay Extension allows fleet owners to apply for an exemption to delay the requirements for up to five years. This flexibility ensures fleet owners avoid being out of compliance if they cannot get infrastructure on time. Lastly, early and excess ZEV purchases permit fleet owners to replace an existing ICE vehicle at any time with another ICE vehicle.

SLG agencies also have full access to exemptions and extensions for all vehicles in their fleet, including those rented or leased for a year or more, or under contract to address concerns regarding ZEV availability. Therefore, expanding existing or providing additional exemptions for these vehicles is not necessary as sufficient flexibility exists for circumstances in which a ZEV is unavailable. Making additional changes in response to these comments would be unnecessary and undermine the air quality benefits of the regulation.

Further, the amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas

to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

k) Zero-Emission Vehicle Technology—Zero-Emission Vehicles are Inadequate or Do Not Meet Operational Needs

- 2218. Comment:** Commenter states that many specialized contracted service providers currently rely on medium- and heavy-duty vehicles for which operationally suitable zero-emission alternatives remain limited. (Chris Robbins – 15d2)
- 2219. Comment:** Commenter states that currently available ZEVs are not functionally equivalent to traditional vehicles needed for essential public functions. (Ryan Kenny – 15d2)
- 2220. Comment:** Commenter states that cities, counties, utilities, and special districts have consistently raised concerns that zero-emission alternatives are not yet operationally suitable for many specialized vehicle applications essential to public safety and community resilience. Commenter states that the proposed ACF regulations disregard concerns regarding ZEV and operational suitability for specialized vehicle applications. (Paolo Beltran – 15d2)
- 2221. Comment:** Commenter states that many of the services that water agencies routinely rely on contractors for require specialized vehicles and equipment that are not currently available in zero-emission configurations suitable for rugged terrain, remote locations, or emergency response conditions. (Justin Caporusso – 15d2)
- 2222. Comment:** Commenter states that contracted services are not optional for their agency and many of their services require specialized vehicles and equipment that are not currently available in zero-emission configurations suitable for rugged terrain, remote locations, or emergency response conditions. (Anthony Firenzi – 15d2)
- 2223. Comment:** Commenter states that many local and regional contractors, including small businesses and disadvantaged business enterprises, may not own the appropriate heavy-duty and specialty ZEVs because those vehicles are unsuitable. (Rangarajan Sampath – 15d2)

Agency Response: No changes were made in response to these comments. The Daily Usage Exemption addresses situations where available ZEVs cannot meet a fleet owner's range needs under actual operating conditions. As part of the First 15-Day Changes, CARB modified the Daily Usage Exemption to make it more accessible and easier for fleet owners to utilize where range limitations exist. The Daily Usage Exemption addresses ZEV usage concerns based on a fleet's historical data which allows for ICE purchases and addresses the usage concerns raised by the commenters.

The ACF regulation also includes the Fleet Resiliency Exemption and other compliance flexibilities that allow fleet owners to continue acquiring ICE vehicles where necessary to ensure operational reliability. The Fleet Resiliency Exemption has been improved in the First 15-Day Changes to allow earlier use by dropping the entry threshold from 25% ZEVs in the fleet to only 5%.

Other provisions in the regulation that give meaningful exemptions for fleet owners when available ZE technology does not meet the operational needs of the fleet include the ZEV Purchase and Daily Usage exemptions. The ZEV Purchase Exemption addresses situations where a fleet owner cannot comply due to circumstances beyond their control if a required ZEV is not available to purchase in the needed configuration. The Daily Usage Exemption can be utilized when usage needs cannot be met with an available ZEV. Together, these provisions ensure fleet owners are not required to deploy vehicles that cannot meet their operational range requirements while supporting a gradual phase-in as ZEV technology

continues to improve. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

l) Zero-Emission Vehicle Technology—Zero-Emission Vehicle Range Concerns

2224. Comment: Commenter states that reliable ZEVs with the necessary range are not currently available or not yet proven for emergency response. (Kyle Swanson – 15d2)

Agency Response: No changes were made in response to these comments. The ACF regulation aligns with the Emergency Vehicle definition in CVC 165 and excludes those vehicles from the regulation. Including additional vehicles under the emergency response categorical exemption would impede the purpose of the regulation, to reduce emissions from State and local government fleet operations. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

m) Zero-Emission Vehicle Technology—Zero-Emission Vehicle Towing Capability Concerns

2225. Comment: Commenter states that there are no commercially available zero-emission tow or recovery trucks on the market that meet the rigorous state standards enforced by the California Highway Patrol. (Greg Hurner – 15d2)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, the 100% ZEV purchase requirement was delayed until January 1, 2030. This change better aligns the ACF regulation's requirements with the current and expected state of the ZEV market and allows fleet owners flexibility to better manage concerns related to ZEV technology until 2030.

The Fleet Resiliency Exemption was also modified in the First 15-Day Changes to provide earlier access by dropping the entry threshold from an increasing threshold that started at 25% ZEVs in the fleet to a flat 5% threshold. The fleet owner has discretion as to which vehicles will use the exemption to address any operational resiliency concern for up to 25% of the fleet. This exemption was also expanded to permit fleet owners to purchase a new ICE vehicle or use the exemption to designate an existing ICE vehicle as exempt from the ZEV Milestones Option, to address any fleet resiliency concerns, including towing. Specifically including towing as a fleet resiliency concern in the exemption directly addresses the comments raised. No changes were made in response to these comments because further modifications would be unnecessary and would undermine the air quality benefits of the regulation.

n) Zero-Emission Vehicle Technology—Zero-emission Vehicle Cost Concerns

2226. Comment: Commenter states that many specialized contracted service providers currently rely on medium- and heavy-duty vehicles for which economically feasible zero-emission alternatives remain limited. (Chris Robbins – 15d2)

2227. Comment: Commenter states that for many smaller, local, or highly specialized contractors, the transition to ZEVs is an immense financial hurdle requiring access to capital that these businesses do not possess. (Jason Cole – 15d2)

- 2228. Comment:** Commenter states that many smaller, local, or highly specialized contractors lack the capital needed to transition to ZEVs. (Jason Cole – 15d2)
- 2229. Comment:** Commenter states that available ZEVs have much higher ratepayer costs than traditional vehicles needed for essential public functions. (Ryan Kenny – 15d2)
- 2230. Comment:** Commenter states that if agencies must require ZEVs for contracted vehicles, costs for heavy construction configurations and compliance would be passed through to public project budgets. (Nicholas Armstrong – 15d2)
- 2231. Comment:** Commenter states that for many smaller, local, or highly specialized contractors, the transition to ZEVs is not merely an operational choice; it is an immense financial hurdle that requires access to capital that these businesses simply do not possess. (Jason Cole – 15d2)
- 2232. Comment:** Commenter states that many local and regional contractors, including small businesses and disadvantaged business enterprises, may not own the appropriate heavy-duty and specialty ZEVs because those vehicles are economically infeasible. (Rangarajan Sampath – 15d2)

Agency Response: No changes were made in response to these comments. In the First 15-Day Changes, CARB made numerous changes that would reduce the number of ZEVs required and provide fleet owners more flexibility in determining which vehicles to purchase as ZEVs or ICE vehicles. The 100% ZEV purchase requirement was delayed until January 1, 2030. The accessibility of the Fleet Resiliency Exemption was expanded and gives fleet owners complete discretion as to which vehicles use the exemption and can prioritize specialty vehicles for the exemption to purchase ICE vehicles or can be used by the fleet owner to address particularly high costs vehicles if the situation is encountered. Improvements were made to the Daily Usage and ZEV Purchase Exemptions. The capital costs of vehicles are expected to become lower for SLG agencies since fewer ZEV purchases are required or phased in over a longer period of time.

In addition, ZEVs are expected to have a lower TCO than ICE vehicle counterparts in numerous applications over the course of the next decade due to operational savings and declining incremental upfront costs. The TCO for ZEVs is expected to further improve over time as incremental costs between ZEVs and ICE vehicles continue to decline with ZEV market development. Thus, making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

5. Captive Biofuel Use Exemption

a) Captive Biofuel Use Exemption—Clarification on Private Fleets

- 2233. Comment:** Commenter states that municipal contracts with private fleets not engaged in hauling, transferring, or processing in-state organic waste should not be swept into the regulation through the Captive Biofuel Use Exemption conditions. (Ryan Kenny – 15d2)
- 2234. Comment:** Commenter states that not all facilities that produce renewable biofuel have surplus renewable biofuel available to power fleet operations, and not all waste or wastewater treatment facilities produce renewable biofuel. (Ryan Kenny – 15d2)

Agency Response: No changes were made in response to these comments. The Captive Biofuel Use Exemption is an option for the State or local government agencies and does not regulate private fleet owners. Exemptions and extensions themselves are relevant to State and local government agencies. Thus, no change is necessary in response to these comments.

b) Captive Biofuel Use Exemption—Does Not Reflect Real World Conditions

- 2235. Comment:** Commenter states that revised Captive Biofuel Use Exemption conditions do not reflect real-world operations and depart from the exemption's original intent, including by creating new conditions tied to renewable biofuel production. (Ryan Kenny – 15d2)
- 2236. Comment:** Commenter states that basing Captive Biofuel Use Exemption eligibility on the ability to produce excess renewable natural gas is a new interpretation that may not reflect operational realities because not all waste or wastewater treatment facilities produce renewable biofuel or have surplus renewable biofuel available to power private fleet operations. (Katie Vassalli – 15d2)
- 2237. Comment:** Commenter states that revised Captive Biofuel Use Exemption conditions do not reflect real-world operations and depart from the exemption's original intent, including by creating new conditions tied to renewable biofuel production that were not vetted through the public process. Commenter states that the revised Captive Biofuel Use Exemption conditions should not disqualify wastewater treatment plants from accessing low NOx vehicles. (Ryan Kenny – 15d2)
- 2238. Comment:** Commenter states that the second notice fails to address the concerns previously raised by industry coalitions, municipalities, local government agencies, and other commenters including how the Captive Biofuel Use Exemption Conditions introduced in the first 15-day notice do not reflect real-world operations. (Katie Vassalli – 15d2)
- 2239. Comment:** Commenter states that there is no meaningful pathway to utilize renewable non-fossil fuels at wastewater treatment facilities that would also conform to SB 1387 mandates for food waste. (David Rothbart – 15d2)

Agency Response: No changes were made in response to these comments. The Board direction was to provide a limited exemption for SB 1383 generated renewable biofuels through the Captive Biofuel Use Exemption primarily to support waste and wastewater agencies who are implementing SB 1383 and dispense RNG into vehicles at the same site. There is nothing in this regulation that restricts or limits a private entity from selling biofuel directly to a private fleet or on the open market. Also, as discussed previously, the goals of the original ACF rulemaking are to support Executive Order N-79-20, AB 617, and AB 1279 (the California Climate Crisis Act), among others.

c) Captive Biofuel Use Exemption—Definition of “Waste Fleet” Pulls in Private Fleets

- 2240. Comment:** Commenter states that municipal contracts with private fleets not engaged in hauling, transferring, or processing in-state organic waste should not be swept into the regulation through Captive Biofuel Use Exemption conditions. (Ryan Kenny – 15d2)

Agency Response: No changes were made in response to this comment. The definition of “waste fleet” does not regulate or pull in private fleet owners or operators. The definition of “waste fleet” is only used within the Waste and Wastewater Fleet Option and Captive Biofuel Use Exemption which extends compliance deadlines and allows for the purchase of “low-NOx vehicles,” respectively. Exemptions and extensions themselves are not ACF’s ZEV purchase requirements, they are flexibilities within the regulation and they could not by themselves make a fleet subject to the rule. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

d) Captive Biofuel Use Exemption—Penalizes Early Adopters

2241. Comment: Commenter states that the revised conditions applied to the Captive Biofuel Use Exemption within the first 15-day notice depart significantly from its original intent of protecting fleets that haul, transfer, or process in state organic waste for the reason that basing exemption eligibility on the ability to produce excess renewable natural gas (biomethane) is a new interpretation that was not vetted through the public process and may not reflect all operational realities. Commenter states that not all waste or wastewater treatment facilities produce renewable biofuel and of those that do, not all have surplus renewable biofuel capable of powering private fleet operations as a result of size, age, and other economic factors. Commenter adds that this approach unnecessarily penalizes entities that have heavily invested in the production of renewable biofuel or in the cleanest available internal combustion engine technologies to help advance the state's clean air and climate goals. Commenter states that if the goal is to provide additional flexibility for fleets to utilize produced RNG under California's circular economy policies, the modified text does the opposite by imposing additional restrictions and hurdles to RNG production and use. (Katie Vassali – 15d2)

2242. Comment: Commenter states that many of the fundamental concerns raised by their city and public agencies remain unresolved, including the availability of workable compliance pathways for essential public service fleets. The commenter brings up one example, that the regulation continues to limit Roseville's ability to utilize locally produced RNG to fuel essential service vehicles. (Noelle Mattock – 15d2)

Agency Response: No changes were made in response to these comments. As part of the First 15-Day Changes, fleet owners were provided with additional time and flexibility to extend the use of existing ICE vehicles and add new ICE vehicles to their fleets. The Captive Biofuel Use Exemption was designed in response to Board direction to allow the waste and wastewater sector to accept increasing amounts of diverted organic waste and to utilize excess biogas generated on-site rather than flaring it. The provision provides certainty to captive biofuel fleet owners and gives them more time before they need to phase in ZEVs. The Captive Biofuel Use Exemption strikes a balance between minimizing unnecessary flaring and achieving additional NOx reductions by limiting the exemption to engines that are certified with NOx emissions below the existing standard. This new exemption grants additional time for fleet owners to continue operating certain natural gas vehicles beyond what the Waste and Wastewater Fleet Provision allows. Making changes in response to these comments would be unnecessary and would undermine the emissions reduction goals of the regulation.

e) Captive Biofuel Use Exemption—Change Record Requirements

2243. Comment: Commenter states that wastewater agencies are currently ineligible for the Captive Biofuel Use Exemption because of new records requirements in the first 15-day changes, which were not address in the 2nd 15-day changes, and this exemption is only available to the milestones option which excludes most wastewater agencies. Commenter requests that the record requirements are modified and exemption made available to public agencies under the purchase schedule. (David Rothbart – 15d2)

Agency Response: No changes were made in response to this comment. Section 2013.4(m)(1) is the recordkeeping requirements for the Captive Biofuel Use Exemption, not the eligibility requirements which are contained in Section 2013.6(h)(1)(A). Changing the

recordkeeping requirements would not affect a fleet's eligibility for the Captive Biofuel Use Exemption.

The Captive Biofuel Use Exemption is designed to work in conjunction with the Waste and Wastewater Fleet Option that is only available for those fleets who comply using the ZEV Milestones Option. The State or local government agency has flexibility to comply jointly or separately for individual departments, divisions, districts, subsidiaries, or agencies under the same jurisdiction. For example, any State or local government entity can put vehicles in one department or division on the ZEV Milestone Option compliance flexibility and keep other vehicles on the default compliance pathway, the ZEV Purchase Schedule.

6. Rulemaking Procedures

a) Rulemaking Procedures—Requests to Reopen Extend Comment Periods, or Increase Board or Stakeholder Involvement

- 2244. Comment:** Commenter states that CARB staff failed to follow rulemaking procedures by not requesting information on the impacts of the expanded definition for fleet owner, and the ability of public agencies to meet specified levels of services. (Sarah Deslauriers – 15d2)
- 2245. Comment:** Commenter states that the second 15-day notice describes new contractor obligations as existing requirements, but those obligations appear in none of the regulatory support documents, the September 25, 2025 Board presentation, the amendments the Board adopted, Resolution 25-9, or the original 45-day notice. (Nicholas Armstrong – 15d2)
- 2246. Comment:** Commenter states that the First and Second 15-Day amendment packages do not follow the Board's direction to the Executive Officer in Resolution 25-9. (Tim Carmichael – OCP)
- 2247. Comment:** Commenter states that the Second 15-Day Changes go so far beyond the Board's direction that the regulation must return to the full Board for discussion and should not be adopted solely by the Executive Officer. (Tim Carmichael – OCP)
- 2248. Comment:** Commenter states that CARB staff's September 2025 Board presentation did not mention private fleets and that Board members did not discuss including private fleets. (Tim Carmichael – OCP)
- 2249. Comment:** Commenter requests that if CARB believes it has authority to go beyond the Board's direction, CARB should initiate a subsequent rulemaking where all potentially affected stakeholders are present and have an opportunity to voice their concerns. (Tim Carmichael – OCP)
- 2250. Comment:** Commenter states that the Second 15-Day Changes are impactful and deserve their own discussion because commenter's members include both public fleets and private fleets that contract with public agencies and are affected by the regulation. (Tim Carmichael – OCP)
- 2251. Comment:** Commenter states that the Second 15-Day Notice attempts to fill perceived ambiguity through staff-driven policy without subsequent Board input after the regulation was adopted and Board members provided direction. Commenter states that CARB Board members did not support or seriously discuss including private contracted fleets under the State and Local Government fleet requirements, and that the Board discussion and record instead focused on excluding private fleets and regulating public agency fleets themselves. (Ryan Kenny – 15d2)
- 2252. Comment:** Commenter states that the addition of contracted fleets within the most recent 15-day changes presumes that CARB has the authority to impose the ACF regulation beyond public fleets. They note that this change in how the ACF regulation is interpreted for

private fleets occurred without input from the public or the CARBs Board of Directors.
(Damon Wyckoff – 15d2)

- 2253. Comment:** Commenter requests that CARB consult and work with public utilities, water agencies, and other essential service providers to better understand the implications of proposed changes before effectively announcing new requirements. Commenter requests that CARB work collaboratively with public utilities and water agencies in a subsequent rulemaking to develop refinements needed to ensure the regulation does not inhibit first-responder and essential public utility services, including clean power and water. (Scott Ammon – 15d2)
- 2254. Comment:** Commenter requests that CARB subject any substantive policy changes to a new public rulemaking process. (Paolo Beltran – 15d2)
- 2255. Comment:** Commenter requests that CARB delay approval of the regulations and the second 15-Day Changes until the requisite APA-compliant evaluations are complete and critical issues are addressed through appropriate amendments. (Sarah Deslauriers – 15d2)
- 2256. Comment:** Commenter states if CARB believes some portion of contracted fleets should be covered by public agencies under the rule, that should be proposed and evaluated with stakeholder input as part of a subsequent rulemaking process. Commenter states durable guidance, in addition to ongoing engagement with Public Agency Utilities, is needed to alleviate implementation issues and identify improvements for a follow-up rulemaking. (Derek Dolfie – 15d2)
- 2257. Comment:** Commenter requests CARB to begin a subsequent rulemaking as soon as possible to address our outstanding concerns and before any punitive enforcement actions are contemplated. (Derek Dolfie – 15d2)
- 2258. Comment:** Commenter requests a firm commitment from CARB to reevaluate the regulation through a public process before 2030 with a scheduled reevaluation allowing the Board and staff to assess whether the regulation accurately reflects real-world ZEV market conditions ahead of the due date for compliance. (Anthony Firenzi – 15d2)
- 2259. Comment:** Commenter requests that CARB delay approval of the Second 15-Day Amendments to allow additional time to fully evaluate impacts, engage stakeholders, and develop workable solutions that align with the operational realities of public agencies while advancing the State's climate objectives. (Amanda Roa – 15d2)
- 2260. Comment:** Commenter urges CARB to reverse these changes, immediately reissue the first 15-day amendments to ensure timely rulemaking completion, and revise the June compliance guidance accordingly. (Nicole Looney – 15d2)
- 2261. Comment:** Commenter requests that CARB take up a new amendment process to address specific issues within ACF such as ZEV market uncertainty, ZEV market affordability, grid reliability, fleet owner definition rental and lease language, early or excess ZEV purchases, fleet resilience exemption capped at 25% of fleet and subtracted by other exemptions, increased requirements to apply for ZEV Purchase and Daily Usage Exemptions, future mobile fueling requirements to be reviewed for use in 2030, and hiring Compliant Fleets. (Damon Wyckoff – 15d2)
- 2262. Comment:** Commenter states CARB should take a holistic view of ACF and consider whether there are alternative approaches that would provide public agencies with achievable compliance paths while increasing ZEV truck deployment and emissions reductions and commit to a successor ACF rulemaking in 2027 that reimagines the ACF in a manner that is achievable for public agencies and supports fleet emissions reductions. (Nicole Looney – 15d2)
- 2263. Comment:** The commenter urges CARB to initiate a new amendment process after the 15-day changes to address several concerns, including definitions, exemptions, ZEV-related requirements, and future fueling and hiring provisions. They also state they will continue

participating in ACF implementation to ensure public agency fleet needs are prioritized. (Eric Grubb – 15d2)

- 2264. Comment:** Commenter requests that a future ACF amendment process address fleet owner definition language related to rentals and leases. (Nick Blair – 15d2)
- 2265. Comment:** Commenter requests that if CARB intends to extend ACF compliance obligations to privately owned vehicles performing construction, material-supply, or related public agency work, CARB initiate a new rulemaking with proper notice, a revised Initial Statement of Reasons and Standardized Regulatory Impact Assessment, and analysis of costs, ZEV feasibility, administrative burdens, and pass-through impacts on public project budgets. (Nicholas Armstrong – 15d2)
- 2266. Comment:** Commenter requests that the Board review and policy direction prior to adoption of the regulation and before the proposed second 15-day amendments are finalized, that given the potential impacts on thousands of businesses that perform public work throughout California, the proposed amendments deserve full Board consideration. (Treston Keys – 15d2)
- 2267. Comment:** Commenter states that they respectfully request that CARB provide an additional opportunity for stakeholder review and comment before finalizing the Second 15-Day Modifications. (Noelle Mattock – 15d2)
- 2268. Comment:** Commenter states that the current ACF framework is already difficult to navigate and the recent modifications further exacerbate the issues. (Joe Mouawad – 15d2)
- 2269. Comment:** Commenter requests that if CARB intends to regulate private fleets through public agency contracts, that CARB withdraw the proposed language and initiate a new rulemaking with adequate notice, complete economic and environmental analysis, and any required federal authorization under the Clean Air Act. (Veronica Pardo – 15d2)
- 2270. Comment:** Commenter requests that CARB begin a new ACF amendment process after the close of this proceeding to address broader implementation challenges, including ZEV market uncertainty, ZEV market affordability, and grid reliability. (Nick Blair – 15d2)
- 2271. Comment:** Commenter requests CARB delay approval of the regulations and the 15-day changes until the requisite evaluations are complete and critical issues are addressed through appropriate amendments. Commenter states that taking these actions would avoid issues with adherence to APA protocols and OAL's regulatory review process, and perhaps more importantly, help avoid unintended system failures to critical community services that protect public health and the environment. (Curtis Paxton – 15d2)
- 2272. Comment:** Commenter requests that the Board clarifies the second 15-day changes prior to adoption to align with previous rulemakings, conform to the APA protocol, and eliminate confusion about exemptions of contracted private fleets and emergency vehicles. (Scott McClelland – 15d2)
- 2273. Comment:** Commenter states that the 15-day changes should have been a 45-day change rather than a 15-day change in order for public agencies to have the statutorily required time to review compliance impacts, as it constitutes a substantive expansion of compliance obligations for both public and private fleets. (Alyson Piguee – 15d2)
- 2274. Comment:** Commenter requests that, at minimum, CARB re-notice the 15-Day Modifications and Second 15-Day Modifications for a public comment period of at least 30 days and present the modifications, along with any associated environmental review, to the CARB decision making body for final approval. (John Kinsey – 15d2)
- 2275. Comment:** Commenter requests a full 45-day comment period to review impacts and provide feedback for the ACF changes because they state that the proposed changes are substantive, not merely clarifying, and expand compliance obligations and materially alter how agencies must evaluate fleet status and contract relationships. (Erin Sasse – 15d2)

- 2276. Comment:** Comment states that a 15-day period is insufficient to allow regulated public agencies that must coordinate across legal, procurement, and operational departments—to analyze and respond meaningfully. (David Rothbart – 15d2)
- 2277. Comment:** Commenter states that the 15-day change timeline does not allow adequate time for and to appropriately respond to public comments. (David Rothbart – 15d2)
- 2278. Comment:** Commenter requests that, at minimum, CARB not proceed under the current 15-day public review process and instead proceed under a 45-day public review period so the regulated community has a meaningful opportunity to review and comment on the full scope of the proposed regulations. (Acquanetta Warren – 15d2, Carmen Zambrano – 15d2)
- 2279. Comment:** Commenter states the second 15-day changes introduce significant new requirements that expand the scope of the regulation in ways that were neither contemplated in the original proposal nor adequately vetted through the public process. Commenter states that significant new regulatory language cannot be adopted through a 15-day process. Commenter states that the stakeholders deserve a meaningful opportunity to review, analyze, and comment on the proposal and that the latest amendments raise substantial questions regarding whether affected stakeholders have received adequate notice and opportunity for comment. Commenter states that changes warrant a broader stakeholder engagement process and additional opportunities for public review. (Anthony Firenzi – 15d2)
- 2280. Comment:** Commenter requests that CARB subject any substantive policy changes regarding contractor fleet provisions to a new public rulemaking process. (Damon Conklin – 15d2)
- 2281. Comment:** Commenter states that they respectfully urge that CARB subject any substantive policy changes to a new public rulemaking process. (Brittney Barsotti – 15d2)
- 2282. Comment:** Commenter states there are ongoing concerns about ACF implementation and call for a new amendment process focused on broader challenges to go to ZEVs. Commenter states that future ACF amendments should address specific regulatory concerns, including the definition of fleet owner language related to rentals and leases, hiring compliant fleets, and ensuring adequate support for emergency response operations. (Tenille Otero – 15d2)
- 2283. Comment:** Commenter states that the scale and complexity of the proposed language is not suitable for a 15-day comment period. Commenter states that public agencies require more time for technical review and dialogue with CARB to avoid unintended compliance failures. (Eva Plajzer – 15d2)
- 2284. Comment:** Commenter requests that CARB return the proposed second 15-day changes to the Governing Board for consideration and direction before final adoption, due to neither the original Board's September 2025 direction nor the original rulemaking materials indicating that the amendment process would address the treatment of contracted private fleets. Commenter states that these changes warrant a separate and transparent policy discussion, supported by additional analysis, stakeholder outreach, and Board review through the appropriate regulatory process. (Suzanne Seivright-Sutherland – 15d2)
- 2285. Comment:** Commenter states that the latest proposed changes require more vetting and refinement before adoption. They ask to postpone consideration of the latest proposed changes until the next round of revisions to allow development of appropriate language and procedures to support successful implementation of the draft's intent. (Jason Martin – 15d2)
- 2286. Comment:** Commenter requests that the Executive Officer seek direction from the CARB decision making body to repeal the state and local government fleet requirements in their entirety. (John Kinsey – 15d2)
- 2287. Comment:** Commenter requests that CARB return the revised regulation to the Board for further consideration before final adoption. (Justin Caporusso – 15d2)

- 2288. Comment:** Commenter states that CARB should commit to a later rulemaking that evaluates ongoing ZEV market challenges and affordability concerns, and considers alternative approaches that provide achievable compliance pathways while supporting ZEV truck deployment. (Nicole Looney – 15d2)
- 2289. Comment:** Commenter states while CARB's April 2, 2026, First 15-day Rulemaking Package added flexibility for SLG fleets, it raised questions regarding how contracted private vehicles would be treated and whether SLGs would be responsible for vehicles owned and operated by private contractors providing services such as street sweeping, maintenance, or waste hauling. Commenter states while they appreciate CARB's intent to clarify the aforementioned questions in the Second 15-Day Rulemaking Package, CARB seemed to expand the proposed rule by broadening its applicability to contracted private fleets, which introduced substantive changes without following the appropriate stakeholder and rulemaking process. (Roxana Ramirez – 15d2)
- 2290. Comment:** Commenter is concerned that the Second 15-day Rulemaking Package introduces substantial changes that broaden the applicability to contracted private fleets without adequate stakeholder involvement. (Roxana Ramirez – 15d2)
- 2291. Comment:** Commenter states that the one-year limit to rulemaking does not change the requirements for CARB to complete a rigorous and APA-compliant rulemaking process that fully engages with stakeholders and adheres to the APA in this rulemaking process. (Sarah Deslauriers – 15d2)
- 2292. Comment:** Commenter states that prior to CARB adopting additional regulatory requirements for contracted fleets, public agencies must be afforded sufficient opportunity and notice to provide feedback on the scope, costs, and impacts of such a regulatory approach. (Derek Dolfie – 15d2)
- 2293. Comment:** Commenter states that the second 15-day amendments, and each iteration since the amendment process started, makes the rule less workable for public agencies and introduce significant new requirements that expand the scope of the regulation in ways that were not contemplated in the original proposal or adequately vetted through the public process. (Justin Caporusso – 15d2)
- 2294. Comment:** Commenter request CARB to continue working with representative associations like the Association of California Water Agencies (ACWA), the California Association of Sanitation Agencies (CASA), and the Mountain Counties Water Resources Association (MCWRA) to improve upon the regulation and resolve ongoing challenges. (Damon Wyckoff – 15d2)
- 2295. Comment:** Commenter requests CARB continues to engage directly with affected agencies to ensure the regulation supports, rather than impedes, critical public safety functions through broad brush regulation changes. (Charlotte Gallock – 15d2)
- 2296. Comment:** Commenter states that the revised contracting language of the 15-day changes establishing that a fleet owner includes any entity that contracts fleets fundamentally alters the scope of public fleet compliance obligations in a manner that was not clearly communicated to regulated entities, and non-regulated entities, during the original rulemaking process nor during the first 15-day comment period for amendments. (Alyson Piguee – 15d2)
- 2297. Comment:** Commenter states that the proposed 15-day changes should not proceed as written. (Nick Blair – 15d2)
- 2298. Comment:** Commenter states that they are concerned that several of the proposed changes in the Second 15-Day modifications introduce significant new policy, implementation, procurement, and legal considerations that warrant additional review and stakeholder engagement. (Noelle Mattock – 15d2)
- 2299. Comment:** Commenter states that CARB's current guidance characterizes the second 15-day changes as addressing confusion regarding vehicles under contract and as making

explicit existing requirements, but that the confusion was created by staff interpretation that the adopted regulatory text does not support. Commenter states that the second 15-day package does not resolve the issue for the construction and material-supply sector and leaves state and local government agencies and private fleets with less clarity than before. (Nicholas Armstrong – 15d2)

- 2300. Comment:** Commenter states that if CARB moves forward with its proposal to include contracted vehicles in State and Local Government Fleets, then there should be a more meaningful opportunity to provide comment and hold a public hearing. (Julia Mangin – 15d2)
- 2301. Comment:** Commenter states that they have procedural concerns regarding the second 15-Day modifications because CARB previously repealed the portions of the regulation applicable to private fleets. Commenter states that as a result, contractors that reasonably understood they were no longer subject to ACF requirements would have had little reason to continue participating in subsequent stages of the rulemaking process, so consequently CARB may not have received comments from many of the private entities whose operations, fleets, and contractual relationships could now be affected by the proposed interpretation. (Noelle Mattock – 15d2)
- 2302. Comment:** Commenter states that to the extent the Second 15-Day Modifications establish compliance responsibilities, reporting obligations, or enforcement expectations that were not reasonably apparent from the existing regulation, they raise concerns regarding adequate notice, meaningful opportunity for stakeholder comment, and whether the proposed interpretation effectively functions as an underground regulation rather than a clarification of existing requirements. (Noelle Mattock – 15d2)
- 2303. Comment:** Commenter states that the second 15-day changes introduce a new interpretation regarding contracted fleets that has not been fully evaluated through the rulemaking process, appear to go beyond mere clarifications, and are substantially broader than stakeholders were led to believe would be the case and that affected contracting industries were not informed and engaged during earlier phases of the rulemaking process. (Suzanne Seivright-Sutherland – 15d2)
- 2304. Comment:** Commenter states that the Board direction at the September 2025 meeting did not contemplate expanding or clarifying the application of ACF requirements to private fleets performing services under contract for SLG entities, and that the commenter did not receive notice of these issues and did not anticipate amendments that could affect their operations and had little opportunity to assess operational, contractual, legal, or economic implications. (Suzanne Seivright-Sutherland - 15d2)
- 2305. Comment:** Commenter states the proposed second 15-day changes were introduced without adequate notice or stakeholder engagement regarding their potential impact on contracted fleets. (Suzanne Seivright-Sutherland – 15d2)
- 2306. Comment:** Commenter states that the second 15-Day Changes appear to warrant additional input from wastewater agencies on the availability of compliant vehicles and charging infrastructure, consistent with established rulemaking procedures. Commenter states that CARB's variance from established rulemaking raises concerns about underground regulation. (Jennifer Harrington – 15d2)
- 2307. Comment:** Commenter states that the proposed language transfers responsibility and compliance for contracted vehicles to State and Local Government fleets without prior stakeholder engagement. (Andrea Villarin – 15d2)
- 2308. Comment:** Commenter states that stakeholders have not had an opportunity to meaningfully assess the feasibility within existing contractual frameworks, the availability of compliant fleets across affected service sectors or the impacts on procurement timelines and competitive bidding. (Katie Vassali – 15d2)

- 2309. Comment:** Commenter requests that CARB conduct additional stakeholder outreach with industries likely to be affected by these provisions before amendments are adopted. (Suzanne Seivright-Sutherland – 15d2)
- 2310. Comment:** Commenter requests that CARB consult and work with public utility fleets to better understand the operational and safety implications before implementing additional requirements. Commenter states that the Second 15-Day Changes raise significant concerns for public utility fleets that provide essential water, wastewater, and power services. (Scott Ammon – 15d2)
- 2311. Comment:** Commenter requests that CARB continues to work with stakeholders to reevaluate the recently released 15-day regulatory language to ensure that the amended requirements do not hinder a public utility's ability to provide essential services to its community. (Joe Mouawad – 15d2)
- 2312. Comment:** Commenter requests that CARB staff work with stakeholders before approval of these amendments to document the specific challenges they pose, and to consider modifications or concessions to make the proposal more workable. (David Rothbart – 15d2)
- 2313. Comment:** Commenter states that the lack of a public review process involving all affected stakeholders with a clear understanding regarding the substantive policy change has resulted in a unimplementable regulation. Commenter requests that CARB collaborate with CASA members before approving the amendments to identify implementation challenges and ensure the regulation is workable. (Curtis Paxton – 15d2)
- 2314. Comment:** Commenter states that simply reverting to the initial 15-Day package does not resolve the broader implementation challenges that public agencies have consistently raised throughout this process and that additional stakeholder engagement and regulatory refinement remain necessary. (Noelle Mattock – 15d2)
- 2315. Comment:** Commenter states that as public fleet operators attempt to understand and make good-faith efforts to comply with ACF, CARB should provide communication channels and resources to support understanding and clarify increasingly complicated and evolving requirements and timelines. (Scott Ammon – 15d2)
- 2316. Comment:** Commenter states staff failed to request information from stakeholders on competitive bidding rates and potential cost increases not anticipated under municipal rates. (David Rothbart – 15d2)
- 2317. Comment:** Commenter states that CARB's staff failed to request information from stakeholders on potential impacts of the expanded definition, modified language, or impacts to the ability for public agencies to meet specified levels of services. Commenter states staff failed to request information from stakeholders on the feasibility of compliance within existing contractual frameworks, availability of compliant fleets across affected service sectors, impacts on procurement timelines, and legal exposure for public agencies and now their contractors. (David Rothbart – 15d2)
- 2318. Comment:** Commenter states that without engaging all affected stakeholders in a transparent and public review process with a clear understanding of the substantive policy change, the changes have resulted in an unimplementable regulation. (Rosario Cortés – 15d2)
- 2319. Comment:** Commenter encourages continued dialogue with CARB staff and Board members as public fleets work toward compliance so that ongoing implementation issues can be addressed. (Nick Blair – 15d2)
- 2320. Comment:** Commenter recommends initiating further stakeholder discussions during a new rulemaking process before adopting the changes proposed in the second 15-day package. (Andrea Villarin – 15d2)
- 2321. Comment:** Commenter states that because the contracted-fleet provisions were introduced through 15-day modifications, stakeholders have not had time to assess feasibility within existing contractual frameworks, availability of compliant fleets across affected service

sectors, procurement timeline and competitive bidding impacts, municipal rate impacts, or legal exposure for public agencies and contractors. (Ryan Kenny – 15d2)

- 2322. Comment:** Commenter states to support practical, durable, and achievable implementation of the proposed regulation and protect the ability of public agencies to continue delivering essential services without disruption, CARB should continue regular engagement with public-sector fleet operators, utilities, contractors, and affected organizations. (David Renschler – 15d2)
- 2323. Comment:** Commenter requests that CARB reconsider the proposed contracted-vehicle provisions to allow adequate time for meaningful stakeholder engagement. (Eva Plajzer – 15d2)
- 2324. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets expanded the scope of the stakeholders, that CARB did not engage all affected stakeholders in a public review process with a clear understanding of the substantive policy change, and these affected stakeholders were not engaged in an APA-compliant process and the changes have resulted in an unimplementable regulation. (Sarah Deslauriers – 15d2)
- 2325. Comment:** Commenter requests that CARB conduct additional stakeholder outreach with affected public agencies, contractors, service providers, and industry representatives. (Justin Caporusso – 15d2)
- 2326. Comment:** Commenter requests that CARB release any revised language through a new public review process that provides affected parties a meaningful opportunity to evaluate and comment on the proposal. (Justin Caporusso – 15d2)
- 2327. Comment:** Commenter states that durable guidance, in addition to ongoing engagement with public agency utilities, is needed to alleviate implementation issues and identify improvements for a follow-up rulemaking. (Derek Dolfie – 15d2)
- 2328. Comment:** Commenter requests that CARB staff work with CASA members and contractors before approval of these amendments, documenting specific challenges that the proposed changes pose as well as consider modifications to make the ACF regulation workable. (Sarah Deslauriers – 15d2)
- 2329. Comment:** Commenter requests CARB continue working with SLG fleet to define key terms that will provide clarity on how contracted fleets for public services should be incorporated in SLG ACF planning with the goal of ensuring operational resiliency while supporting a feasible transition to zero-emission fleet technologies. (Roxana Ramirez – 15d2)
- 2330. Comment:** Commenter states CARB should commit to a subsequent rulemaking that holistically assesses the persistent ZEV market challenges and affordability concerns. (Nicole Looney – 15d2)
- 2331. Comment:** Commenter states that CARB did not meaningfully engage with impacted stakeholders, including potentially non-public fleets, before issuing the Second 15-Day Changes. Commenter states that CARB should have reported back to the Board before September 1, 2026, at a scheduled Board hearing after additional stakeholder engagement, with adequate time for stakeholders to comment on the impacts of the proposal. Commenter states that CARB did not meaningfully engage with impacted stakeholders between April 20 and June 1, 2026, and has not engaged private fleets since September 2025 even though the amendments would significantly affect private fleet owners that contract with government agencies. Commenter states that private fleet operators did not testify at the September 2025 Board hearing but would have done so if they knew they were included in the regulation. (Tim Carmichael – OCP)
- 2332. Comment:** Commenter requests that CARB staff bring back to the Board for finalization only those changes that are consistent with the Board's stated intent in Resolution 25-9. (Tim Carmichael – OCP)

- 2333. Comment:** Commenter states appreciation for ongoing engagement with CARB staff and board members, and asserts that additional work needs to be undertaken beyond these 15-day changes in another amendment proceeding. (Nick Blair – 15d2)
- 2334. Comment:** Commenter requests CARB not to enforce contracts and rentals as part of ACF compliance until further dialogue is held. Commenter requests CARB Prioritize how to appropriately identify short term contracts in future amendment discussions, after this amendment process (2025-26) is closed. (Damon Wyckoff – 15d2)
- 2335. Comment:** Commenter states that the amendment warrants more stakeholder engagement, legal and policy review, and economic impact analysis. (Alyson Piguee – 15d2)
- 2336. Comment:** Requests that stakeholders have a meaningful opportunity to review, analyze, and comment on the proposal. (Anthony Firenzi – 15d2)
- 2337. Comment:** Commenter states that APA compliance is essential to making the ACF regulation workable and prevent critical infrastructure failures. Commenter states that the latest amendments do not resolve any of the issues identified related to EO N-79-20 and the Boards direction to staff to increase flexibility as a specific directive and condition of the approval of the Sept. 25, 2025 ACF amendments. (Rosario Cortés - 15d2)

Agency Response: No changes were made in response to these comments. The Board voted to adopt the Proposed Amendments at the September 2025 Hearing and delegated authority to the Executive Officer to take any necessary actions to finalize the rulemaking, including making necessary modifications and releasing those modifications for a 15-day public comment period. Over the past two years, CARB has engaged extensively with public utility agencies, holding over 60 individual meetings, 23 TRIG meetings and conducting additional site visits.

The Proposed Amendments were presented to the Board at a public hearing (Hearing) held on September 25, 2025. The Board received 108 written comment letters during the 45-day comment period including seven written comments that were submitted on the day of the Hearing. A total of 57 stakeholders delivered oral testimony during the Hearing. At the conclusion of the Hearing, the Board approved the Proposed Amendments and the Proposed Repeal of Drayage, Federal, and High Priority Fleets from the ACF requirements. The Board directed the Executive Officer to determine if additional modifications to the regulation were necessary and take final action to adopt the regulation after addressing all appropriate modifications.

At the direction of the Board and in response to stakeholder comments received, CARB proposed additional changes (First 15-Day Changes) made available, in addition to supporting documents, for a 15-Day comment period through a “Notice of Public Availability of Modified Text” (First 15-Day Notice). The First 15-Day Notice and modified regulatory language were posted on March 26, 2026, for public review and comment through April 10, 2026. The Board received 232 written comment letters during the First 15-Day Comment Period. Based on feedback received, CARB developed additional proposed modifications (Second 15-Day Changes) made available for a second 15-Day Comment Period through a “Notice of Public Availability of Modified Text” (Second 15-Day Notice). The Second 15-Day Notice and modified regulatory text were posted on June 1, 2026, for public review and comment through June 16, 2026. The Board received 86 written comment letters during the Second 15-Day comment period.

This rulemaking implements AB 1594, repeals the High-Priority Fleet and drayage elements of ACF, and provides flexibility to State and local governments fleets that remain subject to the requirements of the ACF regulation. As part of the First 15-Day Changes, CARB made numerous modifications to add more flexibility - the 100% ZEV purchase requirement was delayed until January 1, 2030, access to the Fleet Resiliency Exemption was expanded, and

other improvements were made to the Daily Usage and ZEV Purchase Exemptions. These changes are consistent with the direction from the Board and are within the scope of what the Board approved. Additional changes were made available for a Second 15-Day Comment Period. The scope, or the applicability provision of section 2013(a)(1), of ACF was not expanded to include private entities—only State and local government fleets are subject to the regulation. Therefore, initiating a subsequent rulemaking process or bringing the Second 15-day Changes to the Board to discuss the scope of the rule is not necessary.

On June 1, 2026, CARB broadly circulated a Guidance Document and has produced numerous ACF implementation materials including factsheets, training videos, and checklists. CARB will update these materials after the finalization of these amendments, as to do so now would be premature. CARB is also committed to continue working with public agencies in the development of updates and new guidance documents so that they reflect the needs of the regulated stakeholders. These amendments strike a balance between maintaining ACF's emissions benefits while providing public agencies flexibility to comply with the requirements. The ACF regulation is an important part of California's overall strategy to accelerate a large-scale reduction in tailpipe emissions to achieve long-term air quality, climate, and public health goals by eliminating emissions from medium- and heavy-duty vehicles where feasible over the upcoming decades. CARB will continue working closely with affected entities, this includes reconvening the Drive Forward Forums (former TRIG meetings) which will focus on SLG implementation. CARB will also continue regular meetings with fleets and host outreach events to support compliance and gather further input. The state of the market and SLG progress will be evaluated as implementation moves forward. Information about upcoming meetings and events is available on the ACF Meetings & Events webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/advanced-clean-fleets-meetings-events>.

b) Rulemaking Procedures—Administrative Procedure Act Procedural Requirements

- 2338. Comment:** Commenter expresses concern that the proposed amendments do not follow rulemaking procedures established by the Administrative Procedure Act (APA and the Office of Administrative Law (OAL). (Joe Mouawad – 15d2)
- 2339. Comment:** Commenter states that although the ACF amendments will dramatically affect how public agencies and local governments procure services, structure contracts, manage franchise arrangements, and deliver essential public services, the numerous impacts to public agencies and private entities have not been evaluated as a result of this failure to follow APA requirements. (Curtis Paxton – 15d2)
- 2340. Comment:** Commenter states that CARB staff did not properly use the APA's notice-and-comment framework to ensure that feasibility of compliance within existing contractual frameworks of impacts, the availability of compliant fleets across affected service sectors, impacts on procurement timelines and competitive bidding, potential likely cost increases under municipal rates bidding, and potential legal exposure for public agencies and their contractors are evaluated before regulations are finalized – not after. Cites the intent of the APA, Gov. Code §§ 11346, 11346.5. Commenter requests that CARB follow APA protocols and the Office of Administrative Law's (OAL) regulatory review procedures before approving the amendments. (Sarah Deslauriers – 15d2)
- 2341. Comment:** Commenter states the "Guidance Document" suggests CARB is waiting to assess the impacts of the proposed second 15-Day Changes until commencing implementation is fundamentally inconsistent with several standards under the APA. (Sarah Deslauriers – 15d2)

- 2342. Comment:** Commenter states that the second 15-day amendments, if adopted as proposed, will impose unanalyzed compliance burdens on public agencies, undermine the competitive bid process for public works projects, and expose CARB's rulemaking record to challenge before the Office of Administrative Law. (Nicholas Armstrong – 15d2)
- 2343. Comment:** Commenter requested that CARB reconsider the amendments because the exemptions in the current regulation and draft amendments are insufficient. (Abby Parcon – 15d2, Andy Lawler – 15d2, Thai Thao – 15d2, Jack Bebee – 15d2, Brian Macy – 15d2, Paul Bushee – 15d2, Jodi Holeman – 15d2, Shelly Thomsen – 15d2, Jon Curry – 15d2, Jeff Umbrasas – 15d2)
- 2344. Comment:** Commenter asserts that the current proposal falls short of the standard for policies that are practical, transparent, and reflective of operational realities facing local governments. (Damon Conkin – 15d2)
- 2345. Comment:** Commenter states that it is difficult to deem the regulation as "necessary, appropriate, and technologically feasible." (David Rothbart – 15d2)
- 2346. Comment:** Commenter states that the 2nd 15-day rulemaking package raises concerns and lacks clarity, which is likely to trigger legal challenges. (Acquanetta Warren – 15d2)
- 2347. Comment:** Commenter states that revised Captive Biofuel Use Exemption were not vetted through the public process. (Ryan Kenny – 15d2)
- 2348. Comment:** Commenter requests that the Board clarifies the second 15-day changes prior to adoption to align with previous rulemakings, conform to the APA protocol, and eliminate confusion about exemptions of contracted private fleets and emergency vehicles. (Scott McClelland – 15d2)

Agency Response: No changes were made in response to these comments. This response incorporates CARB's responses provided at subsection IV.B.19, "Rulemaking Procedures." Please see response to Comment 1417.

c) Rulemaking Procedures—Notice of Proposed Action

- 2349. Comment:** Commenter is concerned about the haste with which CARB issued and is taking comment on the recent amendments, given the magnitude of the changes proposed. (Christine Wolfe – 15d2)
- 2350. Comment:** Commenter states that CARB has failed to follow rulemaking procedures established by the Administrative Procedure Act (APA) by incorporating substantive policy changes under the guise of minor policy clarifications without a hearing by CARB erodes stakeholder trust and leads stakeholders to allege this constitutes an underground regulation. Commenter states the APA does not permit agencies to introduce materially new regulatory burdens through the compressed 15-day process. Commenter states that if changes are not "sufficiently related," the agency must issue a new 45-day notice, not just a 15-day notice, (Cal. Gov. Code § 11346.8(c) ["No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action."].) (David Rothbart – 15d2)
- 2351. Comment:** Commenter states the expansion of the "fleet" definition to include contractor-owned or operated vehicles was not a reasonably foreseeable outgrowth or sufficiently related to the original proposal and exceed the scope of Government Code section 11346.8(c). Commenter states this expansion requires a renewed 45-day notice and comment period. Commenter requests a hearing before the Board as these important decisions should not be delegated to the Executive Officer. (David Rothbart – 15d2)

- 2352. Comment:** Commenter states that the second 15-day modifications exceed the scope of what 15-day modifications permit under Government Code section 11346.8(c), and that a change of this character and consequence belongs before the Board, not in successive staff-issued 15-day packages following a single hearing. (Nicholas Armstrong – 15d2)
- 2353. Comment:** Commenter requests CARB not to adopt the proposed 15-day amendments to include contracted vehicles as part of state and local government fleets, but instead proceed under the appropriate 45-day public review period so there is a meaningful opportunity by the regulated community to review and comment on the full scope of the proposed regulations. (James Lee – 15d2)
- 2354. Comment:** Commenter states if CARB intends to regulate private fleets through contractual mechanisms, NWRA encourages the agency to pursue a separate rulemaking supported by appropriate analysis and stakeholder engagement. Commenter states the proposed changes also raise concerns regarding consistency with prior actions in this rulemaking. The removal of the High Priority Fleet provisions and related actions signaled that private fleets would not be subject to ACF requirements under the current framework. Reintroducing similar obligations indirectly through SLG fleet accounting creates confusion and undermines regulatory clarity. Regulated entities rely on clear signals when making long-term investment decisions. Changes of this nature, introduced at the 15-day stage, do not provide sufficient notice or analysis. (Kirk Sander – 15d2)
- 2355. Comment:** Commenter states that CARB did not follow the proper regulatory process for the proposed amendments to allow CASA and its members to provide the sufficient level of planning detail on contracting practices, procurement requirements, emergency response obligations, affordability impacts, and service delivery considerations. (Sarah Deslauriers – 15d2)
- 2356. Comment:** Commenter states that if it is CARB’s intent to include contracted vehicles in the ACF requirements then it is a significant policy decision that should be clearly presented to stakeholders. (Treston Keys – 15d2)
- 2357. Comment:** Commenter requests that, if necessary to ensure compliance with Government Code section 11346.4, subdivision (b), CARB terminate the rulemaking and issue a new Notice of Proposed Regulatory Action to ensure the agency has sufficient time to make the necessary changes. (John Kinsey – 15d2)
- 2358. Comment:** Commenter states that the proposed changes to the definitions of “fleet” and “fleet owner” make the rule arguably apply to vehicles never contemplated by the original rule and would exponentially increase the number of covered vehicles when contracted vehicles are included. Commenter states CARB should not adopt these amendments through Government Code section 11346.8(c) and should instead provide a 45-day public review period. (Acquanetta Warren – 15d2)
- 2359. Comment:** Commenter states that the latest amendments raise substantial questions regarding whether affected stakeholders received adequate notice and opportunity for comment, and that the changes warrant broader stakeholder engagement and additional opportunities for public review. (Justin Caporusso – 15d2)
- 2360. Comment:** Commenter requests that, at minimum, CARB not proceed under the current 15-day public review process and instead proceed under a 45-day public review period so the regulated community has a meaningful opportunity to review and comment on the full scope of the proposed regulations. Commenter requests that CARB not adopt the newly proposed amendments. (David Lawrence – 15d2)
- 2361. Comment:** Commenter states the expansion of the “fleet” definition to include contractor-owned or operated vehicles was not a reasonably foreseeable outgrowth or sufficiently related to the original proposal and exceed the scope of Government Code section 11346.8(c). Commenter states this expansion requires a renewed 45-day notice and

comment period. Commenter requests a hearing before the Board as these important decisions should not be delegated to the Executive Officer. (David Rothbart – 15d2)

- 2362. Comment:** Commenter requests that CARB not adopt the proposed amendments through the 15-day notice process under Government Code Section 11346.8(c), arguing that the amendments are not sufficiently related to the original regulatory text since the revised definitions expand the rule's applicability to vehicles not contemplated under the original rule and could substantially increase the number of covered vehicles by including those "contracted for" by public agencies. (Carmen Zambrano – 15d2)
- 2363. Comment:** Commenter states that the proposed expansion of the "Fleet Owner" definition in the June 1, 2026 Second 15-Day Changes is not sufficiently related to the original Notice of Proposed Action because the rulemaking materials focused on implementing AB 1594 and public agency fleets, and did not provide notice that CARB would expand the definition to include entities that own, rent, lease, operate, or contract for the operation of fleet vehicles. Commenter states that CARB should not move forward with this change through a 15-day comment period and should issue a new 45-day notice if it wants to pursue the definitional change. (Nick Blair – 15d2)
- 2364. Comment:** Commenter states that because the definitions of fleet and fleet owner have been changed in such manner that now the rule arguably applies to a number of vehicles never contemplated by the original rule, and that the number covered now would be exponentially larger when contracted vehicles are included, CARB should not adopt these amended changes through Government Code section 11346.8(c), but instead proceed under a 45 day public review period. (Cesar Rangel – 15d2)
- 2365. Comment:** Commenter states that contractors, vendors, and service providers operating vehicles in connection with work for public water agencies did not have reasonable notice from the September 2025 proceedings that they would become subject to ACF compliance obligations. (Justin Caporusso – 15d2)
- 2366. Comment:** Commenter states that stakeholders were not on notice that these proposed changes could result from previous rulemaking and, thus, these changes do not qualify as "sufficiently related." Commenter states that CARB has failed to engage all affected stakeholders in a full public review process with a clear understanding of the substantive policy changes can and likely will result in infeasible or overly burdensome regulation and will therefore put essential public services at high risk. Commenter requests that CARB follow APA protocols before approving the amendments. (David Rothbart – 15d2)
- 2367. Comment:** Commenter states that the additions to sections 2013(a)(1), 2013(b), and 2013.4(b) are not conforming modifications, but a policy decision to extend the regulatory perimeter to a new class of parties that requires full APA rulemaking notice rather than a 15-day process. Commenter notes that the Office of Administrative Law has jurisdiction to review whether use of the 15-day process for these provisions is consistent with the APA. (Justin Caporusso – 15d2)
- 2368. Comment:** Commenter states that the Board's September 25, 2025 resolution authorized additional conforming modifications, not a substantive expansion of the class of regulated parties. (Justin Caporusso – 15d2)
- 2369. Comment:** Commenter states that the California Administrative Procedure Act (APA) typically requires CARB to provide a 45-day public review period on any rule so there is a meaningful opportunity for stakeholders to review and comment on the proposed regulation. Commenter states that Government Code section 11346.8(c) allows for a 15-day period for notice and comments, but only if the change is nonsubstantial, grammatical, or sufficiently related to the original text such that the public was adequately placed on notice that the change could result from the original rulemaking. Commenter states that CARB Resolution 25-9 delegates authority to the Executive Officer to approve or disapprove proposed changes under Government Code section 11346.8(c), but only for sufficiently related

substantial modifications and after making the modified language available for public comment. Commenter states that the proposed Second 15-Day Rulemaking Package fails to comply with Section 11346.8(c) because adding contracted private vehicles to SLG fleets is not sufficiently related to the original rule, and it would substantially expand the proposed compliance obligations. (Roxana Ramirez – 15d2)

2370. Comment: Commenter states that CARB failed to follow Government Code section 11346.8 authorizes a 15-day modification only for changes sufficiently related to the original proposal. (Justin Caporusso – 15d2)

2371. Comment: Commenter states that CARB failed to follow rulemaking procedures for the proposed amendments to include contracted vehicles as part of the state and local government fleet established by the APA by incorporating a substantive policy change and may result in the ACF regulation being considered an underground regulation. Commenter states that CARB staff failed to follow rulemaking procedures under the California Administrative Procedure Act because the proposed second 15-day changes introduce new regulated parties, new compliance obligations, or a fundamentally different regulatory approach that interested parties could not have reasonably anticipated from the original proposal and is therefore not meeting the standard set by the courts, cites *Environmental Defense Project of Sierra County v. County of Sierra* (2008) 158 Cal.App.4th 877, 889. (Sarah Deslauriers – 15d2)

2372. Comment: Commenter states that the proposed 15-Day Amendments greatly expand the stakeholder group impacted by the regulation, despite courts cautioning that regulatory agencies may not fundamentally alter who must comply with a regulation or how compliance is enforced through 15-Day Amendments. Commenter references *Environmental Defense Project of Sierra County v. County of Sierra* (2008) 158 Cal.App.4th 877, 889. (David Rothbart – 15d2)

2373. Comment: Commenter adds that the proposal not merely “sufficiently related” to the original 45-day proposal because the original proposal did not clearly include private contractor vehicles in public agency fleets. Further, the Second 15-Day Changes add new applicability, definitional, purchase, reporting, and recordkeeping concepts related to contracted vehicles and service contracts. (Veronica Pardo – 15d2)

2374. Comment: Commenter states that the modified text included in the latest 15-day notice fails to reflect the direction provided by the September 2025 Board meeting, and presents a fundamental restructuring of the ACF regulatory framework that is inconsistent with the APA notice and logical-outgrowth requirements. (Katie Vassali – 15d2)

2375. Comment: Commenter states that the introduction of substantive policy changes at this stage of the rulemaking, without adequate notice, analysis, or stakeholder engagement, raises concerns that the amendments could be interpreted as an underground regulation under the Administrative Procedure Act. (Amanda Roa – 15d2)

2376. Comment: Commenter states that the APA limits 15-day changes to modifications that are reasonably related to the original proposal and foreseeable to stakeholders. Commenter states CARB’s changes to the ACF regulations go beyond these limits by introducing new regulated parties and obligations that were not adequately anticipated. (Curtis Paxton – 15d2)

2377. Comment: Commenter states that the proposed contractor vehicle amendments are not sufficiently related to the original regulatory text under Government Code section 11346.8(c). (Nicole Looney – 15d2)

2378. Comment: Commenter states that CARB should not adopt this amendment under Government Code Section 11346.8(c), noting that CARB is ordinarily required to provide a 45-day public review period to allow stakeholders meaningful opportunity to evaluate the full scope of proposed regulations. Commenter adds that although Section 11346.8(c) permits a 15-day comment period, it applies only when changes are “sufficiently related” to the original

proposal—whereas the revised definitions now extend the rule to vehicles never contemplated in the original text. (James Lee – 15d2)

2379. Comment: Commenter states that the modifications in the 15-day notice are a substantive expansion that are not sufficiently related to the proposed regulations included in the 45-day notice and are therefore impermissible under the Administrative Procedure Act. Commenter states that a 15-day comment period may only be used for changes that are “sufficiently related” to the original 45-day proposal, such that “the public was adequately placed on notice that the change could result from the originally proposed regulatory action.”

Commenter references Cal. Gov. Code § 11346.8(c). (Julia Mangin – 15d2)

2380. Comment: Commenter states that the recent amendments were issued as a 15-Day Notice, in violation of CalAPA requirements to provide a longer comment period for agency rulemaking proposals with the default requirement in the CalAPA is that agencies must provide 45 days’ notice of a proposed action prior to a hearing and close of public comment period. A 15-day comment period may only be used for proposed changes that are “sufficiently related” to the original 45-day proposal, such that “the public was adequately placed on notice that the change could result from the originally proposed regulatory action.” (Christine Wolfe – 15d2)

2381. Comment: Commenter states that because the scope of regulated vehicles under the SLG fleet provisions would be significantly expanded under the Proposal, it is not “sufficiently related” to the original proposal, thus a 15-day comment period is inappropriate and CARB must provide a longer comment period on the recent amendments to provide sufficient notice to the public under the CalAPA so the public has meaningful notice and the opportunity to fully understand and comment on the Proposal. (Christine Wolfe – 15d2)

2382. Comment: Commenter states that including private construction fleet vehicles toward regulatory compliance represents a substantive modification from the amended language released July 29, 2025, because CARB guidance stated that private fleets are not subject to the ACF State and Local Government regulations, while the Second 15-Day notice states that vehicles operated through contractual arrangements are part of the government entity’s fleet for purposes of the regulation. (Clayton Miller – 15d2)

2383. Comment: Commenter states that including “contracted vehicles” as part of a government entity’s fleet is a substantive policy expansion introduced at the final stage of rulemaking, affecting parties not included in the original rulemaking and denying stakeholders a meaningful opportunity to evaluate and comment. Commenter states that the modifications violate the APA by introducing new regulated parties and enforcement mechanisms that were not disclosed, evaluated, reasonably foreseeable from the original rulemaking, or agreed to by the Board. Commenter states that California courts have consistently invalidated regulations where late-stage modifications introduced new regulated parties, new compliance obligations, or a fundamentally different regulatory approach that interested parties could not have reasonably anticipated from the original proposal making it clear that agencies may not issue a 15-day modification notice for proposed changes that fundamentally alter who must comply with a regulation or how compliance is enforced under the APA. (Katie Vassalli – 15d2)

2384. Comment: Commenter states that the original 15-day modifications and Second 15-Day Modifications are not sufficiently related to the original text of the Proposed Amendments under Government Code section 11346.8, subdivision (c). (John Kinsey – 15d2)

2385. Comment: Commenter states that in the second 15-Day Changes, the definition of “Fleet Owner” greatly expands the stakeholder group impacted by the regulation. Commenter states that however, regulatory agencies have been cautioned to not fundamentally alter who must comply with a regulation or how compliance is enforced through 15-Day Changes, citing *Environmental Defense Project of Sierra County v. County of Sierra* (2008) 158 Cal.App.4th 877, 889. (Sarah Deslauriers – 15d2)

- 2386. Comment:** Commenter states that the proposed expansion of public agency fleets to include contractor-owned and contractor-operated vehicles could not have been reasonably anticipated based on the Notice of Proposed Action and requires additional time for review and vetting. (Nicole Looney – 15d2)
- 2387. Comment:** Commenter states that the original ACF regulation did not contemplate treating contractors' vehicles as part of a public agency fleet, that the proposed changes represent a major scope expansion that were not reasonably foreseeable, and therefore necessitate a 45-day comment period. (Nicole Looney – 15d2)
- 2388. Comment:** Commenter states that neither the Notice of Proposed Action nor the rulemaking record suggested that CARB was considering a major change in approach to include contractors' vehicles in public agency fleets. Commenter states that CARB did not propose changes in the 45-day amendments to expand public agency compliance obligations to include contractors' vehicles, and neither the first 15-day amendments nor the accompanying notice indicated that CARB would interpret public agency fleets to include vehicles owned or leased by the public agency through long-term agreements. Commenter states the CARB Board's direction to staff at public hearing also did not foreshadow such a departure from the existing regulation, and this expansion is contrary to the Board's actions. (Nicole Looney – 15d2)
- 2389. Comment:** Commenter states that CARB staff failed to acknowledge that these new proposals strayed too far from the original rules. Commenter states that California courts have consistently held that a regulation is invalid where late-stage modifications introduce new regulated parties, new compliance obligations, or a fundamentally different regulatory approach that interested parties could not have reasonably anticipated from the original proposal. (David Rothbart – 15d2)
- 2390. Comment:** Commenter states that CARB should not adopt the second 15-day amendments through Government Code section 11346.8(c) because the definition changes arguably make the rule apply to vehicles never contemplated by the original rule. (David Lawrence – 15d2)
- 2391. Comment:** Commenter states that CARB should reverse the proposed contractor vehicle amendments and reconsider them in a future rulemaking that provides enough opportunity for public review and vetting since the public was not adequately placed on notice that the change could result from the original proposed regulatory action. (Nicole Looney – 15d2)

Agency Response: No changes were made in response to this comment. This response incorporates CARB's responses provided at subsection IV.B.19.c), "Rulemaking Procedures—Notice of Proposed Action." Please see response to Comments 1418 through 1420.

d) Rulemaking Procedures—Request for Explicit Clarification

- 2392. Comment:** Commenter requests that CARB add an express clarification stating "For purposes of this article, a vehicle owned, leased, operated, maintained, or dispatched by a private entity shall not be considered part of a state or local government agency fleet solely because the private entity provides services to the agency under a franchise agreement, service contract, permit, license, exclusive or nonexclusive agreement, or other contractual arrangement. This article does not impose ACF compliance obligations on private fleets, directly or indirectly through a state or local government agency contract." (Veronica Pardo – 15d2)

Agency Response: No changes were made in response to this comment. The changes suggested by the commenter are unwarranted because it does not reflect the intent or

meaning of the regulation as adopted and amended by CARB. See response in Section (1)(B)(7)(d), “Exempt – Contracted Fleets.”

e) Rulemaking Procedures—Administrative Procedure Act, Six Statutory Standards of Review

- 2393. Comment:** The commenter states that the proposed amendments fail to meet Government Code section 11349 et seq. requirements for clarity, nonduplication, and consistency because they create uncertainty in scope, compliance risk, and potential duplicative reporting, and are inconsistent with other laws. (David Lawrence – 15d2)
- 2394. Comment:** Commenter states Government Code § 11349, et seq. requires regulations to be clear, consistent with other laws, and non-duplicative, but the proposed amendments lead to uncertainty in scope, inconsistency, compliance risk, and duplicative reporting. (James Lee – 15d2)
- 2395. Comment:** Commenter states that CARB’s plan to assess impacts during implementation rather than beforehand undermines required regulatory review standards such as clarity, consistency, reference to the underlying statute, and compliance with the rulemaking process. Commenter states this approach could lead to OAL disapproval on one or more of the following grounds: CARB not adequately justifying the regulation, the regulation exceeding the authority granted by the statute, economic impacts not being properly analyzed, the regulation being unclear and inconsistent with the intent of the original State and Local Government Agency Fleets regulation, or CARB failing to appropriately respond to public comments. (Curtis Paxton – 15d2)
- 2396. Comment:** Commenter states that the Second 15-day Changes to include contracted vehicles do not satisfy the California Administrative Procedures Act requiring regulations to meet standards of clarity, necessity, authority, consistency, reference, and nonduplication because the proposal is not clear, as CARB states that private fleets are not subject to the SLG regulations while simultaneously requiring public agencies to include contracted private vehicles in their compliance determinations. (Veronica Pardo – 15d2)
- 2397. Comment:** Commenter states that the Second 15-day Changes to include contracted vehicles do not satisfy the California Administrative Procedures Act requiring regulations to meet standards of clarity, necessity, authority, consistency, reference, and nonduplication because the proposal is a substantive expansion rather than a clarification. (Veronica Pardo – 15d2)
- 2398. Comment:** Commenter states that OAL has grounds to disapprove the amendments because of the following reasons: (1) CARB is not adequately justifying the necessity of this aspect of the regulation to include contracted vehicles as part of the state and local government fleets, (2) the economic impacts not being properly analyzed, (3) including contracted vehicles as part of the state and local government fleets being unclear and inconsistent with the intent of the original State and Local Government Agency Fleets regulation, and (4) CARB failing to appropriately respond to public comments. (Sarah Deslauriers – 15d2)
- 2399. Comment:** Commenter states the proposed contractor obligation is not clear, nor consistent with other laws, and non-duplicative as required by Government Code § 11349, et seq. (Carmen Zambrano – 15d2)
- 2400. Comment:** Commenter states the proposed amendments to include contracted vehicles lead to uncertainty in scope, inconsistency, compliance risk and duplicative reporting, and are therefore not clear enough to meet the requirement of Government Code § 11349, et seq. (Cesar Rangel – 15d2)

- 2401. Comment:** Commenter states that the proposed amendments are not clear as required by Government Code section 11349 et seq. because they create uncertainty in scope, inconsistency, compliance risk, and duplicative reporting. (Acquanetta Warren – 15d2)
- 2402. Comment:** Commenter states that CARB is not complying with OAL’s regulatory review procedures with this 15-day comment period. Commenter states CARB’s “Guidance Document” also suggests staff will provide “compliance assistance” over the next two to three reporting cycles implying staff will collect information on impacts of implementation that will be used to inform future amendments. Commenter states that the approach is not supported by California courts or OAL’s regulatory review, which require that all rules demonstrate Necessity, Authority, Clarity, Consistency, Reference, and Nonduplication prior to approval (Commenter refers to Gov’t Code §11349.1(a); §11349(a)-(f).). (David Rothbart – 15d2)
- 2403. Comment:** Commenter states that CARB should not adopt the Second 15-Day Changes because a regulation accompanied by assurances of case-by-case implementation and enforcement based on a subjective “good faith” effort is not clearly written under the Administrative Procedure Act. (Tim Carmichael – OCP)

Agency Response: No changes were made in response to these comments. No changes are necessary because CARB has adhered to all procedural and substantive requirements of the California Administrative Procedure Act. It is not entirely clear what the commenters mean by not clearly written under the Administrative Procedures Act so any response would be speculative, and therefore, CARB is not required to respond. However, speculating as to what the commenters intend, broadly, the regulatory action meets the requirements of Government Code section 11349 et seq. -- for authority, reference, nonduplication, necessity, clarity, and consistency with other laws.

On authority and reference, the regulatory text provides and the ISOR describes CARB’s regulatory authority, and the references for each provision. CARB’s authority and references are cited as follows:

- *Authority:* 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; and section 28500, Vehicle Code.
- *Reference:* Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

As stated in the ISOR, the Proposed Amendments meet the nonduplicity standard because currently, there are no comparable federal or state requirements for SLG fleets to purchase or use ZE technologies for vehicles greater than 8,500 lbs. GVWR. Similarly, there is no comparable federal requirement similar to the requirements of AB 1594 incorporated into these amendments which requires additional flexibilities to be granted towards public agency utilities.

On necessity, as shown in this staff report and accompanying analyses, in California, the transportation sector alone is a major contributor to smog and accounts for 38% of total GHG emissions (48% when upstream emissions from fuel is included).⁷⁰ California needs

⁷⁰ CARB, ISOR at p. 7.

to achieve the greatest degree of emissions reductions from criteria pollutants and greenhouse gases in order to reduce the serious risks to the health and welfare of Californians posed by such pollutants, to attain State and federal ambient air quality standards, to address climate change-induced harms and carbon neutrality goals, and to effectively advance the deployment of heavy-duty ZEVs as consistent with the goals established by the Governor in multiple Executive Orders and by the Board in California's SIP Strategy and the Climate Change Scoping Plan while meeting the spirit and intent of AB 1594. The Proposed Amendments attempt to strike a balance between providing public agency utilities with the flexibility they request while continuing to make incremental progress towards reducing tailpipe emissions with the cleanest transportation technologies available.

On clarity, the regulatory text meets the clarity standard because it provides sufficient notice to the regulated community of what is expected, how compliance is achieved, the consequences for noncompliance, defines important terminology, and is written in plain English. Furthermore, the summary and rationale in the ISOR explains why CARB is adopting each provision, and each 15-day change further explains the purpose behind the additional changes.

This response incorporates CARB's responses provided at subsection IV.C.6.b), "Rulemaking Procedures—Administrative Procedure Act Procedural Requirements," as well as IV.B.19, "Rulemaking Procedures." This response incorporates response to Comment 1417.

f) Rulemaking Procedures—Underground Regulation

- 2404. Comment:** Commenter states that the regulation itself, rather than guidance or advisories, should clearly identify all fleet operators affected by the regulation and specify who is included and excluded. (Tim Carmichael – OCP)
- 2405. Comment:** Commenter states that the lack of procedural clarity limits the ability of public agencies to plan for compliance and undermines confidence that the regulation can be implemented as intended. (Amanda Roa – 15d2)
- 2406. Comment:** Commenter states the proposed second 15-day amendments could result in private fleets being subjected to ACF requirements through what effectively becomes an indirect or "underground" regulatory mechanism. (Treston Keys – 15d2)
- 2407. Comment:** Commenter states that the Second 15-Day Notice is not a clarification but an expansion of what was previously adopted and may constitute an underground regulation prohibited by Government Code section 11340.5(a). (Ryan Kenny – 15d2)
- 2408. Comment:** Commenter states that including construction fleets in the regulation is a departure from the usual regulatory development process, may violate the Administrative Procedure Act, and appears to be an underground regulation. (Michael Lewis – 15d2)
- 2409. Comment:** Commenter states that CARB's incorporation of a substantive policy change without following the rulemaking procedures required by the APA undermines stakeholder trust and could result in the ACF regulation being deemed an underground regulation. (Curtis Paxton – 15d2)
- 2410. Comment:** Commenter states that the second 15-Day Changes are the very definition of an underground regulation and do not achieve APA compliance because they add new substantive provisions and the use guidance with vague, undefined terms (including "compliance assistance" and "good faith effort"). (Sarah Deslauriers- 15d2)
- 2411. Comment:** Commenter states that the substance of the contractor-capture position was first communicated in a staff email and now resides in a guidance document that neither the notice nor the second 15-day changes reference or incorporate. Commenter states that

regulated parties must comply with the rule, not guidance, and that to the extent these statements are intended to bind agencies or contractors, they constitute an underground regulation. (Nicholas Armstrong – 15d2)

- 2412. Comment:** Commenter states that CARB has released regulatory guidance that does not appear to be binding or written into the ACF. (Jason Maruca – 15d2)
- 2413. Comment:** Commenter states that they believe CARB’s indication that compliance guidance will be provided following the issuance of the final rule after OAL approval does not follow approved policy. (Katie Vassali – 15d2)
- 2414. Comment:** Commenter states that public companies cannot rely on guidance to attest to comply with the ACF requirements because guidance can change over time and good-faith reporting leaves all discretion to CARB as preceded from SB 253 and the Low Carbon Fuel Standard. (Katie Vassali – 15d2)
- 2415. Comment:** Commenter states that the ACF SLG Guidance published by CARB on June 1, 2026 in conjunction with the proposed amendments contain a standard of general application and was not issued in accordance with CalAPA requirements, thus, it constitutes an invalid underground regulation. (Christine Wolfe – 15d2)
- 2416. Comment:** Commenter states that The ACF SLG Guidance broadly applies to public agencies subject to the SLG requirements, and it memorializes CARB’s interpretation—not yet adopted through CalAPA rulemaking procedures—that “Public agencies must report vehicles under contract in their fleets when determining compliance with the ACF regulation” and that “[t]he regulation applies to public services performed by a State and local government agency, including functions carried out through contractual arrangements.” and CARB’s intent in using this Guidance to impose requirements that have not been adopted through CalAPA procedures (and do not have the force of law) is evidenced by its characterization of proposed regulatory requirements as mandatory. (Christine Wolfe – 15d2)
- 2417. Comment:** Commenter states that CARB’s statement in the guidance document released June 1, 2026, that it will emphasize education, outreach, and case-by-case compliance assistance during the first reporting cycles does not alter the legal effect of the proposed regulatory text and that public agencies and contractors need clear regulatory text, not informal assurances. (Veronica Pardo – 15d2)
- 2418. Comment:** Commenter states that to the extent CARB relies on guidance or staff interpretation to require public agencies to count private contractor vehicles, that interpretation would constitute an underground regulation unless properly adopted through the APA process and supported by the required rulemaking record. (Veronica Pardo – 15d2)
- 2419. Comment:** Commenter states that ordinary construction and material-supply situations cannot be answered from the text, and that a regulation that cannot answer these questions is not a clarification but an unlawful delegation of interpretive authority to staff guidance. (Nicholas Armstrong – 15d2)
- 2420. Comment:** Commenter states since the ACF SLG Guidance states that “A public agency fleet must report vehicles it . . . contracts to operate on its behalf, per section 2013.3 of the regulation” that with the currently effective Section 2013.3 of the regulation pertains to SLG fleet recordkeeping requirements, presumably CARB intends to refer to the revised Section 2013.3 that was proposed with the 45-Day Notice but has not yet been adopted and the use of the ACF SLG Guidance in this manner, to impose obligations not adopted through CalAPA procedures, constitutes prohibited underground regulation. (Christine Wolfe – 15d2)
- 2421. Comment:** Commenter states the second 15-day guidance is currently conveyed through informal webpage guidance, which lacks the durability and clarity necessary for public agencies to rely on, particularly given that the regulatory text itself remains prescriptive and may still expose public agency utilities to consequences despite good-faith compliance efforts. Commenter request that CARB formalize this commitment by codifying its

enforcement posture through regulatory revisions and a durable, publicly issued enforcement policy to ensure transparency, consistency, and confidence as agencies navigate early implementation of the ACF rule. (Derek Dolfie – 15d2)

2422. Comment: Commenter states that CARB failed to follow rulemaking procedures established by the Administrative Procedure Act when incorporating a substantive policy change, eroding stakeholder trust and potentially resulting in the ACF regulation being considered an underground regulation. (Rosario Cortés – 15d2)

Agency Response: No changes were made in response to these comments. CARB adhered to Administrative Procedure Act requirements and other rulemaking procedures. The 15-Day Changes involved modifications are sufficiently related to the 45-day notice of proposed rulemaking, such that that the public could reasonably understand that this change could be made. This response incorporates CARB's responses provided at subsection IV.B.19.i) "Rulemaking Procedures—Underground Regulation," and the commenter is encouraged to review that subsection for more information. This response incorporates CARB's response to comments 1432 through 1433.

CARB routinely provides guidance to the regulated community for compliance assistance. Here, the ACF Guidance document is outside of the scope of this rulemaking, and therefore, CARB is not required to respond. However, CARB respectfully disagrees that any guidance it provides is an underground regulation.

7. Concerns with Potential Effects of the Second 15-Day Changes

a) Concerns with the Second 15-Day Changes—Compliance and Proposed Solutions

2423. Comment: Commenter states that requiring the public agency to control the types or qualities of vehicles used by contractors could endanger the contractor's independent contractor status under California law and expose the commenter to additional employment and other liabilities. Cites California Labor Code, Article 1.5, Chapter 2, Division 3, section 2775 et seq (Nicole Looney – 15d2)

2424. Comment: Commenter states that the proposed amendments impose significant new legal responsibilities on local government agencies, including making mandatory disclosures and verifying private contractor compliance. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)

2425. Comment: Commenter states they are concerned that the proposal creates unnecessary legal burdens on public agencies by requiring ongoing monitoring of contractor vehicle fleets, contract status, and related compliance documentation. (Erin Sasse – 15d2)

2426. Comment: Commenter states that the impacts on public agencies and private entities have not been evaluated and how these changes may affect how public agencies procure services, structure contracts, manage franchise arrangements, and deliver essential public services. (David Rothbart – 15d2)

2427. Comment: Commenter states that extending the ACF obligations of local government agencies to private fleets creates uncontrollable liabilities and imposes untenable legal strain, which are particularly burdensome for a small district. (Amy Reeh – 15d2)

2428. Comment: Commenter states they are concerned that the proposed amendments would create substantial legal challenges for local agencies providing essential public services. (Kyle Swanson – 15d2)

2429. Comment: Commenter states that retroactive application of new compliance expectations to executed contracts, including retroactive Milestones accounting, raises serious fairness and legal concerns and invites disputes among awarding bodies, prime contractors, and subcontractors. (Nicholas Armstrong – 15d2)

- 2430. Comment:** Commenter states that imposing fleet composition requirements through mid-term contract amendments or “contractual arrangements” would, in many instances, constitute a material change to an awarded contract inconsistent with California competitive bidding laws. (Nicholas Armstrong – 15d2)
- 2431. Comment:** Commenter states the retroactive application stated to begun January 1, 2024, but adding all contracted vehicles to Otay’s fleet now could create a significant burden for ZEV procurement. (Tenille Otero – 15d2)
- 2432. Comment:** Commenter states that the modifications detailed in CARB’s June 2, 2026, notice violate the APA requirements by introducing new enforcement mechanisms that were neither proposed, evaluated, or described in the original rulemaking materials, nor ever agreed to by the Board during subsequent meetings following the federal government’s revocation of the state’s waiver under the Clean Air Act to regulate motor vehicles. (Katie Vassali – 15d2)
- 2433. Comment:** Commenter requests that CARB hold off on enforcing rentals as part of ACF compliance until further dialogue occurs on how to appropriately administer rentals. (Nick Blair – 15d2)
- 2434. Comment:** Commenter states that the Second 15-Day Modifications effectively place local governments in the position of serving as the de facto regulator of private fleets. (Noelle Mattock – 15d2)
- 2435. Comment:** Commenter states that the Rancho Water District has made significant investments in fleet electrification and the latest proposed modification would make efforts to comply with California’s clean transportation objectives nearly impossible. (Jason Martin – 15d2)
- 2436. Comment:** Commenter notes that significant implementation barriers remain, warranting a more measured approach, citing to a 2025 Caltrans report that identifies ongoing challenges related to vehicle availability, charging infrastructure, operational performance, and acquisition costs. (Damon Conkin – 15d2)
- 2437. Comment:** Commenter states that assigning compliance responsibility for contractor-owned vehicles to public agencies introduces implementation concerns and significant uncertainty with reporting, verification, and enforcement obligations. (Alyson Piguee – 15d2)
- 2438. Comment:** Commenter asserts that moving forward without addressing unresolved concerns would create, legal, operational, and procurement consequences that have not been adequately analyzed in the rulemaking record. (Alyson Piguee – 15d2)
- 2439. Comment:** Commenter raises concerns with compliance with regard to agreements that the city has with biosolids hauling, laboratory testing, backflow testing, electrical utility services, and citywide and public safety services. (Noelle Mattock – 15d2)
- 2440. Comment:** Commenter states that the amendments made the practical compliance boundaries less clear for local agencies and if taken at face value unworkable for government fleets. Commenter requests specific revisions to the language of the regulation text to expressly exclude incidental contractor and vendor vehicles from a public agency’s fleet; define “contracts for the operation of” to cover only. (Austin Avery – 15d2)
- 2441. Comment:** Commenter states that flexibilities either described in the guidance document or left to implication need to be stated expressly in the regulation. Commenter states that CARB should allow contract vehicles to be reported as separate contracted subfleet or subdivision under existing split-pathway and joint-compliance framework; CARB should consider allowing Art. 3.2 excluded LDVs or off-road equipment to substitute for covered vehicles; CARB should specify dedicated or agency-directed covered vehicles; CARB should create a de minimis or objective duration trigger for when a contract vehicle is added to the California fleet; CARB should allow contract-level documentation and annual TRUCRS-based verification for non-dedicated contractors; CARB should allow light-duty or off road assets to count as substitutes for compliance with ACF for additional flexibility;

CARB should confirm that hiring a contractor does not create an automatic one-for-one public-agency ZEV procurement obligation; and CARB should allow credits to offset covered contract vehicles to ease compliance burden. (Austin Avery – 15d2)

- 2442. Comment:** Commenter states that there are challenges in obtaining exemptions or extensions timely when infrastructure or ZEVs are unavailable. (David Rothbart – 15d2)
- 2443. Comment:** Commenter states that the proposed 15-day language will have substantive impacts on the ability to operate the Burbank water and power plant efficiently and cost-effectively. (Jason Maruca – 15d2)

Agency Response: No changes were made in response to these comments. State and local government entities should continue to develop their own processes to verify a contractor is meeting the terms of their contract. State and local government agencies currently have mechanisms to audit and verify performance with their existing contracts, the ACF regulation does not change these mechanisms or take them away. Similarly, State and local government entities already have standard provisions for SLG agreements and the ACF regulation does not require these terms to be added or taken away.

The provisions in the Proposed Amendments are not retroactive as all dates are in the future. Also, the amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

Also, section 2013.5(b) of the ACF regulation states that any person who fails to meet the requirements of the regulation may be subject to penalties. Specific information regarding who would be subject to penalties and what enforcement actions may be taken is not necessary to include in the ACF regulation. CARB's enforcement authority and penalty determination is outlined in the Health and Safety Code which are referenced in the ACF regulation. More information can be found in CARB's Enforcement Policy, available at <https://ww2.arb.ca.gov/resources/documents/enforcement-policy>.

b) Concerns with the Second 15-Day Changes—Impact on Private Fleets

- 2444. Comment:** Commenter states that if a public agency must report and achieve compliance based on vehicles owned and operated by a private contractor, the private contractor is functionally subject to the regulation. (Veronica Pardo – 15d2)
- 2445. Comment:** Commenter states that CARB has made the following statements regarding the applicability of ACF to private fleets and that the statements cannot be reconciled in practice: CARB's June 1, 2026, guidance states that the proposed amended ACF regulation "does not apply to private fleets.", yet the same guidance also states that public agencies must report vehicles under contract in their fleets when determining compliance, that contracted vehicles can be placed on the ZEV Milestones Option pathway, and that public agencies may meet compliance obligations through vehicles they own, rent, lease, or contract. (Veronica Pardo – 15d2)
- 2446. Comment:** Commenter states that the original ACF regulation was repealed as it applied to private fleets and the uncertainty surrounding federal authorization. By broadening the applicability provisions to encompass vehicles operating under contract for public agencies, CARB risks reintroducing similar concerns through indirect means. The Board should evaluate and explain the legal basis for this approach and evaluate whether including

contracted vehicles effectively extends regulatory requirements to private entities that were previously excluded. (Gebriel Saleh – 15d2)

- 2447. Comment:** Commenter states that the proposed Second 15-Day Rulemaking Package is inconsistent with existing law, which could become an issue when submitted to OAL. Commenter states that expanded application of the ACF would result in the SLG indirectly imposing their ACF requirements on the private fleet owners contracting with SLGs and would be inconsistent with CARB's repeal of the ACF rules for private fleets. (Roxana Ramirez – 15d2)
- 2448. Comment:** Commenter states CARB's explanation in the second 15-day notice s that the expansion of fleet applicability "follow[s] the intent and necessarily implicit meaning of the original regulation" creates an illogical outcome, since privately owned fleets were directly regulated and subject to ZEV transition requirements under section 2015 of the original regulation. Commenter states that the second 15-day amendments are not consistent with the intent or implicit meaning of the original ACF regulation. (Nicole Looney – 15d2)
- 2449. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of state and local government fleets could be interpreted as inconsistent with CARB's withdrawal of the proposed ACF rules for private fleets and preempted by federal rules. Commenter adds that as currently worded, the proposed amendments can be seen as indirectly imposing ACF requirements on private fleet owners who seek to contract with public fleets, which is likely to trigger legal challenges under several federal and state laws against both CARB and state and local government fleets. (James Lee – 15d2)
- 2450. Comment:** Commenter states that it is not at all clear how an SLG fleet would ensure that the ZEV Purchase Schedule or ZEV Milestone Schedule is met for contracted fleet vehicles, even where the SLG agency attempts to dictate the contractor's fleet purchase and leasing decisions via contract—a practice that would, notably, contradict CARB's statement in its ACF guidance to SLG agencies that "Private fleets are not subject to the ACF [SLG] regulations." (Christine Wolfe – 15d2)
- 2451. Comment:** Commenter states that companies may need to hire lawyers before bidding on public agency projects or performing deliveries to determine whether they can legally sign the "not applicable" portion of the contractor certifications. (Jason Martin – 15d2)
- 2452. Comment:** Commenter states that Teichert is operating, preparing its fleet, and pricing its bids under the assumption that zero-emission vehicles are not required for Teichert to perform construction services, public works projects, design-build contracts, project-specific services, material supply and delivery, emergency and disaster-response work, or subcontracted services unless ZEV use is expressly written into the project scope or bid. (Nicholas Armstrong – 15d2)
- 2453. Comment:** Commenter states that a vehicle "operated by" a government through a contractual arrangement is one whose operation the government has procured, such as a leased unit, rented unit, or dedicated service fleet operated for the agency. Commenter states that Teichert's vehicles are operated by Teichert, and that when a ready-mix truck delivers concrete to a public project or a crew arrives at a job site, the government is not operating those vehicles through any arrangement. (Nicholas Armstrong – 15d2)
- 2454. Comment:** Commenter states that Teichert is operating, preparing its fleet, and pricing its bids under the assumption that Teichert, as a private fleet, is not a regulated entity under the ACF regulation. (Nicholas Armstrong – 15d2)
- 2455. Comment:** Commenter states that if enacted, the recent amendments would constitute unlawful interference with pre-existing contracts between SLG agencies and private fleets. (Christine Wolfe – 15d2)
- 2456. Comment:** Commenter states that the rulemaking record supports the opposite understanding because the same rulemaking repealed the High Priority and Drayage requirements to provide regulatory certainty for private fleets, and private fleets reasonably

did not participate because nothing indicated they were implicated. (Nicholas Armstrong – 15d2)

- 2457. Comment:** Commenter states that the proposed changes to include contracted vehicles create regulatory exposure without clear designation as regulated entities for contractors - CARB has not evaluated the impacts of private haulers facing compliance-driven capital investment decisions while the regulation does not clearly identify their rights, obligations, exemptions, reporting responsibilities, or enforcement exposure. (Veronica Pardo – 15d2)
- 2458. Comment:** Commenter states that CARB’s repeal of the High Priority Fleet requirements confirms that private fleets are not subject to ACF compliance obligations under this rulemaking, yet the Second 15-Day Changes effectively restore a portion of the repealed private fleet obligations which is inconsistent with the purpose of the repeal and with CARB’s public statement that the amended ACF regulation “does not apply to private fleets”. Commenter states that CARB cannot repeal the private fleet provisions to provide certainty and then reimpose those obligations indirectly through municipal contracts. (Veronica Pardo – 15d2)
- 2459. Comment:** Commenter states that the Second 15-Day Changes proposal to include contracted vehicles cannot be justified as a clarification when CARB’s own ISOR expressly represented that private fleets were not subject to the proposed SLG amendments. (Veronica Pardo – 15d2)
- 2460. Comment:** Commenter requests that CARB explain how the proposed amendments align with the Board’s prior direction to repeal High-Priority fleet requirements and provide certainty to affected stakeholders. (Suzanne Seivright-Sutherland – 15d2)
- 2461. Comment:** Commenter states that the second 15-day changes to include contracted vehicles do not provide regulatory certainty intended by the repeal of High-Priority fleet requirements and instead create new questions for private fleets. (Suzanne Seivright-Sutherland – 15d2).
- 2462. Comment:** Commenter states that the most recent proposal is untenable as it raises legal liabilities for local government agencies by extending fleet compliance obligations to private contractors working under agreements with these agencies. (Kimberly Thorner – 15d2, Isam Hireish – 15d2)
- 2463. Comment:** Commenter states that the most recent proposal is untenable as it raises legal liabilities for local government agencies by extending fleet compliance obligations to private contractors working under agreements with these agencies. (Scott McClelland – 15d2)
- 2464. Comment:** Commenter states that this overbreadth would sweep in entities that have not had notice that they would be included in the regulations because CARB had been consistent in clearly stating these regulations do not and cannot apply to private fleets. (Brittney Barsotti – 15d2)
- 2465. Comment:** Commenter states that the September 2025 Board hearing record showed that private fleets, including contractors performing work for public agencies, were excluded from the State and Local Government fleet provisions, and that the regulation was understood as applying only to public agency fleets. Commenter states that the staff presentation and Board deliberation did not mention contracted fleets, third-party service providers, outsourced operations, or procurement-based inclusion, and therefore did not confirm or clarify that contracted fleets were included. (Ryan Kenny – 15d2)

Agency Response: No changes were made in response to these comments. The commenters are suggesting these amendments extend compliance-related responsibilities to third-party private contractors and that this action conflicts with the legislative intent of AB 1594 and with the repeal. The amendments do not bring in private fleets, as contracted fleets only need to be included in the hiring contracted fleets requirements when the contracted fleets are dispatched. The definition of dispatched vehicles makes clear that it

only applies when a fleet owner is providing direction or instructions for routing a specific vehicle and not when providing general instructions to the hired entity, such as a contract that specifies the areas to service by a garbage truck fleet or a contract that specifies when and where road repair activities need to be made, which is stated in the ISOR on page 37.

8. Authority

a) Authority—Clean Air Act Preemption

- 2466. Comment:** Commenter states that CARB is preempted from regulating private fleets and has indirectly regulated private fleets through the Second 15-Day Changes without providing legal justification. (Tim Carmichael – OCP)
- 2467. Comment:** Commenter states that the proposed amendments are intended to reach private fleets that are no longer within the scope of ACF due to the repeal of the High Priority and Federal Fleet provisions and the lack of a federal preemption waiver. (Christine Wolfe – 15d2)
- 2468. Comment:** Commenter states that the expansion of the “Fleet Owner” to include contracts for operation of vehicles will require CARB to obtain a Section 209(b) Clean Air Act waiver to impose such restrictions on private fleets (i.e., the 2nd 15-Day Amendments propose to unlawfully regulate private fleets). Commenter states that in an 8-1 decision authored by former Justice Antonin Scalia, the U.S. Supreme Court ruled that SCAQMD’s rules constituted an illegal, preempted “emission standard” under Section 209 of the Clean Air Act as applied to private fleets (Commenter references *Engine Mfrs. Assn. v. South Coast Air Quality Management Dist.* (2004) 541 U.S. 246.). Commenter states this 2nd 15-Day Amendments suffer the same legal infirmity. (David Rothbart – 15d2)
- 2469. Comment:** Commenter states that the proposed amendments could be interpreted as inconsistent with CARB’s withdrawal of proposed ACF rules for private fleets. (David Lawrence – 15d2)
- 2470. Comment:** Commenter states that the proposed amendments could be preempted by federal law because they may indirectly impose ACF requirements on private fleet owners that contract with public fleets. (David Lawrence – 15d2)
- 2471. Comment:** Commenter states that the proposed changes raise concerns about Clean Air Act preemption. Commenter adds requiring private fleets to meet specific emission standards without federal authorization raises concerns under section 209(a) of the Clean Air Act. As the United States Supreme Court has recognized, requiring a purchaser to buy a particular vehicle may constitute an emissions standard subject to federal preemption. (Kirk Sander – 15d2)
- 2472. Comment:** Commenter states that requirements compelling private fleets to acquire ZEVs through public contracting raise the same federal preemption questions that led CARB to withdraw its Clean Air Act waiver request and repeal the private-fleet portions of the regulation. Commenter states that requiring private contractors to equip their fleets with ZEVs as a condition of performing public work is functionally identical to directly regulating those private fleets. (Nicholas Armstrong – 15d2)
- 2473. Comment:** Commenter states that the United States Supreme Court has recognized that a command requiring certain purchasers to buy vehicles with particular emissions characteristics may constitute an emissions standard subject to federal preemption, and any attempt to require private fleets to acquire or operate vehicles with specified emissions characteristics raises serious federal preemption concerns under Clean Air Act section 209(a). Commenter adds that CARB may not avoid the consequences of withdrawing its waiver request by imposing private fleet requirements indirectly through public agency

contracts, and an attempt to do so is regulatory action rather than market participation. (Veronica Pardo – 15d2)

- 2474. Comment:** Commenter states that the recent amendments present significant legal concerns, and constitute a state emission standard that is preempted under the federal Clean Air Act (CAA), violate California Administrative Procedure Act (CalAPA) standards, procedures, and requirements for agency rulemaking, violate California Health & Safety Code requirements for adoption of vehicle emission standards and prohibitions against forced retirement of commercial motor vehicles; and violate environmental review requirements under the California Environmental Quality Act (CEQA). (Christine Wolfe – 15d2)
- 2475. Comment:** Commenter states that CARB's adoption of the Proposal would violate applicable laws, adding that CARB regulation of private fleets vehicles under ACF is expressly preempted under the CAA, and by extending the reach of ACF compliance obligations to private contracted fleets would constitute adoption and enforcement of a state emission standard that is expressly preempted under CAA Section 209(a), while express preemption under CAA Section 209(a) may be waived for CARB emission standards subject to a preemption waiver granted by the U.S. Environmental Protection Agency (U.S. EPA), no such waiver has been granted here, as CARB withdrew its ACF waiver request from U.S. EPA consideration in January 2025 thus, CARB may not apply the ACF requirements to any fleets unless it can establish an exemption to preemption. (Christine Wolfe – 15d2)
- 2476. Comment:** Commenter states that CARB has stated that the SLG fleet provisions are not preempted by CAA Section 209(b) because they fall within the narrow exception provided by the market participant doctrine, however, this doctrine is narrowly construed and does not apply to save the recent amendments from preemption, in particular because the Proposal furthers CARB's interests as a regulator rather than a market participant. (Christine Wolfe – 15d2)
- 2477. Comment:** Commenter states that to the extent that CARB intends to expand the SLG fleet provisions of the ACF regulation to encompass privately-owned contractor fleets in the manner set forth in the recent amendments, it must have explicit authorization under a CAA Section 209(b), otherwise the recent proposal is preempted, unenforceable, and legally vulnerable. (Christine Wolfe – 15d2)
- 2478. Comment:** Commenter states that the proposed amendments could be interpreted as inconsistent with CARB's withdrawal of the proposed ACF rules for private fleets and preempted by federal rules because the amendments may indirectly impose ACF requirements on private fleet owners that contract with public fleets. (Acquanetta Warren – 15d2)
- 2479. Comment:** Commenter states that because the Second 15-Day Modifications appear to sweep private fleets into the ambit of the Proposed Amendments, the Proposed Amendments are preempted by section 209 of the Clean Air Act. (John Kinsey – 15d2)
- 2480. Comment:** Commenter states that expanding the regulation to apply to private fleets simply by virtue of the fact they contract with state and local governments exceeds CARB's regulatory authority, since the federal Clean Air Act waiver was withdrawn. Commenter states that in doing so, CARB is attempting to regulate entities that were never represented to be a part of the state and local government fleet provisions and that are no longer reachable. (Brittney Barsotti – 15d2)
- 2481. Comment:** Commenter states that public agencies have limited (and sometimes no) control or authority over contracted fleet vehicles, and exercising this type of direct control requires an approved waiver of preemption request from the EPA under the Clean Air Act. (Curtis Paxton – 15d2)
- 2482. Comment:** Commenter states that CARB lacks the ability to enforce ACF against private-sector fleets because California withdrew its request for the federal Clean Air Act waiver and

authorization needed to enforce ACF against those fleets. Commenter states that CARB should not enforce ACF against private-sector fleets, either directly or indirectly. (Nick Blair – 15d2)

2483. Comment: Commenter states that public agencies exercising direct control over contracted fleet vehicles would require an approved Clean Air Act preemption waiver from the U.S. EPA. (Sara Tom – 15d2)

2484. Comment: Commenter states that including construction fleets in the regulation is an “end run” around the requirement to seek a waiver from the U.S. Environmental Protection Agency to regulate private fleets. (Michael Lewis – 15d2)

2485. Comment: Commenter states that the proposed contractor obligations could be interpreted as inconsistent with CARB’s withdrawal of ACF requirements for private fleets because the amendments may indirectly impose ACF requirements on private fleet owners that contract with public agencies which could be preempted by federal law and may expose both CARB and state and local government agencies to legal challenges. (Carmen Zambrano – 15d2)

2486. Comment: Commenter states that including contracted vehicles could be interpreted as inconsistent with CARB’s withdrawal of the proposed ACF rules for private fleets and preempted by federal rules, as the proposed amendments can be seen as indirectly imposing ACF requirements on private fleet owners who seek to contract with public fleets. (Cesar Rangel – 15d2)

2487. Comment: Commenter states that expanding ACF to privately owned contractor fleets through state and local government contracting would require explicit authorization under a Clean Air Act waiver and would otherwise be preempted and unenforceable. (Ryan Kenny – 15d2)

2488. Comment: Commenter states that public agencies have limited (and sometimes no) control or authority over contracted fleet vehicles, and exercising this type of direct control through the proposed amendments to include contracted vehicles as part of the state and local government fleets requires an approved waiver of preemption request from the EPA under the Clean Air Act, just as it does for CARB. (Sarah Deslauriers – 15d2)

2489. Comment: Commenter states that Federal EPA has not granted the necessary waiver under the Clean Air Act. (Cesar Rangel – 15d2)

2490. Comment: Commenter asserts that the 2nd 15-Day Modifications appear to include private fleets in the proposed amendments, and further asserts that this is preempted by Section 209 of the Clean Air Act, referencing previous letter submitted on behalf of WSTA. (John Kinsey – 15d2)

Agency Response: No changes were made in response to these comments. The amendments to the SLG provisions are not preempted by the Clean Air Act because California, as a market participant, has the authority to regulate state and local government fleets in California, and there are no requirements being imposed on private entities to comply with ACF. This response incorporates the response to comment in subsection IV.A.26, “Federal Preemption,” and the commenter is encouraged to review that subsection for more information. Please see response to comment 583.

b) Authority—Outside of CARB’s Authority to Regulate

2491. Comment: Commenter states that expanding the regulations to apply to contracted fleets causes a significant cost shift onto local governments and ratepayers without corresponding statutory authority. (Brittney Barsotti – 15d2)

2492. Comment: Commenter states that by waiting to assess the impacts of the proposed amendments until after approval would lead to regulation exceeding the authority granted by the statute. (David Rothbart – 15d2)

- 2493. Comment:** Commenter states that the market participant doctrine does not apply where government uses contracting authority to impose regulatory mandates on private contractor fleets. (Ryan Kenny – 15d2)
- 2494. Comment:** Commenter states that the proposed regulation to include contracted vehicles as part of the state and local government fleets exceeds the authority granted by the statute in the 15-day notice-and-comment framework. (Sarah Deslauriers – 15d2)
- 2495. Comment:** Commenter requests that CARB meaningfully address substantial concerns arising from including contracted vehicles related to CARB’s authority. (Alyson Piguee – 15d2)
- 2496. Comment:** Commenter states that preventing a “loophole” does not justify regulating a whole class of businesses that CARB does not have authority to regulate. (Tim Carmichael - OCP)

Agency Response: No changes were made in response to these comments. CARB has extensive authority to regulate mobile sources, including fleets. Specifically, the Health and Safety Code, section 39602.5 says “the state board shall adopt rules and regulations pursuant to Section 43013....” Health and Safety Code section 43013 says “[t]he state board shall adopt and implement motor vehicle emission standards...for the control of air contaminants and sources of air pollution . . .” Also, CARB has broad authority to do such acts as deemed necessary for the proper execution of its powers and duties.⁷¹ After the repeal of the High Priority and Drayage portions of ACF regulation, a private fleet owner does not have any reporting requirements (reporting or compliance) under the ACF regulation. If a State or local government agency contracts for the use of vehicles, then the agency has to account for those vehicles in its fleet under the ACF regulation. However, this framework does not make one organization responsible for another’s emissions. State and local government agencies are responsible for fleets which they own or control, including fleets that are rented (for a year or more) or contracted for.

c) Authority—Senate Bill 1 “Useful Life” Provisions

- 2497. Comment:** Commenter asks whether the Milestone Option provisions are workable for contracted vehicles and how an agency that does not own a contracted vehicle can waive SB 1 protections on behalf of a private fleet contractor. (Tim Carmichael – OCP)
- 2498. Comment:** Commenter states that recent amendments violate statutory prohibitions on forced retirement of commercial vehicles during their useful life. (Christine Wolfe – 15d2)
- 2499. Comment:** Commenter states that where a fleet is contracted to an SLG agency that chooses the ZEV Milestones Option for compliance, the Proposal would effectively require the contracted fleet to retire vehicles before the end of useful life, in violation of Cal. Health & Safety Code § 43021(a) (enacted as SB-1, “Road Repair and Accountability Act of 2017”) and under that provision, CARB may not require the retirement, replacement, retrofit, or repower of a self-propelled commercial motor vehicle (as defined in CVC Section 34601) until the vehicle has reached the later of the useful life time periods and mileages set forth in Section 43021. (Christine Wolfe – 15d2)
- 2500. Comment:** Commenter states that CARB has tried to skirt this statutory prohibition by proposing to provide that “[b]y using [the ZEV Milestones Option], fleet owners shall acknowledge that they are knowingly and voluntarily waiving the provisions of [Cal. Health & Safety Code § 43021(a)] that would otherwise apply to commercial motor vehicles in CVC section 34601 in their California fleet.” (Christine Wolfe – 15d2)
- 2501. Comment:** Commenter states that where commercial vehicles are operating under a service contract to an SLG agency, it would be non-sensical for the regulated SLG fleet owner to

⁷¹ Health & Saf. Code § 39600.

acknowledge “knowing and voluntary” waiver of the Section 43021(a) prohibition and the SLG agency, as the regulated party under ACF, has complete discretion to determine how it will comply, passing down the obligations of its chosen compliance pathway to service providers via contract. Under these circumstances, the waiver would force retirement of third-party vehicles without the “knowing and voluntary” participation of the actual vehicle owner/operator. In other words, because the regulated party (the SLG agency) would be waiving statutory provisions that apply to vehicles belonging to a third party (the contracted fleet owner/operator), there would be no “knowing and voluntary” waiver by that third party. (Christine Wolfe – 15d2)

2502. Comment: Commenter states that the proposed text leaves unanswered whether a public agency’s compliance election could effectively waive SB 1 useful-life protections for vehicles Teichert owns. Commenter states that an agency cannot waive statutory protections belonging to a fleet it neither owns nor operates. (Nicholas Armstrong – 15d2)

2503. Comment: Commenter states that the proposed structure would allow a public agency’s compliance pathway election to govern the retirement schedule of vehicles owned entirely by a private contractor, even though SB 1 useful-life protections are statutory rights belonging to the vehicle owner. Commenter is requesting clarification on how SB 1 useful-life protections would be administered. (Nicholas Armstrong – 15d2)

Agency Response: No changes were made in response to these comments. CARB does not require, authorize, or presume that a contracting agency can waive SB 1 rights held by a third-party vehicle owner and that is not what the ACF Amendments require. An SLG’s compliance election does not, by itself, waive the rights of a private contractor. The regulation places the burden on the SLG to determine how to allocate compliance obligations in a manner consistent with California law, including SB 1. CARB acknowledges commenters’ concerns about potential confusion and, consistent with FSOR discussion of useful-life issues, will emphasize in implementation materials that contracting entities remain responsible for structuring agreements in compliance with SB 1 and other applicable law.

9. Alternatives Analysis

2504. Comment: Commenter states that CARB failed to prepare an adequate alternatives analysis under CalAPA because the 45-day ISOR did not analyze alternatives to the contracted-fleet requirements, including performance standards that could be met by a wider range of technologies such as low-NOx engines fueled by renewable natural gas. (Christine Wolfe – 15d2)

2505. Comment: Commenter states that the 45-Day ISOR does not contain an analysis of the contracted fleet requirements set forth in the recent amendments with. CARB’s Section 11346.2(b)(4) alternatives analysis in the 45-Day ISOR pertains exclusively to CARB’s proposal to amend the SLG provisions to provide additional flexibility for “traditional utility-specialized vehicles,” as required by AB 1594 and to fully discharge its obligations under Section 11346.2(b)(4), CARB must prepare an addendum to the 45-Day ISOR to address alternatives to the contracted fleet requirements in the proposed amendments, and—because they amount to a mandate for the use of specific technologies or equipment (e.g., ZEVs)—CARB must include analysis of whether the imposition of performance standards that could be met by a wider range of technologies, including low-NOx engines fueled by renewable natural gas, could be used as a regulatory alternative. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to these comments. The analysis for the ACF and LCFS regulations conform to all APA requirements, including content clarity and consistency. Economic impact analysis, alternatives analysis, and discussion of feasibility are available in the 2025 ACF Amendments’ Staff Report, which is incorporated in

this FSOR by reference. The Background section of the staff report included cost analysis that assessed availability and ability of technology to meet fleet's needs, and an explanation of feasibility. was also included in the Initial Statement of Reasons of the ACF Amendments. CARB's rulemaking record for the ACF Amendments are located online.⁷² CARB notes that the adoption of 2023 ACF and 2025 ACF Amendments are two separate rulemaking items. A cleaner combustion strategy was evaluated and rejected to produces less criteria emissions reductions than the proposed regulation, is less effective at meeting California's SIP obligations, and does not make progress towards meeting the State's GHG reduction targets. In addition, this alternative is not projected to result in any additional near-term emissions reductions compared to the proposed regulation and fails to advance the deployment of heavy-duty ZEVs, as expressed in direction by the Governor and the Board, as effectively as ACF.

10. Economic Impact

a) Economic Impact—Economic Analysis

- 2506. Comment:** Commenter states that the Second 15-day Changes to include contracted vehicles do not satisfy the California Administrative Procedures Act requiring regulations to meet standards of clarity, necessity, authority, consistency, reference, and nonduplication because the ISOR stated that no private fleets are subject to the Proposed SLG Amendments and did not evaluate the costs or impacts of including privately owned contractor vehicles in public agency fleets, and therefore the proposal is not supported by the ISOR. (Veronica Pardo – 15d2)
- 2507. Comment:** Commenter states that CARB has not provided economic or fiscal analysis of the contractor interpretation, including ZEV price premiums for heavy construction configurations, charging infrastructure, pass-through costs to public project budgets, or the administrative burden on agencies of tracking transient construction vehicles. (Nicholas Armstrong – 15d2)
- 2508. Comment:** Commenter states that CARB failed to assess key impacts— such as, feasibility within existing contractual frameworks; availability of compliant fleets across affected service sectors; impacts on procurement timelines and competitive bidding; potential and likely cost increases to municipal rates; and legal exposure for public agencies and contractors— before finalizing the regulation. (Curtis Paxton – 15d2)
- 2509. Comment:** Commenter states that the rulemaking record does not evaluate the impacts of treating private waste collection vehicles are part of a public agency fleet because the ISOR concluded that no private fleets were subject to the proposed SLG amendments. (Veronica Pardo – 15d2) Commenter states that including contracted vehicles resulting in private fleets being brought within the compliance structure of the SLG Fleet provisions was not analyzed in the ISOR. (Veronica Pardo – 15d2)
- 2510. Comment:** Commenter states that CARB did not evaluate the cost of requiring local governments to count contracted waste fleets and the cost to private haulers of complying through public agency contracts that include contracted vehicles in ACF would incur. Commenter states that CARB did not evaluate the effect of including contracted vehicles in ACF on franchise agreements, rate proceedings, municipal procurement, fleet replacement cycles, infrastructure development and service reliability and did not do so because the original proposal did not include private fleets within the SLG Fleet provisions. (Veronica Pardo – 15d2)

⁷² CARB, Advanced Clean Fleets and Low Carbon Fuel Standards Rulemaking Documents, (web link: <https://ww2.arb.ca.gov/rulemaking/2025/acfab1594> (last accessed July 7, 2026)

- 2511. Comment:** Commenter states that they have procedural concerns regarding the second 15-Day modifications because the impacts associated with the expanded treatment of contracted vehicles and services do not appear to have been fully evaluated within the supporting rulemaking record. Commenter states that it is unclear whether vehicles operated by private contractors performing services for public agencies were included in the assumptions of CARB's Economic Impacts Assessment or whether the costs associated with the proposed treatment of contracted vehicles and services were fully evaluated. (Noelle Mattock – 15d2)
- 2512. Comment:** Commenter questions why private contractor fleets were not mentioned in the Initial Statement of Reasons or Board discussion if they were always intended to be included under the State and Local Government fleet provisions. (Ryan Kenny – 15d2)
- 2513. Comment:** Commenter states that CARB failed to provide record support for its determination that the proposal would not have a significant adverse impact on businesses, including California businesses' ability to compete with businesses in other states, because the 45-day analysis did not address costs associated with extending ACF compliance obligations to contracted fleets. (Christine Wolfe – 15d2)
- 2514. Comment:** Commenter states that while the 45-Day Notice and 45-Day ISOR memorialize CARB's initial determination that the proposed regulatory amendments would not have a significant statewide adverse economic impact within the meaning of CalAPA Section 11346.5(a)(8), the 45-Day analyses in no way addressed the cost impacts associated with extending ACF SLG compliance obligations to contracted fleets, as CARB now proposes, thus CARB did not and could not have marshaled the requisite record support (to include "facts, evidence, documents, testimony, or other evidence upon which the agency relies to support its initial determination") under Section 11346.5(a)(8). (Christine Wolfe – 15d2)
- 2515. Comment:** Commenter states that CARB has failed to describe "all cost impacts" known to the agency that a "representative private person or business would necessarily incur" in reasonable compliance with the Proposal, as its Section 11346.5(a)(9) analysis in the 45-Day Notice did not account for the cost impacts associated with contracted fleet compliance with the SLG provisions. (Christine Wolfe – 15d2)
- 2516. Comment:** Commenter states that CARB has not analyzed the cost impacts nor feasibility of the proposed amendments to encompass contracted fleets within SLG agencies' ACF compliance obligations, it has failed to discharge various statutory obligations set forth in the California Health & Safety Code, including the requirements to consider the cost-effectiveness, necessity, and feasibility of its emission standards, and the impact of those standards on the State's economy. (Christine Wolfe – 15d2)
- 2517. Comment:** Commenter states the proposed changes bring privately owned and operated fleets within the ACF framework. This shift has meaningful implications and cannot be characterized as a clarification. It represents a substantive change that was not evaluated in the original analysis. (Kirk Sander – 15d2)
- 2518. Comment:** Commenter requests that CARB conduct a comprehensive economic and operational impact analysis regarding the effects of the proposal on local governments, special districts, contractors, ratepayers, and critical infrastructure providers. (Chris Robbins – 15d2)
- 2519. Comment:** Commenter states that the change to include contracted vehicles has significant practical implications, of which CARB has not sufficiently analyzed the operational impacts. Commenter requests that CARB analyze these impacts. (Gebriel Saleh – 15d2)
- 2520. Comment:** Commenter states that new or increased administrative overhead could affect public utility rates, undermining the cost-effectiveness analyses essential to CARB's rulemaking. (Roxana Ramirez – 15d2)
- 2521. Comment:** Commenter states that CARB staff did not properly use the APA's notice-and-comment framework to evaluate potential likely cost increases under municipal rates bidding

by including contracted vehicles as part of the state and local government fleets before regulations are finalized – not after. (Sarah Deslauriers – 15d2)

- 2522. Comment:** Commenter requests that CARB reevaluates the aspect of the regulation that CARB has the authority to impose the ACF regulation beyond public fleets. (Damon Wyckoff – 15d2)
- 2523. Comment:** Commenter requests that CARB describe how legal considerations, litigation-related developments, and other factors that contributed to the repeal of the High-Priority fleet requirements were evaluated in developing the proposed contracted fleet provisions. Commenter requests clarification if the Board determined that repealing the High-Priority fleet requirements was necessary due to implementation, legal or regulatory concerns and an explanation of how those same considerations have been assessed with respect to the proposed treatment of contracted fleets. (Suzanne Seivright-Sutherland – 15d2)
- 2524. Comment:** Commenter states that the change to include contracted vehicles has significant practical implications, of which CARB has not sufficiently analyzed the legal impacts. Commenter requests that CARB analyze these impacts. (Gebriel Saleh – 15d2)
- 2525. Comment:** Commenter requests clarification on whether CARB has evaluated the potential legal and practical implications of influencing fleet purchasing and deployment decisions for private-sector operators. (Suzanne Seivright-Sutherland – 15d2)
- 2526. Comment:** Commenter states the inclusion of contracted vehicles is a policy shift and warrants a transparent rulemaking process with a full evaluation of operational, economic, and legal impacts. (Kirk Sander – 15d2)
- 2527. Comment:** Commenter states that the substantive changes result in impacts to public agencies that have not been evaluated and are beyond regulatory clarification. (Joe Mouawad – 15d2)
- 2528. Comment:** Commenter states that by waiting to assess the impacts of the proposed amendments until after approval would lead to inadequate justification for the regulation, and inadequate analysis of potential environmental and economic impacts. (David Rothbart – 15d2)
- 2529. Comment:** Commenter states that CARB may contemplate future rulemakings on feasibility, affordability, a diversified fuel and technology mix, and a more realistic view of what can be achieved, but consideration of these issues after OAL approval is too late because the analysis should have occurred during this rulemaking. (Ryan Kenny – 15d2)
- 2530. Comment:** Commenter states that the proposed amendments to include contracted vehicles as part of the state and local government fleets needs to be evaluated as part of the economic analysis required by the APA. (Sarah Deslauriers – 15d2)
- 2531. Comment:** Commenter states they have not seen analysis demonstrating the practical impacts of the second 15-day changes on infrastructure construction costs. (Suzanne Seivright-Sutherland – 15d2)
- 2532. Comment:** Commenter states they have not seen analysis demonstrating the practical impacts of the second 15-day changes on infrastructure construction costs. (Suzanne Seivright-Sutherland – 15d2)
- 2533. Comment:** Commenter states that CARB has failed to fully discharge its duty under CalAPA Section 11346.5(a)(8) to provide record support for its initial determination and declaration that the Proposal will not have a significant, adverse impact on businesses, including the ability of California businesses to compete with businesses in other states. (Christine Wolfe – 15d2)
- 2534. Comment:** Commenter states that CARB did not analyze the cost impact of agencies including private fleets in the regulation and should be required to do so. Commenter states that CARB's Standardized Regulatory Impact Assessment did not reference costs associated with public agencies including private fleets in the regulation. (Tim Carmichael – OCP)

- 2535. Comment:** Commenter states that the change to include contracted vehicles has significant practical implications, of which CARB has not sufficiently analyzed the financial impacts. Commenter requests that CARB analyze these impacts. (Gebriel Saleh – 15d2)
- 2536. Comment:** Commenter requests that CARB conduct additional rigorous economic and operational analysis of the effect of the contracted-vehicle language on public agencies, essential infrastructure projects, small contractors, disadvantaged businesses enterprises, emergency repair work, procurement competition, and public-service reliability. (Rangarajan Sampath – 15d2)
- 2537. Comment:** Commenter states the record fails to consider the impact that this substantial expansion of the regulatory scope will have on all Californians, who rely on private entities to provide reliable, cost-effective waste collection services. (Julia Mangin – 15d2)
- 2538. Comment:** Commenter states that if agencies must account for contractor vehicles in their own compliance, agencies will be forced to impose ZEV requirements through contract terms the regulation never adopted, with costs and feasibility never analyzed. (Nicholas Armstrong – 15d2)
- 2539. Comment:** Commenter states that substantive change in the definition of “Fleet Owner” in the proposed amendments will result in numerous impacts to public agencies and private entities that have not been evaluated, including how public agencies and local governments procure services, structure contracts, manage franchise arrangements, and deliver essential public services. Commenter states that these changes will impose new compliance costs that have not been evaluated. (Sarah Deslauriers – 15d2)
- 2540. Comment:** Commenter states that expansion of practical reach would increase costs and administrative burdens for local governments. (Damon Conkin – 15d2)
- 2541. Comment:** Commenter states that the cost-effectiveness analyses in CARB’s rulemaking is undermined by the ambiguity of the amendments because there is a risk of enforcement disputes and new or increased administrative overhead that could impact utility rates. (Roxana Ramirez – 15d2)
- 2542. Comment:** Commenter states that since the 2023 adoption of the ACF, SLGs have been forecasting purchases and replacements based on projected budget needs without including vehicles owned and controlled by a third party, so the proposed Second 15-day changes would be extremely difficult to comply with. (Roxana Ramirez – 15d2)

Agency Response: No changes were made in response to these comments. The analysis for the ACF and LCFS regulations conform to all APA requirements, including content clarity and consistency. Economic impact analysis, alternatives analysis, and feasibility assessments are available for the 2023 ACF rulemaking and 2025 amendments. CARB notes that the adoption of 2023 ACF and 2025 ACF Amendments are two separate rulemaking items.

The associated costs to comply with the ACF regulation were analyzed as part of the original rulemaking and updated with these amendments. The cost analysis is explained in the original ACF staff report which was updated and modified for the AB 1594 Staff Report.

b) Economic Impact—Unfunded State Mandate

- 2543. Comment:** Commenter states that the proposed second 15-day amendments creates an unfunded mandate for local governments and shift regulatory compliance responsibilities from the State to local agencies. To meet these requirements, local governments would be required to dedicate additional staff resources, expand procurement and contract administration functions, develop new compliance tracking systems, retain auditable records, and respond to state audits and enforcement inquiries. (Consuelo Hernandez – 15d2)

- 2544. Comment:** Commenter states that the proposed amendments related to contracted fleets and third-party fleets create unfunded mandates and elevate legal risks. (Hilary Hobbs – 15d2)
- 2545. Comment:** Commenter states that if an underground regulation is found to be a state-mandated local program, it may create a duty for the state to reimburse local governments for attributable costs. (Ryan Kenny – 15d2)
- 2546. Comment:** Commenter states that the proposed amendments represent an unfunded mandate that many municipalities are not equipped to absorb. (Hannah Abdoo – 15d2)
- 2547. Comment:** Commenter states that the Second 15-Day modifications create an unfunded mandate on local governments because public agencies need vehicles capable of performing essential functions, while currently available ZEVs are not functionally equivalent to traditional vehicles and have much higher ratepayer costs. Commenter states that municipalities cannot abandon existing assets to comply with a new regulation and that the proposed approach does not satisfy municipal asset management standards. (Ryan Kenny – 15d2)

Agency Response: No changes were made in response to these comments. As stated in “General, Mandates and Fiscal Impacts to Local Governments” in the General chapter of the staff report, any costs incurred by local agencies to comply with this regulatory action are not reimbursable. Please see page 140 of the ISOR.

11. Environmental Impact

a) Environmental Impact—Environmental Analysis

As explained in the ISOR, CARB, as the lead agency for the Proposed Amendments, has concluded that this action is exempt from the California Environmental Quality Act (CEQA), as described in Pub. Resources Code § 21080(b)(4), and it is also exempt as described in CEQA Guidelines §§ 15061(b)(3), 15301, 15307, 15308, and 15311. Even if this action did not qualify for the CEQA exemptions discussed above, the proposed action does not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstances requiring further environmental review beyond the Final ACF EA certified in April 2023 and the Final LCFS EIA certified in November 2024.

Based on these CEQA determinations, CARB is not required to provide written responses to comments raising environmental concerns related to the CEQA determination or the Proposed Amendments. While no responses are required here, CARB chooses to provide the following response to comments raising environmental concerns for informational purposes, and to provide responses to comments under the APA. Every comment in this section is being responded to for the purpose of APA compliance. For all responses below, please see response to comments 592 through 613.

- 2548. Comment:** Commenter asserts that both the first and second 15-Day Modifications are not sufficiently related to the original text of the proposed amendments and provide a wide sweeping expansion to the scope of the entities that would be regulated by the SLG provisions. (John Kinsey – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation

at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB adhered to the APA requirements for 15-Day Changes and the first and second 15-Day Changes were modifications that could be expected from the initial rulemaking notice. This response incorporates the introductory explanation at the beginning of this section.

2549. Comment: Commenter asserts that WSTA objects to the Proposed Amendments and the SLG provisions. The commenter stated that the Executive Officer should not approve the 15-Day Modifications or Second 15-Day Modifications and should repeal the SLG requirements entirely, or alternatively suspend the rulemaking for the Proposed Amendments pending completion of a full environmental review in accordance with CEQA, or ensure compliance with Government Code section 11346.4, subdivision (b), issue a new Notice of Proposed Regulatory Action. The commenter also said that CARB must re-notice the first 15-Day and Second 15-Day Modifications for public comment period of at least 30 days and present the modifications with any environmental review to the board for final approval. (John Kinsey – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB adhered to the APA and CEQA requirements for the first and second 15-Day Changes. The Board delegated the authority to the Executive Officer to consider and approve modifications to the rulemaking package that was approved by the Board, so it was within the Executive Officer's authority to make the changes that were necessary in the first and second 15-Day Changes.

2550. Comment: Commenter requests that CARB conduct an adequate/comprehensive environmental assessment of the impacts. (Suzanne Seivright-Sutherland – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's Certified Regulatory Program (CRP) (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2551. Comment: Commenter requests that CARB suspend the rulemaking for the Proposed Amendments pending completion of a full environmental review in accordance with CEQA. (John Kinsey – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation

at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

A suspension of the rulemaking is not required or warranted. CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2552. Comment: Commenter states that by waiting to assess the impacts of the proposed amendments until after approval would lead to inadequate justification for the regulation, and inadequate analysis of potential environmental and economic impacts. (David Rothbart – 152d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB disagrees with the commenter's assertion that it is deferring analysis to a later time. CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2553. Comment: Commenter states that the substantive changes result in impacts to public agencies that have not been evaluated and are beyond regulatory clarification. (Joe Mouawad – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB adhered to the APA and CEQA requirements. This response incorporates CARB's responses provided at subsection IV.C.11.a), "Environmental Impact—Environmental Analysis" and IV.C.6, "Rulemaking Procedures," and the commenter is encouraged to review that subsection for more information.

2554. Comment: Commenter states the 2nd 15-Day Amendments notice indicates that the "proposed modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the ISOR because the

proposed modifications primarily consist of standardization of terms to maintain the provisions of the regulation as applied to State and local governments.” Commenter states no evidence was provided to support this claim. Commenter states that where the scope of covered vehicles will be substantially increased, the analysis must include the new scope of coverage. Commenter requests that the environmental analysis needs to ensure that cradle to grave impacts of electric versus conventional vehicle use are included. (David Rothbart – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

As explained in Chapter VII of the ISOR and response to Comment 2550 in this subsection, incorporated in this response, further CEQA analysis is not required here because no subsequent or supplemental CEQA analysis was required in the first place, and that determination remains unchanged by the 15-day modifications. The exemption and addendum analyses provided in the ISOR remain applicable and no further analysis was required.

Furthermore, CARB disagrees with the commenter’s assertion that the scope of covered vehicles will be substantially increased. As explained in the record, that is not the case. The Proposed Amendments generally scale back the broader ACF Regulation analyzed in the ACF EIA, as well as clarify existing requirements. The amendments do not increase the stringency of the program beyond the existing ACF Regulation. CARB’s second 15-Day package included changes to make explicit the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet.

2555. Comment: Commenter states that CARB has erroneously concluded (starting with the July 2026 45-day Notice) that the proposed amendments to the SLG provisions of ACF are exempt or otherwise not subject to CEQA environmental review, while from the breadth of changes and significantly expanded applicability of SLG fleet requirements under the Proposal, it constitutes a substantial change and/or new information resulting in new significant effects that CARB must analyze under CEQA. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

As stated in the ISOR and response to Comment 1470 through 1473, in section IV.B.24, “Environmental Impact,” in response to comments submitted on the First 15-day Changes, which is incorporated into this response, CARB supported its environmental analysis with substantial evidence for the Proposed Amendments and the Proposed 15-day Changes. The Proposed Amendments qualify for CEQA exemptions, and there were not any new or different environmental impacts that needed to be addressed in the 15-day changes. As discussed in the ISOR, the Proposed Repeal does not have any associated environmental impacts because the High Priority and Drayage fleet requirements were never enforced, so the conditions from the Proposed Repeal would be the same as baseline. Therefore, the potentially reduced hypothetical future environmental benefits in comparison to what was originally proposed by the original ACF program is not an environmental impact for the

purposes of CEQA. Additionally, the SLG and LCFS proposed amendments would continue to improve environmental, health, and air quality as compared to the baseline, and have no significant adverse environmental impact.

2556. Comment: Commenter states that CARB's current proposed amendments expand ACF applicability to private contracted fleets operating under a service agreement with an SLG agency clearly go beyond the original 45-Day amendments proposed to implement AB 1594 and involve environmental effects not considered in CARB's 2023 EA, yet CARB continues to claim that the proposed amendments do not trigger CEQA review nor a need to re-visit the 2023 Environmental Analysis (EA). (Christine Wolfe – 152d)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB adhered to the APA requirements for 15-Day Changes and the first and second 15-Day Changes were modifications that could be expected from the initial rulemaking notice. See also responses to comments 2552 and 2553.

2557. Comment: Commenter states that CARB's characterization of the current Proposal as involving "primarily ... standardization of terms to maintain [the SLG provisions]" is inaccurate, not supported with substantial evidence, and intended to skirt required CEQA review for the significant changes proposed here and it is also symptomatic of a piecemealed rule amendment process that has precluded effective environmental review of the whole of the action CARB proposes. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response. This response incorporates responses to Comments 1472, 2552, 2553 and 2567.

2558. Comment: Commenter states the adoption of the proposed amendments would result in a significant expansion in terms of the scope of vehicles subject to the SLG provisions. In the commenter's view it is a "substantial change" proposed to the ACF regulations that will require major revisions of the Final EA that the CARB Board certified in 2023.⁴² CARB is incorrect that the currently proposed SLG amendments "do not alter the compliance responses analyzed under the [2023 Final EA]," given the fact that contracted fleets would be newly subject to SLG fleet requirements under the proposed amendments. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The Proposed Amendments do not expand the scope of vehicles subject to the SLG provisions. Thus, no further analysis is required. CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB

also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2559. Comment: Commenter states that CARB must re-visit and update its original CEQA analysis, including the baseline assumptions, alternatives analysis, scope of impacts (e.g., electricity, battery, and water demands). (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB adhered to the APA requirements for 15-Day Changes and the first and second 15-Day Changes were modifications that could be expected from the initial rulemaking notice. The Proposed Amendments do not have any associated environmental impacts because ACF was never implemented or enforced, so the conditions as a result of the Proposed Repeal would be the same as baseline. Additionally, the SLG and LCFS proposed amendments would improve environmental, health, and air quality as compared to the baseline, and therefore there is no possibility that the Proposed Amendments could have a significant impact on the environment.

2560. Comment: Commenter states the proposed amendments go well beyond the SLG amendments that CARB considered in its original CEQA applicability analysis, while in the Initial Statement of Reasons (ISOR) issued in support of the July 29, 2025 45-Day Notice, CARB analyzed CEQA applicability only with respect to the limited SLG regulatory changes proposed to implement AB 1594 and as a result, CARB concluded that: “[t]he proposed modifications [to the SLG provisions] do not change the type of facilities or projects that may be developed in response to the existing ACF regulation, nor do staff anticipate that they will alter the compliance responses by regulated entities covered by the program. As such, these proposed amendments are not expected to introduce any new environmental impacts that were not already evaluated under the Final ACF EA.” (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

Under CARB’s CRP (Cal. Code Regs., tit. 17, § 60000 et seq.), if CARB “determines that a previous analysis remains applicable and adequate for the project” (Cal. Code Regs., tit. 17, § 60004, subd. (b)(2)(B)), CARB may rely upon a prior environmental impact analysis. CARB may also prepare an addendum, which need only include “information necessary to update the information contained in the previous document” (Cal. Code Regs., tit. 17, § 60004.4, subd. (b)), as CARB did here. CARB supported its determinations with substantial evidence as set forth in the record.

2561. Comment: Commenter states that the congressional disapproval of the U.S. EPA preemption waiver for CARB’s Advanced Clean Trucks (ACT), the manufacturer ZEV sales mandate intended as a companion regulation to ACF, and CARB’s withdrawal of its request for a preemption waiver for ACF also occurred and that these developments constitute substantial changes in circumstances that necessitate additional environmental review to ensure that CARB has accurately analyzed the environmental and regulatory settings,

compliance responses, and relevant impacts associated with ACF implementation. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB cannot speculate as to the outcome of the litigation involving the withdrawal of Clean Air Act waivers, nor can CARB speculate about the effect that the waiver-related actions would have on the environment. Such circumstances are outside of CARB's control and would not be caused by the Proposed Amendments, but rather by outside factors.⁷³

Therefore, they do not need to be reflected in the environmental analysis which specifically isolates the foreseeable environmental impacts caused by the project. Further, regulations which require a Clean Air Act waiver are not enforceable without a waiver, and therefore any impact of the program going into effect would be forestalled as a result of the circumstances mentioned by the commenter – as opposed to causing any new impacts. The commenter does not explain how, given the existing conditions baseline, the specified waiver-related actions would cause any new environmental impacts beyond the baseline. If anything, not implementing the new provisions in the rulemakings listed by the commenter would tend to *avoid* the impacts identified for those measures in the prior environmental analyses, rather than cause any new impacts not previously analyzed. Commenter's claim here seems based on a misconception (or misconstruction) of CEQA's baseline principles and how the Proposed Amendments would increase the flexibility and extend the deadlines of future requirements, rather than cause an environmental impact in comparison to the existing conditions baseline.

Regardless, the factors listed by the commenter are not caused by the Proposed Amendments and are beyond CARB's control, and therefore need not be analyzed in the environmental review process. None of the circumstances requiring a subsequent EIR were met (See Cal. Code Regs., tit. 14, §15162), and therefore CARB determined that an addendum was proper and no subsequent environmental review was required.

2562. Comment: Commenter states that CARB cannot discharge its current CEQA obligation by relying on its previous flawed analysis and further, it is necessary for CARB to conduct additional CEQA review because the 2023 Final EA, now completed more than three (3) years ago, was insufficient to begin with, as it failed to account for environmental impacts that are reasonably foreseeable effects of the large-scale ZEV transition mandated under the original ACF regulations, and that would be carried through to contracted fleets under the current proposed amendments. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The environmental analysis that was prepared for the original 2023 ACF rulemaking analyzed the reasonably foreseeable impacts of the ACF regulations. It was appropriate for CARB to reference the prior environmental analysis in the Staff Report because the Proposed Amendments modify the original ACF regulation that was analyzed in that prior environmental analysis. The amendments do not expand the scope of the prior version of

⁷³ See ISOR at 8-9, 18, and 33-34.

ACF, so reliance on the prior Environmental Analysis, prepared for the original ACF Regulation, was appropriate. CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2563. Comment: Commenter states that the 2023 Final EA failed to adequately analyze impacts associated with large scale retirement of traditional (internal combustion engine (ICE)) vehicles, the construction of new facilities and modification of existing facilities to increase ZEV supply, increased electricity demand, construction of new alternative fueling infrastructure, and the extraction of raw materials (e.g., lithium and other elements) necessary for ZEV components such as batteries and it also failed to analyze other reasonably foreseeable environmental impacts from increased ZEV usage such as criteria pollutant emissions related to tire wear, stress on the electrical grid, and water quality and supply impacts related to hydrogen fuel and ZEV battery production. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

Although CARB included an addendum to the 2023 Final EA in the Staff Report for the Proposed Amendments, this addendum was not necessary for CEQA compliance because the Proposed Amendments are exempt from CEQA. Nonetheless, the 2023 Final EIA was supported with substantial evidence and analyzed reasonably foreseeable impacts of the ACF regulation at the time of the analysis. CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2564. Comment: Commenter states that CARB relies on the deficient analysis in the 2023 Final EA in seeking to discharge its current CEQA obligations for the Proposal and the proposed amendments that preceded it and this reliance compounds the deficiencies in CARB's approach to CEQA throughout the ACF rulemaking process. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation

at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

Although CARB included an addendum to the 2023 Final EA in the Staff Report for the Proposed Amendments, this addendum was not necessary for CEQA compliance because the Proposed Amendments are exempt from CEQA. Nonetheless, the 2023 Final EA was supported with substantial evidence and analyzed reasonably foreseeable impacts of the ACF regulation at the time of the analysis. CARB performed an adequate environmental review pursuant to the applicable CEQA requirements, the applicable CEQA Guidelines, and CARB's CRP (Cal. Code Regs., tit. 17, § 60000 et seq.). CARB did not undergo an EIA process for the Proposed Amendments because it determined that CEQA exemptions applied to the Proposed Amendments. Although no further environmental review was required after the determination that the project would be exempt from CEQA, CARB also prepared an addendum in the ISOR to explain why the project has no potential for significant impacts beyond those analyzed in the ACF EA, and therefore no subsequent environmental review was required. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met.

2565. Comment: Commenter states that the proposed amendments are not exempt from CEQA. (Christine Wolfe – 15d2))

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB prepared an explanation as an addendum in the ISOR for the benefit of public disclosure and discussion, and to explain that the Proposed Amendments are exempt from CEQA. Responses to comments are not required in these circumstances where CARB has demonstrated that the Proposed Amendments are exempt from CEQA, and all requirements have been met. This response incorporates the response to comments in subsection IV.A.28, "Environmental Impact," particularly response to Comments 601 and 602.

2566. Comment: Commenter states that in the 45-Day ISOR, CARB claimed that the then-proposed SLG amendments were exempt under Cal. Pub. Res. Code (PRC) § 21080(b)(4) as a "specific action[] necessary to prevent or mitigate an emergency," on the basis that the amendments were being made pursuant to AB 1594, which requires CARB to allow public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to respond to "major foreseeable events" (e.g., wildfires, natural disasters, and physical attacks), and setting aside the question of whether the AB 1594-required amendments to the SLG provisions are in fact exempt under Section 21080(b)(4), that exemption does not apply to the current Proposal to encompass contracted fleets within SLG agencies' ACF compliance obligations, as there is no "emergency" sought to be mitigated by this proposed expansion of the regulations and further, none of the other CEQA exemptions cited in the 45-Day ISOR apply to the proposed amendments. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB disagrees that any aspect of the 15-day changes renders the Proposed Amendments no longer exempt from CEQA as set forth in the ISOR, and the commenter does not explain why that may be the case. This response incorporates the response to comments in subsection IV.A.28, “Environmental Impact,” particularly response to Comments 601 and 602. See also response to Comment 2565, incorporated in this response, regarding the response to the commenter’s assertions regarding CEQA exemptions.

2567. Comment: Commenter states that changed circumstances necessitate major revisions to the 2023 Final EA and CARB’s piecemeal approach to amending ACF (and conducting environmental review) is a product of the significantly changed circumstances that have occurred in the years that have elapsed since ACF was originally adopted and the CARB Board certified the 2023 Final EA and since that time, AB 1594 was enacted, requiring CARB to amend ACF to provide vehicle replacement flexibility for traditional utility-specialized vehicles. (Christine Wolfe – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

CARB complied with all applicable APA and CEQA requirements, and determined that the ACF amendments are exempt from CEQA. Circumstances have not changed to a degree that would trigger an exception to an exemption, as explained in the 15-day notices and in this FSOR. This response incorporates responses to comments 2552 and 2553, as well as response to comment 1472 (regarding the piecemealing reference).

b) Environmental Impact—Impacts to Wastewater or Emergency Response

2568. Comment: Commenter states that procurement and contracting impacts could impact emergency response contractors and specialized utility service providers related to equipment availability and rapid mobilization, which is necessary for protecting public health and maintaining reliable water service. (Jason Martin – 15d2)

2569. Comment: The ACF regulation as written now will decrease reliability of water and wastewater services. (Sarah Deslauriers)

2570. Comment: Commenter asserts that constraints reflected in the ACF amendments will dramatically magnify future disasters in the context of emergency response. Commenter states that the proposed ACF modifications do not adequately address the operational realities of OMWD’s scale, geography, service requirements. (Kimberly Thorner – 15d2)

2571. Comment: Commenter states that CA’s climate goals should be implemented in a manner to preserve emergency response capacity, protect public health and safety, and reflect operational realities of critical public infrastructure. (Melanie Schumacher – 15d2)

2572. Comment: Commenter states that the ACF modifications do not address the operational realities of YMWD’s service requirements, particularly in the context of emergency response. (Amy Reeh – 15d2)

2573. Comment: CARB proposes an artificial cap on resilience by allowing no more than 25% of the fleet to be exempt from conversion to ZEV, which is a constraint that will magnify future disasters such as fires. (Amy Reeh – 15d2)

- 2574. Comment:** The proposed ACF modifications do not adequately address the operational realities of Otay's scale, geography, and service requirements, particularly in the context of emergency response. (Tenille Otero – 15d2)
- 2575. Comment:** Commenter stated that local governments have the responsibility to provide essential public services, including emergency response, public safety, utility operations, and disaster recovery, and that municipalities must maintain the ability to quickly procure services and execute contracts, and that any regulatory requirement that limits the availability of contractors or delays the contracting process may negatively affect a city's ability to respond to emergencies and serve its residents. (Hannah Abdoo – 15d2)
- 2576. Comment:** Commenter states that these exemptions are even more critical now as several major manufacturers of medium and heavy-duty vehicles, such as Ford and General Motors, have announced plans to scale back production of electric vehicles. We respectfully request that you amend the ACF exemptions to allow our vehicles that support emergency services to continue serving our communities when we need them most. (Brett Hodgkiss – 15d2)
- 2577. Comment:** Commenter states that specialized water and wastewater emergency vehicles need to operate continuously for several days, and reliable vehicles are not yet available, due to long charging times, hindering a public utilities ability to respond without power. (Kyle Swanson – 15d2)
- 2578. Comment:** Commenter states that the regulation fails to acknowledge when wildfire risk is at its highest. (Brittney Barsotti – 15d2)
- 2579. Comment:** Commenter states that the ZEV marketplace does not have vehicles that can adequately respond to emergencies that can meet the ACF requirements, and provided the 2025 Southern California windstorm as an example of situations that could strain emergency response fleets. (Jason Maruca – 15d2)
- 2580. Comment:** Commenter raises concerns that with the proposed ACF amendments in place, there would be difficulties with being able to keep water flowing to our community or preventing sewer overflows, creating a serious public health and safety situation. (Tom Trott – 15d2)

Agency Response: No changes were made in response to this comment. No response to this comment is required by CEQA (this response incorporates the introductory explanation at the beginning of this section). However, for informational purposes and to provide a response to the comment under the APA, CARB provides the following response.

The ACF regulation and Proposed Amendments would not result in reductions in emergency response services, water and wastewater transportation, nor reductions in wildfire response. As described throughout the rulemaking record, the Proposed Amendments generally scale back the broader ACF Regulation analyzed in the ACF EIA, as well as clarify existing requirements, and do not add any provisions that would further impact emergency response abilities. To the extent commenters argue the Proposed Amendments could impact emergency response, CARB disagrees as the amendments do not increase the stringency of the program beyond the existing ACF Regulation. CARB's second 15-Day package included changes to make explicit the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for one year or more, and contract for the operation of part or all of their fleet. The Proposed Amendments also include several provisions exempting, or extending compliance for, vehicles responding to emergency situations. These provisions were designed specifically to minimize any potential for the existing ACF Regulation to adversely affect emergency response.

12. Support

a) Support—Changes Avoid Perverse Incentive

2581. Comment: Commenter states they are in support of the second 15-day amendments which clarify that vehicles contracted by state and local agencies are indeed covered by the Public Fleets section of the regulation, otherwise avoiding a potential loophole that would have created a perverse incentive for public agencies to outsource fleet services to avoid compliance with regulation and thereby reduce opportunities for air quality improvements central to the program. (Benjamin Lu – 15d2)

Agency Response: No changes were made in response to this comment. The clarifying changes make explicit the meaning of the original regulation and provide the necessary language to ensure consistent interpretation between State or local government agencies that operate their own fleet, rent or lease vehicles in their fleet for a year or more, and contract for the operation of part or all of their fleet. Public fleets were never allowed to outsource fleet services to avoid compliance with the regulation. No changes are required because these comments expressed support for CARB's existing proposal at the time and did not raise concerns that would require any changes.

b) Support—Changes Provide Clarity and are Critical

2582. Comment: Commenter supports the second 15-day amendment to the ACF regulation, stating that it clarifies the scope and closes ambiguities for contracted fleets, supports for compliance assistance, education, and outreach, and provides a clear pathway forward for public health and compliance. (Bill Magavern – 15d2)

2583. Comment: Commenter states it is critical that CARB timely finalizes regulatory amendments within the timeframe of this rulemaking, and as directed by the Board, to implement the provisions in the First 15-day changes to delay purchase requirements for small and rural fleets, delay the 100% purchase requirement until 2030, and add additional flexibilities in line with AB 1594. (Derek Dolfie – 15d2)

2584. Comment: Commenter states that timely adoption of improvements to the ACF rule that capture ZEV market realities and address the intent of AB 1594 is critical. (Derek Dolfie – 15d2)

Agency Response: No changes were made in response to these comments. CARB appreciates the commenters' support for the second 15-day modifications to the ACF regulation, including the amendments implementing the provisions of AB 1594, the delay of the 100% ZEV purchase requirement until 2030, additional compliance flexibilities for fleet owners, and the clarifying amendments intended to support implementation of the regulation. CARB agrees that these modifications better align the regulation with current ZEV market conditions while maintaining the air quality and public health benefits of the regulation. No changes are required because these comments expressed support for CARB's existing proposal at the time and did not raise concerns that would require any changes.

13. Oppose

2585. Comment: Commenter states that this creates a new responsibility for public fleets to ensure contracted vehicles are compliant with ACF and strongly opposes this change. (Scott Ammon – 15d2)

- 2586. Comment:** Commenter requests that CARB remove provisions expanding applicability to privately contracted fleets and obligations on hiring entities from the current rulemaking. (Ryan Kenny – 15d2)
- 2587. Comment:** Commenter recommends reverting to the first 15-day changes before adopting the second 15-day changes. (Andrea Villarin – 15d2)
- 2588. Comment:** Commenter requests the Second 15-Day Changes be withdrawn or modified. (Carol Mohoney – 15d2)
- 2589. Comment:** Commenter urges CARB to reject the proposed amendments that expand local government responsibility for contractor fleet compliance. (Consuelo Hernandez – 15d2)
- 2590. Comment:** Commenter states their concerns regarding the interpretation of the Second 15-Day Changes to the Advanced Clean Fleets regulation. (Carol Mohoney – 15d2)
- 2591. Comment:** Commenter requests CARB to revise the proposal to align with the original rulemaking framework and provide clear direction to regulated entities. (Kirk Sander – 15d2)
- 2592. Comment:** Commenter states that CARB should immediately reissue the first 15-day amendments and revise the June 1 compliance guidance to clarify that only contractor-owned vehicles actually operated by the public agency will be added to the public agency's fleet. (Nicole Looney – 15d2)
- 2593. Comment:** Commenter requests that CARB not move forward with the Second 15-Day Changes. (Tim Carmichael – OCP)
- 2594. Comment:** Commenter states that the ACF mandates on local agencies are creating untenable and unnecessary challenges in complying while maintaining the many critical services Californians rely upon. (Thai Thao – 15d2, Andy Lawler – 15d2, Brett Hodgkiss – 15d2, Jack Bebee – 15d2, Abby Parcon – 15d2, Jodi Holeman – 15d2, Shelly Thomsen – 15d2, Chris Robbins – 15d2, Jon Curry – 15d2)
- 2595. Comment:** Commenter states the exemptions in the current regulation and draft amendments remain wholly and dangerously insufficient. (Alisa Nichols – 15d2, Scott McClelland – 15d2)
- 2596. Comment:** Commenter requests that the approval of the second 15-Day changes should be delayed until a more comprehensive analysis of the impact on wastewater agencies is completed. (Jennifer Harrington – 15d2)
- 2597. Comment:** Commenter requests that CARB delay approval of the regulations and the second 15-Day Changes until the requisite evaluations are complete and critical issues are addressed through the APA process and appropriate amendments. (Rosario Cortés – 15d2)
- 2598. Comment:** Commenter requests that CARB revert to the contracting language contained in the initial 15-day modification package and defer implementation of the revised contract interpretation until additional stakeholder engagement can occur. (Alyson Piguee – 15d2)
- 2599. Comment:** Commenter requests that the Executive Officer not approve the 15-Day Modifications or the Second 15-Day Modifications. (John Kinsey – 15d2)
- 2600. Comment:** Commenter states that they respectfully request that CARB remove or defer the contracted fleet provisions from the Second 15-Day Modifications. (Noelle Mattock – 15d2)
- 2601. Comment:** Commenter requests that CARB revise the proposed amendments and accompanying guidance to address the contracted-vehicle issue before final adoption. (Rangarajan Sampath – 15d2)
- 2602. Comment:** Commenter states that CARB has administrative options other than sending the Second 15-Day language to the Office of Administrative Law, including finalizing only the September and April amendments and not advancing the June 1 contracted-fleet language. (Ryan Kenny – 15d2)
- 2603. Comment:** Commenter requests that CARB withdraw the second draft amendment and return to the April 2, 2026, draft amendment instead. (Eva Plajzer – 15d2)
- 2604. Comment:** Commenter states the substantial expansion of the regulation proposed in the Second 15-day changes poses significant challenges and concerns and should be

rescinded in a manner that allows CARB to meet its regulatory timelines for implementing the previously proposed changes. (Derek Dolfie – 15d2)

- 2605. Comment:** Commenter requests that CARB continue to work from the 45-day changes approved in September 2025 while working toward a workable regulation, including provisions extending compliance timelines for Designated Low Population Counties to 2030 and maintaining the 50/50 ZEV purchase floor for agencies required to comply in the interim. (Justin Caporusso – 15d2)
- 2606. Comment:** Commenter requests CARB to withdraw in its entirety the Second 15-day changes, and reissue and approve the 15-day changes proposed in April, 2026 (“First 15-day changes”). (Derek Dolfie – 15d2)
- 2607. Comment:** Commenter states that CARB should rescind the June 1, 2026 second 15-day rulemaking draft and revert to the provisions contained in the initial 15-day draft dated April 2, 2026. (Tenille Otero – 15d2)
- 2608. Comment:** Commenter states that CARB should repeal the June 1, 2026 15-day changes and return to the April 2, 2026 15-day changes as the starting point for the next ACF amendment process. (Nick Blair – 15d2)
- 2609. Comment:** Commenter states that CARB should issue a third and final set of 15-day amendments reversing the proposed changes to title 13, CCR sections 2013(a)(1), 2013(b), and 2013.4(b), and should do so immediately to ensure timely completion of the rulemaking. (Nicole Looney – 15d2)
- 2610. Comment:** Commenter request that CARB exclude the second 15-day language from the final regulatory package to be sent for approval by OAL and include only the September and April amendments previously adopted by the Board ensuring the other utility focused amendments move forward without delay while also providing time for stakeholders and CARB to properly evaluate the impacts of including contracted vehicles under the state and local government requirements. (Katie Vassali – 15d2)
- 2611. Comment:** Commenter requests CARB not to move forward with the proposed amendments, as they create legal risk for CARB and uncertainty for California public agencies and the private fleets who perform essential services under longstanding government contracts. (Christine Wolfe – 15d2)
- 2612. Comment:** Commenter states that the City of Lakewood opposes CARB’s proposed second 15-day amendments to the ACF regulation. Commenter requests that CARB withdraw the contractor fleet provisions. (Paolo Beltran – 15d2)
- 2613. Comment:** Commenter requests CARB withdraw the Second 15-Day Rulemaking Package due to lack of clarity. (Roxana Ramirez – 15d2)
- 2614. Comment:** Commenter requests CARB Repeal the current June 1, 2026, second 15-day rulemaking draft and return to the previous changes from the initial 15-day draft, dated April 2, 2026. (Damon Wyckoff – 15d2)

Agency Response: No changes were made in response to this comment. While the Board acknowledges the commenter’s opposition, the concerns raised do not provide new information that would warrant modifications to the proposed regulatory text. Under Government Code section 11346.9(a)(3), the agency is required to summarize objections to the proposed action and explain either how the proposal was changed to accommodate the objection or the reasons for making no change. In this case, the commenter’s objection has been fully considered; however, existing analyses, rationale, and responses provided in the Staff Report, the ISOR, and relevant sections of this FSOR continue to support the proposed action. Therefore, no further modifications are necessary.

14. Out of Scope

a) Out of Scope—Issues Unrelated to Proposed Changes

- 2615. Comment:** These commenters submitted comments on parts of the regulation that are unrelated to the 2nd 15-Day Changes, including introductory comments and comments that discuss public fleet-related topics that are irrelevant to the changes made in the Second 15-day Changes. Responses to issues that are within the scope of the 45-day notice are provided in the following sections: “A. 45-Day Comment Period and Board Hearing Public Comments with Agency Response;” and “B. First 15-Day Comment Period with Agency Responses.” (Sophie Helpard - 15d2, Abby Parcon - 15d2, Andy Lawler - 15d2, Thai Thao - 15d2, Brett Hodgkiss - 15d2, Jack Bebee - 15d2, Brian Macy - 15d2, Paul Bushee - 15d2, Jodi Holeman - 15d2, Kimberly Thorner - 15d2, Shelly Thomsen - 15d2, Damon Conklin - 15d2, Alyson Piguee - 15d2, Isam Hireish - 15d2, Chris Robbins - 15d2, Alisa Nichols - 15d2, Daniel Hernandez - 15d2, Tom Trott - 15d2, Jason Martin - 15d2, Jon Curry - 15d2, Kyle Swanson - 15d2, John Kinsey - 15d2, Jeff Umbrasas - 15d2, Charlotte Gallock - 15d2, Austin Avery - 15d2, Scott Ammon - 15d2, Melanie Schumacher - 15d2, Hilary Hobbs - 15d2, Brittney Barsotti - 15d2, Anthony Firenzi - 15d2, Carol Mahoney - 15d2, Carmen Zambrano - 15d2, Curtis Paxton - 15d2, Scott McClelland - 15d2, Amy Reeh - 15d2, David Rothbart (1) - 15d2, Joe Mouawad - 15d2, David Rothbart (2) - 15d2, Acquanetta Warren - 15d2, Veronica Pardo - 15d2, Jason Maruca - 15d2, Sarah Deslauriers - 15d2, Rosario Cortés - 15d2, Erin Sasse - 15d2, Benjamin Lu - 15d2, James Emmons - 15d2, Tenille Otero - 15d2, Nick Blair - 15d2, David Pedersen - 15d2, Consuelo Hernandez - 15d2, Damon Wyckoff - 15d2, Eva Plajzer - 15d2, Roxana Ramirez - 15d2, Hannah Abdoo - 15d2, Cesar Rangel - 15d2, Andrea Villarin - 15d2, Sara Tom - 15d2, Noelle Mattock - 15d2, Eric Grubb - 15d2, Rangarajan Sampath - 15d2, David Renschler - 15d2, Jennifer Harrington - 15d2, Katie Vassalli - 15d2, Nicole Looney - 15d2, Kirk M. Sander - 15d2, Justin Caporusso - 15d2, Amanda Roa - 15d2, Paolo Beltran - 15d2, Joe Sturges - 15d2, James Lee - 15d2, Derek Dolfie - 15d2, Lii D - 15d2, David Lawrence - 15d2)
- 2616. Comment:** Commenter states proposed second 15-day rule does not address the operational constraints requirements faced by public water and wastewater agencies. (Erin Sasse - 15d2)
- 2617. Comment:** Commenter states they are disappointed that the second 15-day changes did not remove the exemption access barriers or provide fleets with more achievable paths to compliance. (Nicole Looney - 15d2)

Agency Response: No changes were made in response to these comments. The general comments are outside the scope of the current rulemaking. Under the Administrative Procedure Act, the Board is required to respond only to comments that are within the scope of the modifications made available during this second 15-day public comment period. The issues raised by the commenter do not pertain to the specific changes noticed in this Second 15-Day package and therefore no response is required.

b) Out of Scope—Other Regulations and Initiatives

- 2618. Comment:** Commenter states that there are obstacles to SB 1383 implementation at wastewater treatment facilities. CalRecycle is relying on wastewater facilities to achieve organic waste diversion requirements as well as methane reductions at landfills since there are not enough emission reduction credits in air basins to permit the needed capacity at composting facilities. By regulating silos important synergies are ignored. (Sarah Deslauriers - 15d2)

- 2619. Comment:** Commenter states they are concerned about “clean fleets” and the low-carbon fuel standard being weakened and/or erased by efforts of the federal administration and political opponents to deregulate fuel and air-quality standards and eliminate “clean fleets” in favor of gasoline-fueled heavy-duty vehicles. (Lii D -15d2)
- 2620. Comment:** Commenter states that climate change is real and urges policymakers to preserve “clean fleets” and low-carbon fuel standards, and continue strong environmental regulation. (Lii D -15d2)
- 2621. Comment:** Commenter states that inconsistent reporting issues could occur given that SLGs are not the reported Clean Truck Check owners. Contractors’ heavy-duty vehicles may be subject to CARB’s Clean Truck Check regulation, where those same vehicles are reported as part of the contractors’ fleet. (Eric Grubb – 15d2)
- 2622. Comment:** Commenter stated that there is a broader contexts of municipalities implementing CA’s fleet regulations, which include multiple CARB programs and compliance obligations, and other air quality initiatives. (Hannah Abdoo – 15d2)
- 2623. Comment:** Commenter states that transition to cleaner fleet technologies should be realistic, achievable, and sensitive to unique needs of local communities. (Brian Macy – 15d2)
- 2624. Comment:** Commenter states that regulatory requirements must be balanced with the operational flexibility required to fulfill the Kings River Conservation Districts’ public safety mission. (Charlotte Gallock – 15d2)
- 2625. Comment:** Commenter states that CARB should undergo a future rulemaking to allow a longer runway to invest in ZEVs, to reduce ratepayer impacts, and noted that SB 350 and SB 100 have already impacted electric rates. (Jason Maruca – 15d2)

Agency Response: No changes were made in response to these comments. The comments concerns implementation of other regulatory programs and initiatives that are outside the scope of the Proposed Amendments to the ACF regulation. Under the Administrative Procedure Act, the Board is required to respond only to comments that are within the scope of the modifications made available during this second 15-day public comment period. The issues raised by the commenter do not pertain to the specific changes noticed in this Second 15-Day package and therefore no response is required.

c) Out of Scope—Vehicles are not in Scope of Regulation

- 2626. Comment:** Commenter requests that CARB allow light-duty vehicles or off-road equipment to substitute for covered on-road vehicles or count as credits to offset covered contract vehicles, and states that this flexibility should be expressly stated in the regulation. (Austin Avery – 15d2)

Agency Response: No changes were made in response to these comments. The comments concerns operation of light-duty vehicles or off-road equipment that is outside the scope of the Proposed Amendments to the ACF regulation. Under the Administrative Procedure Act, the Board is required to respond only to comments that address are within the scope of the modifications made available during this second 15-day public comment period. The issues raised by the commenter do not pertain to the specific changes noticed in this Second 15-Day package and therefore no response is required.

d) Out of Scope—Questions on Guidance Document

- 2627. Comment:** Commenter states that the misalignment between rule definitions and guidance can cause risk of non-compliance for SLG fleets that rely on contractual arrangements. (Roxana Ramirez – 15d2)

- 2628. Comment:** Commenter states that the accompanying June 1, 2026, ACF Guidance document introduces additional uncertainty regarding the term "public services" and how those could be carried out through contractual arrangements, particularly where the guidance document states, "*The regulation applies to public services performed by a State and local government agency, including functions carried out through contractual arrangements.*" Commenter states that as an example, it is unclear whether "public service" means only services performed under the direction and control of an SLG as part of its fleet operations, or whether it could be interpreted more broadly to include vendor-provided goods and services that merely support an SLG's public functions. (Roxana Ramirez – 15d2)
- 2629. Comment:** Commenter states that the ambiguity caused by including private contractors to the rule creates uncertainty for SLGs by placing certain terms and applicability in the rule text while delegating related concepts to guidance documents that do not carry the same binding weight. (Roxana Ramirez – 15d2)
- 2630. Comment:** Commenter states that a good-faith reporting approach would leave compliance discretion to CARB and would not let stakeholders know whether they are in compliance until CARB makes a decision. Commenter states that CARB staff should have addressed stakeholder-specific implementation questions in the regulation rather than relying on post-approval individual discussions with CARB staff. (Ryan Kenny – 15d2)
- 2631. Comment:** Commenter states that the "good faith" assurance does little to address the practicalities of private fleet operations and the impact these modifications may have on existing contracts between private fleet owners and state or local government agencies. (Katie Vassali – 15d2)
- 2632. Comment:** Commenter states that the disconnect and ambiguity between the rule and the guidance documents creates confusion, generates compliance exposure to the SLGs, and leads to inconsistent implementation. Commenter also states that there is no clarification as to what constitutes a contract under the rule triggering its applicability (James Lee – 15d2)
- 2633. Comment:** Commenter requests that CARB meaningfully address substantial concerns arising from including contracted vehicles related to the absence of clear implementation guidelines. (Alyson Piguee – 15d2)
- 2634. Comment:** Commenter states that CARB should revise the June 1 guidance document to clarify that only contractor vehicles actually operated by the public agency will be deemed part of the public agency's fleet. (Nicole Looney – 15d2)
- 2635. Comment:** Commenter states that the guidance document raises unresolved questions for public fleets. Commenter requests these issues must be made clear including how lease and contract agreements are classified within a fleet, whether rental and contracted vehicles can be treated as a separate fleet under ACF compliance pathways, and how agencies should proceed when only non-ZEV vehicles are available for short-term rentals. (Tenille Otero – 15d2)
- 2636. Comment:** Commenter states that regulated entities cannot rely on a post-OAL guidance document to determine compliance because guidance can change over time and does not provide the certainty needed for compliance. Commenter states that any suggestion that the initial guidance document is focused only on reporting and not enforcement is not in the regulation and minimizes concerns regarding the proposed language. (Ryan Kenny – 15d2)
- 2637. Comment:** Commenter states that the Guidance Document is unclear, inconsistent with the regulation, and provides no relief to state and local government agencies. (Tim Carmichael – OCP)
- 2638. Comment:** Commenter states that the Guidance Document's statements that CARB compliance assistance will "focus on" reporting and "emphasize" education and outreach do not commit CARB to any specific enforcement approach and do not provide agencies with certainty. (Tim Carmichael – OCP)

- 2639. Comment:** Commenter states that CARB's case-by-case compliance approach suggests that the proposed regulatory changes are not possible to implement on their own. (Tim Carmichael – OCP)
- 2640. Comment:** Commenter questions whether CARB can choose which provisions of its regulations it will enforce under a subjective guidance scheme and support compliance for some entities but not others on a case-by-case basis. (Tim Carmichael – OCP).
- 2641. Comment:** Commenter requests that CARB revise the Final Statement of Reasons and CARB guidance materials to confirm that private fleets performing services under contract with public agencies are not subject to ACF SLG compliance obligations and are not required to be counted in the public agency's compliance determination. (Veronica Pardo – 15d2)

Agency Response: No changes were made in response to these comments. The comments concerns operation of a guidance and FSOR documents that are outside the scope of the Proposed Amendments to the ACF regulation. Under the Administrative Procedure Act, the Board is required to respond only to comments that are within the scope of the modifications made available during this second 15-day public comment period. The issues raised by the commenter do not pertain to the specific changes noticed in this Second 15-Day package and therefore no response is required. No changes have been made in response to this comment.

However, portions of these comments that may pertain to the implementation of the Proposed Amendments and are responded to here. The Second 15-Day clarifying amendments do not create a subjective "good-faith" standard but instead ensure consistent interpretation of existing requirements. As the commenters suggest, compliance obligations remain fixed in the regulation, not guidance or FSOR documents. CARB notes that enforcement authority also exists independently of guidance materials. Section 2013.5(b) of the ACF regulation states that that any person who fails to meet the requirements of the regulation may be subject to penalties. Specific information regarding who would be subject to penalties and what enforcement actions may be taken is not necessary to include in the ACF regulation. CARB's enforcement authority and penalty determination is outlined in the Health and Safety Code which are referenced in the ACF regulation. Lastly, the Second 15-Day changes do not introduce new obligations or create uncertainty for regulated entities; they clarify the existing regulatory structure to ensure consistent and enforceable compliance.

V. Peer Review

Health and Safety Code section 57004 sets forth requirements for peer review of identified portions of rulemakings proposed by entities within the California Environmental Protection Agency, including CARB. Specifically, the scientific basis or scientific portion of a proposed rule may be subject to this peer review process. CARB determined that the rulemaking did not contain a scientific basis or scientific portion subject to peer review, and thus peer review, as set forth in section 57004, is not required.

Peer review is not necessary for three reasons. The first being, these amendments are not premised on new scientific principles or research. The technological factors CARB considered for these amendments are all aspects of engineering design which reflect the application of established scientific and engineering principles to develop appropriate and feasible emissions control standards and related requirements and perform engineering evaluations of technical feasibility and costs. These amendments did not involve analysis of new scientific findings or the development of new scientific theories.

Secondly, scientific studies and assessments used to analyze the potential health and environmental impacts, such as the findings that engine emissions are air contaminants and that GHGs contribute to climate change were developed previously and subjected to peer review then. Subjecting CARB's application of engineering principles would result in repetitious review of established science.

Lastly, as the California Environmental Protection Agency has concluded in its guidance for conducting peer review and determining when review is required, regulations that rely on established science that are used in substantially the same context or manner as when they were previously subject to peer review, including regulations that rely on technical, economic, or technological issues, such as pollution control standards, are not subject to review under Health and Safety Code section 57004. (California Environmental Protection Agency, *CalEPA External Scientific Peer Review Program, Guidance for Staff of CalEPA Organizations* (June 2022), page 8.)