

December 10, 2024

Mr. Tony Brasil  
Mobile Source Control Division  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814  
zevfleet@arb.ca.gov

Dear Mr. Brasil:

Subject: Los Angeles Department of Water and Power Comments on Advanced Clean Fleets Regulation AB 1594 Amendments

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the California Air Resources Board's (CARB) proposed amendments to the Advanced Clean Fleets (ACF) Regulation to incorporate the requirements under Assembly Bill (AB) 1594.

LADWP is the nation's largest municipal utility serving more than four million residents, businesses and visitors of Los Angeles. As a provider of essential public services, LADWP's priority is to provide safe and reliable water and power services. LADWP's responsibilities include operating and maintaining multiple water distribution facilities at various locations within the City of Los Angeles and Owens Valley, as well as power generation, transmission, and distribution systems that span five Western states. The management and maintenance of these extensive systems require readily accessible and utility-specialized vehicles to preserve and restore water and power as needed.

LADWP supports many of the amendments CARB has proposed thus far, specifically, the definition of traditional utility-specialized vehicles and the added provision for early access to exemptions. These changes will support public agency utilities' transition to Zero-Emissions Vehicles (ZEV) while ensuring the utilities' continued ability to provide reliable and essential public services. LADWP provides the following additional recommendations.

### **Traditional Utility-Specialized Vehicles Definition**

LADWP recommends including vehicles with a towing capacity of 21,000 pounds or greater combined weight rating in the definition of utility specialized vehicles. These vehicles may not necessarily have power take-off or four- or six-wheel drive but are critical for utilities' operations.

### **Daily Usage Exemption**

LADWP recommends allowing public agency utilities to use their highest historical data to determine the daily usage of a vehicle. Public fleets need to plan for the worst-case scenarios. Emergencies such as extreme heat, rain, wind, wildfires and earthquakes are becoming more common each year and public agency utilities will need all available vehicles to respond at a moment's notice when these events occur. Relying on the lowest daily reading is not representative of operational needs during critical emergencies.

Furthermore, LADWP recommends allowing public agency utilities the option to submit comprehensive usage data from internal combustion engine (ICE) vehicles instead of mileage data only. Traditional utility-specialized vehicles often travel short distances but operate at a job site for extended periods of time, depending on the extent of the work required. At times, such as during emergencies, these vehicles can operate continuously for up to 12 hours or more. The highest daily energy usage data more accurately reflects a fleet's needs during these critical emergencies.

### **Other Comments**

LADWP asks CARB to reconsider some of the recently added changes to the draft regulation language. One of these is the recently added language under Section 2013.1 which states that "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". While LADWP appreciates that CARB is providing more clarity in the exemption process, these changes will significantly impact the accessibility of these exemptions.

LADWP was under the impression that the ZEV Purchase Exemption List, ZEV Purchase Exemption Application, and Daily Usage Exemptions were intended to be made available to all fleets, regardless of previous ZEV purchases. These proposed flexibilities and exemptions apply to future purchases and should therefore be treated independently of other earlier vehicle purchases.

The additional language presents an additional prerequisite that could impact the eligibility of fleets for exemptions as needed. To ensure the effective implementation of the rule, LADWP provides the following recommendations to maintain the flexibility initially provided to fleets.

1. The regulation language states that early ZEV purchases “count towards future ZEV purchase requirements”. Early ZEV purchases should not be a factor for consideration when evaluating exemption requests. Fleet owners and operators should not be penalized for early action and should be allowed to develop their procurement plans based on current and future needs. This includes allowing fleet owners/operators to decide when to count previous ZEV purchases towards their ZEV purchases. This will continue to incentivize fleets to purchase available ZEVs as early as possible while maintaining the flexibility to utilize the credits for necessary utility vehicle purchases.
2. Under the ZEV Purchase Exemption, the regulation allows fleet owners to “purchase a new ICE vehicle of the same configuration and weight class as one on the list” or request a ZEV purchase exemption “if a needed configuration is not available to purchase as a ZEV or near-zero-emissions vehicle (NZEV).” These statements should be valid on their own without additional conditions.
3. LADWP’s understanding is that the ZEV Purchase Exemption List is intended to streamline the exemption process. Section 2013.1(d)(1) does not require submitting an application to TRUCRS@arb.ca.gov if a vehicle is on the ZEV Purchase Exemption List, and only refers to recordkeeping and reporting requirements after the vehicle is received. Having each exemption pathway available to all fleets will eliminate the need to assess other vehicle purchases and keep the exemption process streamlined.
4. Public fleets should be able to request exemptions not only for the replacement of vehicles but also for any necessary addition to their fleets. LADWP’s fleet size continues to grow as projects progress throughout LADWP’s large service territory in response to the increased need for water and power system upgrades. To support LADWP’s growing operational needs, vehicle additions should be allowed under the same exemption provisions that allow vehicle replacements when a ZEV configuration is unable to meet a fleet’s specifications or operational requirements.

The various exemption options were supposed to offer alternative compliance pathways while allowing the most optimal purchasing decisions for fleets according to their operational needs. The additional proposed language complicates the exemption process and limits the flexibilities originally provided to meet current and future ACF compliance requirements.

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LADWP is committed to continuing its efforts to electrify its fleet and evaluating ZEVs for effectiveness and reliability as they become available. As a public entity, LADWP prioritizes compliance with all federal, state, and local regulations. However, the proposed amendments will make it more challenging for LADWP to update its fleet and ensure the dependability and efficiency of ZEVs for LADWP's specialized functions. LADWP encourages CARB to continue working with stakeholders to further refine the language to successfully implement the requirements of AB1594 and the goals of ACF. LADWP appreciates CARB's collaboration with the stakeholders and consideration of the feedback provided.

If you have any questions regarding these comments, please contact Ms. Andrea Villarin or Mr. Ellis Chiu, of my staff, at (213) 367-0409 or (213) 367-0470, respectively.

Sincerely,

Katherine Rubin  
Director of Corporate Environmental Affairs

EC:ar  
c: Ms. Andrea Villarin  
Mr. Ellis Chiu