



California Council for Environmental and Economic Balance

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November 14, 2024

Advanced Clean Fleets Staff
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted via email: ZEVFleet@arb.ca.gov and Electronically to the [Public Docket](#)

RE: CCEEB comments on CARB's Second Workshop on Implementation of Assembly Bill 1594 dated October 3, 2024, and the corresponding Preliminary Regulation Language.

Dear Advanced Clean Fleets Staff.

On behalf of the California Council for Environmental and Economic Balance (CCEEB), thank you for the opportunity to provide comments on the CARB's Second Workshop on Implementation of Assembly Bill 1594 dated October 3, 2024, and the corresponding Preliminary Regulation Language for both State and Local Government and High Priority Fleet regulations. CCEEB represents both on- and off-road mobile source operators, large fleet owners, as well as entities producing and delivering electricity, hydrogen fuel, and conventional fuel. As such, CCEEB has been actively participating in the development of the California Air Resources Board (CARB)'s Advanced Clean Fleets Regulation.

General Comments

1. CCEEB appreciates the process and transparency of the regulatory update

CCEEB appreciated several aspects of the workshop conducted by Staff, including: the hybrid nature of the workshop, the preview of the language and the transparent docket for public comments. These are all key aspects to improving the regulation. As stated in our May 3, 2024 letter, CCEEB supports CARB continuing to convene hybrid meetings and a public facing comment docket.

2. Suggested changes to the Daily Usage Exemption calculations

CCEEB supports the change allowing the three highest usage days for the Daily Usage Exemption to remain in the calculation for PAUs. In addition, because all available vehicles in a PAUs fleet may be deployed to respond as soon as possible during emergencies, CCEEB requests that the Daily Usage Exemption calculation method be based on the highest readings of each day rather than the lowest of each day. Furthermore, the Daily Usage Exemption calculation method should include *both* mileage or hours of operation. Many traditional utility-specialized vehicles travel short distances but operate at a job site for extended periods of time, especially during emergencies. In those cases, hours would more accurately reflect a fleet's needs.

CCEEB commends Staff for working with public agency utilities (PAUs) to develop the proposals that will allow PAUs to have early access to the ZEV Purchase Exemption and the Daily Usage Exemption.

3. CARB should not add new prerequisite conditions to determine if an exemption will be granted

CCEEB recommends removing the added text under Section 2013.1 that states "All vehicles purchased during the compliance year will be assessed to determine whether an exemption in Sections 2013.1(b) or 2013.1(d) is necessary for the fleet owner to comply; if a sufficient number of ZEVs are available to purchase to meet their requirement under Section 2013(d), these exemptions will not be granted". This addition is not a "clarification" as stated by Staff at the October workshop, and it significantly alters how fleets can comply with the regulation.

Additionally, CARB should not include an additional prerequisite before qualifying for an exemption. The 50 percent purchase requirement, early ZEV purchases, and the exemptions should be separate processes. The workshop discussion and conversations with Staff seem to be leading to a situation where all of these factors are assessed as part of the exemption application. This leads to a more restrictive interpretation of the rule. For example, if an ICE vehicle is on the ZEV Purchase Exemption List or qualifies for a ZEV purchase exemption via application, fleets should be allowed to purchase the vehicle regardless of other ZEV purchases that year.

4. ZEV exemptions for Traditional Utility-Specialized Vehicles operated by PAUs should not be limited to vehicle replacements

Another issue of concern for CCEEB is the restriction on exemptions which limit their applicability to only replacement vehicles. At the workshop, CARB Staff responded to a question focused on this issue by stating the exemptions are for events outside a fleets control, and that adding a vehicle is "within the control of the fleet". This is not

the case for PAUs that have a mandate to serve, be it water quality, water supply, electricity, or gas services. Limiting the ability to get an exemption for a vehicle that wasn't in the fleet at the time of ACF adoption, is akin to limiting the ability of the public agency to do its statutory duty. If the utility needs another vehicle, and there are no ZEVs available, the rule is a prohibition to serve. Therefore, CCEEB requests the following modification to the ACF, where applicable (Daily Use Exemption, ZEV infrastructure Delay Extension, ZEV Purchase Exemption):

"...as an ICE vehicle being replaced, or added to a fleet after the effective date of the rule for the purpose of serving additional load, growth, or expanded service territory, ...:

5. CCEEB supports Metropolitan Water District's request to add vehicle towing capabilities to the definition of Traditional Utility-Specialized Vehicles

CCEEB supports the request from Metropolitan Water District that the definition of a Traditional Utility-Specialized Vehicle to include a third criterion of towing capacities exceeding 30,000 pounds.

6. CCEEB opposes Staff's proposal to limit applications for the Daily Usage Exemption to "no earlier than two years" before the next applicable upcoming ZEV Fleet Milestone compliance date.

Staff's proposal to add a 'no earlier than' requirement is a significant new change, not a clarification. It will have a negative impact on how fleets can comply with the regulation. The "no earlier than two years" provision is not in the original regulation, and CCEEB has not found any indication in the adopted regulatory documents that Staff intended to include the provision when it adopted the regulation. Staff's proposal goes well beyond the requirements of AB 1594 and impact all trucks operated by all fleets, not just traditional utility-specialized vehicles operated by PAUs.

7. Staff should recognize safety concerns associated with hauling hazardous materials with Zero Emission Trucks and hold a special public workshop in Q1 2025 to discuss the issue

Zero emission trucks utilize new technology that is still being evaluated for potential public safety concerns while hauling hazardous materials, e.g. chlorine. CCEEB requests that CARB hold a special public workshop, or a special discussion in a Truck Regulation Implementation Group meeting in Q1 2025 to discuss how the ACF can address this public health issue in the near term as the ACF is rolled out.

8. Daily Use Exemption requests should utilize the same methodology, no matter who owns the Traditional Utility-Specialized Vehicle

Given that Staff has expanded the scope of the proposed changes beyond those required by AB 1594, CCEEB reiterates our request from our May 3, 2024 letter that CARB allow all fleet owners that operate Traditional Utility-Specialized Vehicles, not just public utility fleets, to seek a Daily Use Exemption. The idea that a bucket truck operated by a public utility will be treated differently than a bucket truck operated by a non-public utility creates additional complexity and market disruptions, and therefore we suggest expanding this methodology to all Traditional Utility-Specialized Vehicles.

Thank you for the consideration of our comments. Please feel free to contact me at petero@cceeb.org or 916-326-9890 for further information or discussion.

Sincerely,

/s/

Peter Okurowski
Policy Director
CCEEB

cc:
CCEEB Air Project Members