



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

May 25, 2022

Craig Duehring, Manager
Mobile Source Control Division
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Paul Arneja, Engineer
Mobile Source Control Division
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Submitted via Comment Docket

RE: Comments on the Proposed Advanced Clean Fleets Rulemaking, Public Fleets Workshop

Dear Mr. Duehring and Mr. Arneja,

On behalf of the Rural County Representatives of California (RCRC), I write to offer our comments on the California Air Resources Board (CARB) Advanced Clean Fleets (ACF) Regulations, specifically the proposed draft regulations language for public fleet requirements dated May 4, 2022. RCRC is an association of thirty-nine rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

RCRC appreciates many of the changes to the proposed regulations to respond to our concerns, such as 1) recognizing emergency events may require the use of more reliable, non-ZEV backup vehicles to afford public agencies to respond in a manner that would protect public health and safety; 2) including an early purchase credit strategy that wouldn't penalize early ZEV adopters; and 3) clarifying and expanding on exemptions to account for inevitable insufficient ZEV availability to meet compliance requirements.

Unfortunately, energy unreliability continues to plague many rural regions in the state due to utility wildfire mitigation practices. While Public Safety Power Shut-offs (PSPS) are proactive and have the benefit of advance preparation and emergency response coordination, 2022 Wildfire Mitigation Plan updates indicate Pacific Gas & Electric (PG&E) will be deploying widespread circuit calibration settings that will trigger a power outage in high fire risk areas without the benefit of advanced notice or other accountability measures, such as providing back-up power through existing microgrids.¹

¹ For more information, see PG&E's "Enhanced Powerline Safety Settings" (EPSS) program in their [2022 Wildfire Mitigation Plan Update](#).

Since rolling this program out in July 2021, certain PG&E customers were left without power for multiple days. Given EPSS is different than PSPS, public agencies need to have the flexibility to respond during these dire, unexpected situations. Therefore, we recommend the proposed regulatory language be modified. Our specific suggestions and language revisions can be found in the attachment.

Additionally, the assumption presented at the May 4, 2022 workshop that most trucks covered under the regulations travel less than 100 miles per day does not adequately capture servicing unincorporated rural areas. Rural communities have unique landscapes where communities, or even individual residences, are often separated by forests and agricultural lands. Local government-controlled vehicles must be able to traverse these landscapes in order to provide vital services to Californians living within their jurisdictions. We urge CARB to disaggregate the Large Entity Reporting Data to more accurately capture realities in a non-urbanized setting and take such findings into account for designated low population county compliance. For instance, a 100% ZEV fleet may not be feasible for many decades until vehicle technology needs converge with widespread (and reliable) infrastructure availability.

Furthermore, total linear mileage does not reflect the true usage of these vehicles. For example, trucks used for wastewater conveyance and treatment often traverse rough terrain for long distances in rural communities during the general course of providing maintenance and treatment of wastewater systems. These vehicles also routinely operate for long periods of time at maintenance sites and must have longer duty cycles in order to perform the most essential functions. Similarly, public works vehicles used in the course of fuels treatment and brush clearance work for wildfire prevention often remain onsite for several days during the duration of a project. For such a project, traveling to and from the site daily is the least efficient way of completing the work.

Several other questions and outstanding issues remain in the proposed ACF regulations, including:

- Many public agencies, such as joint powers authorities and special districts, serve territories in multiple jurisdictions. Such public agencies that serve a portion of a designated low population county should receive the benefit of having more time to comply with these regulations.
- CARB needs to reconcile competing regulations of other state agencies, in particular the mandates from CalRecycle to divert organic waste. Senate Bill 1383 (Lara), signed into law in 2016, explicitly requires the state to adopt policies and incentives to increase the sustainable production of renewable biofuels from landfills and other sources in order to help mitigate black carbon emissions and meet the measure's emissions reduction goals. The proposed ACF regulations conflict with those requirements by not providing a clear path to meeting those

mandates long-term. CARB must better account for ZEV infrastructure challenges beyond construction delays. At present, we estimate that just over 7 percent of California's public EV charging stations are located in rural counties², which is roughly 60 percent of California's geography. Moreover, CARB must allow back-up vehicles to be used when a public agency's infrastructure is unavailable, such as during Flex Alerts or other rolling brown/blackouts.

- Levying criminal and civil penalties against public agency employees for non-compliance is highly inappropriate. CARB should instead consider administrative penalties against an entity with due process protections, including the ability to appeal such citations.

Again, we appreciate the opportunity to review and comments on the proposed ACF regulations, as well as the interactive workshop held for public fleets on May 4, 2022. We welcome future conversations that would aid CARB with crafting a responsible regulatory package that small public agencies can implement.

Sincerely,



STACI HEATON
Senior Policy Advocate

cc: Richard Corey, Executive Director, California Air Resources Board
Cara Morgan, Branch Chief, California Department of Resources Recycling and Recovery

attachment/enclosure

² For these purposes, rural counties are defined to include RCRC's 39 member counties, which all have populations under 500,000 but cumulatively represent a population larger than 28 U.S. states.

Advanced Clean Fleets Regulation
Proposed Draft Regulation Language

Public Fleet Requirements

California Air Resources Board
Advanced Clean Fleets Workshop
May 4, 2022

POTENTIAL DRAFT REGULATORY LANGUAGE FOR STAKEHOLDER REVIEW: This document provides potential draft regulatory language for the Advanced Clean Fleets rulemaking. This document is only intended to encourage public feedback and should not be construed as a formal regulatory proposal.

DRAFT PROPOSED REGULATION ORDER

Advanced Clean Fleets Regulation

Adopt new sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4, title 13, California Code of Regulations (CCR) to read as follows:

[The text set forth below is new language in “normal type” proposed to be added to the California Code of Regulations.]

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

- (a) Scope and Applicability. Section 2013 applies to any public agency that owns, leases, or operates a vehicle with manufacturer's gross vehicle weight rating (GVWR) greater than 8,500 pounds as defined in section 2013(b)(65). This section does not apply to either federal fleets or vehicles described in section 2013(c).
- (b) Definitions. For the purposes of this regulation, the following definitions apply:
 - (1) “Authorized dealer” means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is authorized and capable of performing repairs to factory specifications, including warranty repair work.
 - (2) “Backup vehicle” means a vehicle, excluding yard tractors, that is operated less than 1000 total miles per year except emergency mileage as specified in section 2013.1(a)(2).
 - (3) “Beverage truck” means a vehicle configuration with multiple storage bays designed to transport beverages in bottles or cans with individual doors to provide access to beverages from the vehicle.
 - (4) “Boom truck” means a vehicle configuration with a mounted crane or aerial limit system to hold and lift poles or equipment into position.
 - (5) “Box truck” means a single-unit vehicle with a fully enclosed cargo space or a partially enclosed cargo space with a roof and at least three sides.

Examples of included vehicles are those commonly referred to as step vans, refrigerated vans, dry vans, and box reefer trucks.

- (6) "Bucket truck" means a vehicle configuration with an affixed personnel lift system with a control platform at the end of the lift that with a space for the operator to stand and work above the ground.
- (7) "Bus" means any vehicle designed, used, or maintained for carrying more than ten persons, including the driver, and is configured with seats for the primary purpose of transporting persons including the driver.
- (8) "California fleet" means vehicles operated in California during a calendar year. If a vehicle is operated in California at any time during a calendar year, it will be considered part of the California fleet for the entire calendar year.
- (9) "Car carrier" means a tractor trailer combination with a permanently affixed structure designed for carrying on-road vehicles attached to the chassis of the power unit.
- (10) "CARB" means the California Air Resources Board.
- (11) "Class 2b-3" means a vehicle with a GVWR greater than 8,500 pounds and less than or equal to 14,000 pounds.
- (12) "Class 4" means a vehicle with a GVWR greater than 14,000 and less than or equal to 16,000 lbs.
- (13) "Class 5" means a vehicle with a GVWR greater than 16,000 and less than or equal to 19,500 lbs.
- (14) "Class 6" means a vehicle with a GVWR greater than 19,500 and less than or equal to 26,000 lbs.
- (15) "Class 7" means a vehicle with a GVWR greater than 26,000 and less than or equal to 33,000 lbs.

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

(+6)(17) "Commercially available" means a public entity received competitive, responsive bids in quantities that can be fulfilled by a responsible manufacturer.

(+7)(18) "Concrete mixer" means a vehicle configured with a rotating drum that is used to transport, mix and discharge concrete at a work site.

(+8)(19) "Concrete pump truck" means a vehicle equipped with a system of pipes and hoses mounted on a boom affixed to the truck that is

designed to pump wet concrete to a location at the work site that is elevated or otherwise difficult to dispense directly from the concrete mixer.

(19)(20) “Criteria pollutants” mean air pollutants for which air quality criteria have been issued by the Administrator of the United States Environmental Protection Agency under title 42, United States Code (USC) section 7408.

(20)(21) “Day cab tractor” means an on-road tractor without a berth designed for resting or sleeping at the back of the cab and is not a yard tractor.

(21)(22) “~~Declared e~~Emergency event” means the time period of an emergency event declared by an entity with police powers such as a local governing body, state Governor, or the President of the United States ~~due to earthquake, flood, storm, fire, terrorism, or other infrequent act of nature~~. The emergency event period shall ~~be determined by the Executive Officer and shall~~ remain in effect until the immediate threat to public safety has ended and the ~~Executive Officer declares the~~ emergency event is over.

(22)(23) “Dedicated snow removal vehicle” means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger, and is operated exclusively to remove snow from public roads, private roads, or other paths to allow on-road vehicle access.

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

(24)(25) “Digger derrick” means a truck configuration equipped with a powered auger mounted on a boom for the purpose of digging shallow holes and setting poles.

(25)(26) “Dispatch” means to provide direction or instruction for routing a vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering cargo, passengers, property or goods, or providing a service.

(26)(27) “Drill rig” means a vehicle with an affixed drilling system with pipes and cutting bits designed for the purpose of drilling into the ground for developing oil wells, water wells or extracting other fluids.

(27)(28) “Dump truck” means a vehicle with an open bed that is designed to transport sand, gravel, dirt, and similar loose materials to or from a

work site and dump the load with an affixed powered hoist system.

~~(28)~~(29) _____ “Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to an ~~an declared~~ emergency event. Examples of emergency operation include vehicle used at an emergency event to repair or prevent damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature. Emergency operation includes emergency support vehicle travel to and from an ~~an declared~~ emergency event when dispatched by a local, state, or federal agency. Routine operation to prevent public health risks does not constitute emergency operation.

~~(29)~~(30) _____ “Emergency support vehicle” means a vehicle other than an authorized emergency vehicle that has been dispatched by a local, state, or federal agency that is used to provide transport services or supplies in connection with an emergency operation.

~~(30)~~(31) _____ “Executive officer” means the Executive Officer of the California Air Resources Board or their delegated representative.

~~(31)~~(32) _____ “Federal fleet” means vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies including the United States Postal Service that operate in California. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a branch of military service or an installation.

~~(32)~~(33) _____ “Flatbed truck” means a vehicle equipped with an entirely flat cargo space without permanently affixed walls on the sides or back of the vehicle. This definition also includes vehicles typically referred to as stake bed trucks with a flat bed and easily removable walls.

~~(33)~~(34) _____ “Fleet” means one or more vehicles owned by a fleet owner. It also includes rental or leased vehicles that are considered owned by the fleet owner per section 2013(b)(34).

~~(34)~~(35) _____ “Fleet owner” means the person or entity that owns the vehicles comprising the fleet. The owner shall be presumed to be either the person registered with the California Department of Motor Vehicles (DMV) as the owner or lessee of a vehicle, or its equivalent in another state, province, or country; vehicle ownership is based on the vehicle registration document or the vehicle title, except as specified below:

(A) For vehicles that are rented or leased from a business that

is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer and the terms of the rental or lease agreement or other equally reliable evidence identifies the renting operator or lessee of the vehicle as the party responsible for compliance with state laws.

- (B) For purposes of enforcement, if the vehicle is inspected and cited for noncompliance with this regulation and neither the operator of the vehicle nor the rental or leasing entity can produce evidence of the party responsible for compliance with state laws, the owner shall be presumed to be both the rental or leasing entity and the renting operator or lessee of the vehicle.
- (C) A financing company or a person that only provides financing to a third party in the form of “finance leases,” as defined in California Uniform Commercial Code Section 10103(a)(7), is not considered to own the vehicles that are financed. Similarly, a financing company or a person that only provides financing to a third party for powertrain retrofits is not considered to be the owner of the vehicle.

~~(35)~~(36) “Greenhouse gas” means a gas that absorbs and emits radiant energy within the thermal infrared range.

~~(36)~~(37) “Gross vehicle weight rating” or “GVWR” means the same as California Vehicle Code (CVC) section 350, as indicated by the characters in the 4-8 positions in a standard 17-character Vehicle Identification Number (VIN).

~~(37)~~(38) “Historical vehicle” means a vehicle that meets the qualifications for a historical vehicle and has been issued a historical vehicle license plate pursuant to the CVC section 5004, and is operated or moved over the highway primarily for the purpose of historical exhibition or other historic vehicle club activities.

~~(38)~~(39) “Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

~~(39)~~(40) “Internal combustion engine vehicle” or “ICEV” means a vehicle with a powertrain powered by gasoline, diesel, natural gas, propane, or other fuel where the sole source of power is from the combustion of the on-board fuel to provide motive power.

~~(40)~~(41) “Lessee” has the same meaning as defined in CVC section 371.

~~(41)~~(42) “Manufacturer” means any entity or person who manufactures or assembles new on-road motor vehicles or yard tractors, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, the term manufacturer includes any person who manufactures or assembles an on-road vehicle, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a new on-road motor vehicle into commerce in California. This includes importers who import on-road vehicles for resale. This does not include persons who supply parts to the importer or vehicle manufacturer of record.

~~(42)~~(43) “Model year” means a designation meeting the definition of “model year” under 17 CCR section 95662(a)(16).

~~(43)~~(44) “Motor carrier” means the same as defined in CVC section 408.

~~(44)~~(45) “Near-zero-emissions vehicle” or “NZEV” means a [commercially available](#) vehicle as defined in title 13, CCR section 1963(c)(16) that is capable of operating like a ZEV using electricity stored on-board the vehicle for a minimum number of miles as specified and tested per the “all-electric range” requirements of title 17, CCR section 95663(d), [or a commercially available ICEV fueled by biomethane or renewable natural gas](#).

~~(45)~~(46) “New vehicle” means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

~~(46)~~(47) “Notice to proceed” means a written direction to a vehicle manufacturer or drivetrain conversion installer to commence production or conversion of a vehicle as provided in a contract.

~~(47)~~(48) “Pickup truck” means a vehicle that is configured with an open box-type bed and meets the definition set forth in CVC section 471.

~~(48)~~(49) “Primary intended function” means the main function for which a complete vehicle configuration is designed and integrated into the body or vehicle design. It does not include auxiliary equipment or secondary uses of equipment that is added to or carried on the vehicle body.

~~(49)~~(50) “Public agency” means a city, county, public utility, special district, or a public agency of the State of California, and any department, division, public corporation, or public agency of the State of California.

~~(50)~~(51) “Refuse compactor truck” means a vehicle specially designed to collect and compact residential or commercial solid waste on the vehicle for purposes of transportation and disposal. These include but are not limited to vehicles commonly referred to as front loader, rear loader, and automated and semi-automated side loaders.

~~(51)~~(52) “Refuse roll-off truck” means any heavy duty vehicle that is designed to drop off and pick up open boxes or other containers that are commonly used to collect residential and commercial solid waste at a site.

~~(52)~~(53) “Removed from the California fleet” means a vehicle that is no longer operated in California by the fleet owner on or after the date the vehicle meets one of the following conditions:

- (A) Destroyed or scrapped
- (B) Registered as Planned Non-Operation with the California DMV within 60 days before and 90 days after the expiration of the vehicle registration date
- (C) Filed an Affidavit of Non-Use with the California DMV up to 75 days before the expiration of the vehicle registration date; or
- (D) Sold out-of-state or transferred out-of-state.

~~(53)~~(54) “Responsible official” means either a principal executive officer, ranking elected official, or delegated representative of the public agency.

~~(54)~~(55) “Service or utility truck” means a vehicle equipped with an attached body that is configured with both open and enclosed storage compartments for the purpose of transporting, tools, and equipment to a work site.

~~(55)~~(56) “Sleeper cab tractor” means a tractor with a berth designed for resting or sleeping at the back of the cab.

~~(56)~~(57) “Standard rounding convention” means if the calculated value is not equal to a whole number, the value shall round up to the nearest whole number when the fractional part is equal to or greater than 0.5, and round down to the nearest whole number if less than 0.5.

~~(57)~~(58) “Step van” means a vehicle with an enclosed cargo space accessible from the vehicle’s cab where the driver can stand or sit at the steering wheel.

~~(58)~~(59) “Sweeper truck” means a vehicle designed to pick up dirt, dust and

small debris from paved roadways and similar driving surfaces by using a spray water system and a combination of broom bristles and vacuum suction.

~~(59)~~(60) “Tank truck” means a vehicle that is configured with a tank integrated into the body and is designed to transport bulk cargo in the form of liquids, semi-liquids, and gasses. It does not include vehicles with tanks that are separately mounted on a flatbed truck or body, and does not include water trucks.

~~(60)~~(61) “Tow rollback truck” means a vehicle with a moveable flatbed body that is able to tilt to the ground and is equipped with a lift or pulley mechanism used to load other vehicles or equipment that are disabled, abandoned, damaged or wrecked onto the bed for transport.

~~(61)~~(62) “Tractor” means an on-road vehicle meeting one of the following:

- (A) The definition of “tractor” in title 17, CCR section 95662(a)(23), or
- (B) The definition of “vocational tractor” in title 17, CCR section 95662(a)(27).

~~(62)~~(63) “Two-engine vehicle” means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with 2 engines: 1 engine provides the primary source of motive power of the vehicle while the second engine is an auxiliary engine with 50 brake horsepower or greater that is permanently attached and integrated into the original design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power. If a vehicle was originally designed with the capability to have an auxiliary engine installed, but the auxiliary engine was installed by someone else other than the original equipment manufacturer, the vehicle still qualifies as a two-engine vehicle. Two engine street sweepers are not included in this definition.

~~(63)~~(64) “Vacuum truck” means a vehicle that is configured with a tank and system to vacuum liquid from a site and transport the load to a location for disposal or reuse.

~~(64)~~(65) “Van” means a single unit vehicle with configured with seats to transport passengers or with an enclosed space for the primary purpose of transporting cargo and equipment.

~~(65)~~(66) “Vehicle” or “motor vehicle” means self-propelled equipment that meets one of the following criteria:

- (A) Equipment that has a GVWR that is greater than 8,500 lbs. that is

intended for use on highways, and meets the definition set forth in title 17, CCR section 95662(a)(26); or

(B) Is an off-road yard tractor

~~(66)~~(67) “Vehicle awaiting sale” means a vehicle in the possession of a dealer, financing company, a private party, or other entity that does not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and it is operated only to demonstrate functionality to potential buyers, to move short distances to make repairs, or for maintenance or storage. It also includes new vehicles that are driven for the first time to be delivered to the ultimate purchaser to be placed in service outside of California.

~~(67)~~(68) “Vehicle addition” or “vehicle purchase” means the fleet owner has placed an order for a new vehicle or powertrain conversion for immediate delivery or installation and has already paid for or has entered into a binding agreement with the authorized dealer, powertrain conversion installer, or manufacturer to pay for the vehicle or conversion. Vehicle addition also means the fleet owner has paid for or has entered into a binding agreement for the purchase of a used vehicle from another party for immediate delivery. A vehicle purchase includes where the agency has identified, committed and encumbered funds and executed any one of the following:

- (A) A written notice to proceed executed by a fleet owner to a manufacturer or powertrain conversion installer to begin production of the vehicle either:
 - 1. Under a previously-entered purchase contract.
 - 2. To execute a contract option.
- (B) A written purchase agreement between a fleet owner and the manufacturer or powertrain conversion installer that specifies the date when the work to manufacture or convert the vehicle is to proceed
- (C) A written purchase agreement between a fleet owner and another party for the purchase and immediate delivery of a used vehicle; or
- (D) A signed written lease agreement between a fleet owner and the manufacturer or authorized dealer for a new vehicle to be placed in service for a contract term of one year or more.

~~(68)~~(69) “Water truck” means a vehicle configured with a bulk water tank as the primary body configuration used to transport and dispense

water for dust control, irrigation or other uses. It does not include vehicle configurations where a tank is attached to a flatbed or other multi-use body type.

~~(69)~~(70) “Yard tractor” means an on-road or off-road vehicle that has a movable fifth wheel that can be elevated and is used in moving and spotting trailers and containers at a location or facility. Yard tractors are also commonly known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.

~~(70)~~(71) “Zero-emissions powertrain” means an all-electric or hydrogen fuel-cell powertrain assembly, which includes (if applicable) the electric traction motor, system controller, generator, on-board charger, battery management system, thermal management systems, energy storage system (batteries, capacitors, and flywheels), inverter, fuel-cell stack, and the interface at which electrical power is converted to tractive mechanical power or vice-versa (in the case of a regenerative braking system), certified pursuant to the requirements incorporated by reference in title 13, CCR section 1956.8.

~~(71)~~(72) “Zero-emissions vehicle” or “ZEV” means a vehicle with a zero-emissions powertrain that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

- (c) Exemptions. The following entities and vehicles are exempt from the requirements of sections 2013 through 2013.4:
- (1) School buses as defined in CVC section 545(a)
 - (2) Military tactical vehicles as described in title 13, CCR section 1905
 - (3) Vehicles awaiting sale
 - (4) Emergency vehicles as defined in CVC section 165
 - (5) Historical vehicles
 - (6) Dedicated snow removal vehicles
 - (7) Two-engine vehicles
 - (8) Heavy cranes as defined in title 13, CCR section 2021(b)(16)
 - (9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023
- (d) General requirements. Starting January 1, 2024, fleet owners must only add

ZEVs to their California fleet as specified by the following schedules:

- (1) For a public agency whose jurisdiction ~~is not solely in~~ that does not serve a designated low population county:
 - (A) Starting January 1, 2024, 50 percent of the total number of vehicles added to the California fleet in each calendar year must be ZEVs; and
 - (B) Starting January 1, 2027, 100 percent of the total number of vehicles added to the California fleet in each calendar year must be ZEVs.
- (2) For a public agency whose jurisdiction ~~is solely in~~ does not serve a designated low population county:
 - (A) Starting January 1, 2027, 100 percent of the vehicles added to the California fleet in each calendar year must be ZEVs.
- (e) NZEV Flexibility. ~~Until January 1, 2035, purchases~~ Purchases of new or used NZEVs may be made in lieu of ZEV purchases if no new ZEVs are available per section 2013.1(c), or to comply with requirements of Senate Bill 1383 (Ch. 395, Statutes of 2016) short-lived climate pollutants.
- (f) Rounding. If the calculated required minimum number of ZEV additions as set forth in section 2013(d) does not result in a whole number, then use the standard rounding convention as defined in section 2013(b)(56).
- (g) ZEV accounting. Each ZEV or NZEV may be counted only once as long as the vehicle remains in the fleet to count towards compliance with the purchase requirement for a given calendar year.
- (h) Early or Excess ZEV additions. Early or excess ZEV additions to the California fleet may be used to count towards future purchase requirements as long as the ZEV is still active in the fleet. Each ZEV addition may count only once per the accounting requirements in section 2013(g).
- (i) Requirement to Hire Compliant Fleets. Any motor carrier, broker, or any California person or entity who hires or dispatches any fleet subject to this regulation must verify that each hired or dispatched fleet is listed on the CARB website as a compliant fleet. The hiring entity must also comply with the record keeping requirements of section 2013.3(g).
- (j) Order Cancellations. If a fleet owner cancels a notice to proceed, a purchase agreement, or a leasing contract at any time before the vehicle is delivered, the purchase will be considered invalid and will not count towards required ZEV additions to the California fleet. a. If a manufacturer cancels or cannot fulfil a contract, it shall not count against the public agency's procurement

[requirements.](#)

- (k) Compliance Date. Annual compliance with the ZEV addition requirements is determined on January 1 of each calendar year.
- (l) Vehicle Exemptions. Exemptions or extensions will only be granted by CARB if the fleet would remain in compliance by using it. The following is a list of exemptions that may be utilized by fleet owners to remain in compliance:
 - (1) Backup Vehicle Exemption. Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2013(d) if it is designated as a backup vehicle as specified in section 2013.1(a) and may exclude mileage accrued when the vehicle is operated in support [an declared](#) emergency event as specified in section 2013.1(a)(2).
 - (2) Infrastructure ~~Construction~~-Delay Extension. Fleet owners are excused from taking immediate delivery or ordered ZEVs by ~~up to at least~~ one year when determining compliance with section 2013(d) if the criteria described in section 2013.1(b) are met.
 - (3) ZEV Unavailability. Fleet owners may purchase an ICEV and exclude it from the ZEV addition requirements of section 2013(d) if the fleet owner can demonstrate that all the remaining ICEVs in the fleet that are not already using an exemption or extension cannot be replaced with a ZEV or NZEV of the needed configuration because they are not available to purchase and the conditions of section 2013.1(c) are met.
 - (4) Mutual Aid Assistance. Fleet owners may purchase an ICEV and be exempt from the ZEV addition requirement of section 2013(d) for a portion of the fleet if the vehicles are needed to provide emergency response services and the conditions described in Mutual Aid Assistance section 2013.1(d) are met.
- (m) Reporting and Recordkeeping Requirement. Beginning January 1, 2024, fleet owners must meet reporting requirements as specified in section 2013.2 and keep and provide records as specified in section 2013.3.
- (n) Vehicles Acquired with Public Funds. If a fleet owner receives public funding for ZEVs or NZEVs, and the California State-provided incentive funding program guidelines specify the vehicle cannot be used to count toward determining compliance with the general requirements section of 2013(d), the vehicle will not be counted as a compliant vehicle during the funding contract period. The fleet owner must meet the reporting requirements specified in section 2013.2(c)(2)(L).
- (o) Certificate of Reported Compliance and Compliant Fleet List. If the requirements of sections 2013 through 2013.4 have been met and the required

reporting has been received to demonstrate compliance, CARB will provide the fleet owner with a Certificate of Reported Compliance. CARB will list on the CARB website information for compliant fleets that have received a Certificate of Reported Compliance, with the CARB-issued ID number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a “ZEV Fleet” per title 13, section 2015(o). Fleets that do not comply will not be listed on the CARB website.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.1 State and Local Government Fleet Exemptions

Fleet owners may take advantage of the following exemptions or extensions for any future compliance requirements if the California fleet is already in compliance. Fleet owners requesting or utilizing any exemptions or extensions must meet reporting and recordkeeping requirements for each exemption or extension as specified in sections 2013.2 and 2013.3. Any exemptions or extensions approved for a fleet owner are not transferrable to another fleet owner.

- (a) Backup Vehicle Exemption. Backup vehicles as defined in section 2013(b)(2) may be excluded when determining compliance with the ZEV addition requirements of sections 2013(d). Fleet owners may purchase an ICEV instead of a ZEV to designate as a backup vehicle if the conditions of this section have been met. The fleet owner must meet each of the following requirements:
 - (1) The fleet owner must report the vehicle as a backup vehicle and must submit odometer readings per section 2013.2(e)
 - (2) The fleet owner may exclude any mileage accrued while performing emergency operations in support of [a declared an](#) emergency event when determining whether the vehicle meets the definition of a backup vehicle
 - ~~(3) — [When a backup vehicle exceeds its annual mileage limit the vehicle must be immediately removed from the California fleet. The vehicle may not be used to claim another exemption or extensions.](#)~~
 - ~~(3) [The fleet owner may exclude any mileage accrued while the ZEV is unavailable if recharging.](#)~~
- (b) Infrastructure ~~Construction~~-Delay Extension. A fleet owner that experiences [construction a](#) delay for a project to install their own hydrogen vehicle fueling

station or battery-electric vehicle charging station ~~that is beyond its control~~ may request an extension to delay delivery of a ZEV that needs the infrastructure to operate in the fleet if publicly available infrastructure cannot be used. The Executive Officer will grant ~~a single~~an extension to delay the vehicle delivery for at least one year if they determine the fleet owner satisfies the criteria for the delay, based on the information submitted below and the exercise of good engineering judgment. The fleet owner may request an extension by submitting documentation showing ~~each~~any of the following ~~requirements are met~~:

- (1) Submit documentation showing the executed contract for the infrastructure installation with a construction project start date at least one year prior to the next immediately applicable compliance date for the purchased vehicle
 - (2) Submit documentation showing the delay is a result of ~~any of the following~~ circumstances beyond the fleet owner's control, such as: Change of a general contractor; delays obtaining power from a utility; delays obtaining construction permits; delays due to unexpected safety issues; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act; or natural disasters
 - (3) Submit a letter signed by the responsible official and a letter from the licensed contractor performing the work or the related utility, building department, or other organizations involved in the project to CARB which includes an explanation of the reasons for the delay, why retail infrastructure cannot be used, and the estimated completion date of the project
 - (4) Documentation showing the executed purchase agreement for the ZEVs
- (c) ZEV Unavailability Exemption. Fleet owners may be exempt from the ZEV purchase requirements if a vehicle configuration is not commercially available with a ZEV or NZEV powertrain at the time the ICEV is purchased. The exemption does not apply to pickups, buses, box trucks, vans, or any tractors. A list of unavailable ZEVs will be kept on the CARB website as specified in this section. The Executive Officer will add and remove vehicles from the list if the conditions of this section have been met. Fleet owners will be able to purchase an ICEV of the listed configuration instead of a ZEV or NZEV without submitting a separate exemption request provided the supporting documentation reporting requirements of section 2013.2(f) are met. The following are the criteria for listing vehicles:
- (1) The list will include vehicle configurations for the primary intended function of the vehicle for Class 4 through 6 vehicles as a group and for Class 7 through 8 vehicles as a group
 - (2) Documentation must be submitted to CARB for consideration by the

Executive Officer to have a vehicle added or removed from the list based on the primary configuration of the vehicle.

- (3) Vehicles will be added to the list if ~~all~~any of the following apply:
- (A) The vehicle configuration is commercially available as an ICEV
 - (B) There is no new ZEV or NZEV powertrain conversion for any commercially available new ICEV or incomplete chassis that can be equipped in the needed configuration
 - (C) There is no commercially available new ZEV or NZEV sold as a complete vehicle with an equivalent configuration; and
 - (D) There is no new ZEV or NZEV chassis that is commercially available that can be equipped in the needed configuration.
 - ~~(D)~~(E) A replacement ZEV or NZEV costs more than twice the amount of the ICEV equivalent
- (4) Vehicles will be removed from the list when the conditions specified in section 2013.1(c)(3) are no longer met effective January 1 at least 6 months after the determination is made that the configuration is commercially available as a ZEV or NZEV needed to comply.
- (d) Mutual Aid Assistance. Any regulated entity with a mutual aid agreement to send vehicles to assist other entities during an declared [DP1] emergency event may request an exemption to purchase an ICEV with a GVWR greater than 14,000 lbs. instead of a ZEV for a portion of the fleet. The exemption does not apply to pickups, buses, box trucks, vans, or any tractors and it does not apply to any vehicle configurations that are available as NZEVs. The Executive Officer will grant the exemption if the conditions of this section have been met. The following conditions must be met:
- (1) The entity must have a mutual aid agreement with other entities to assist with affected vehicles during declared emergency events
 - ~~(2) — At least 75 percent of the total number of vehicles already in the California fleet and on order must already be ZEVs~~
 - ~~(3)~~(2) The fleet owner must demonstrate that mobile fueling for ZEVs is not commercially available for the needed configurations as specified below. Fleet owners must:
 - (A) Issue a public request for bids to purchase ZEVs with a GVWR greater than 14,000 lbs. that meet the primary intended function and a request for information about mobile fueling options for the

ZEVs.

1. For responsive bids for ZEVs, demonstrate that mobile fueling options are not commercially available that would reach 80 percent of the ZEV's fueling capacity within 1 hour of fueling time.

~~(4)~~(3) Show no NZEVs with a GVWR over 14,000 lbs. of the needed configuration are available to purchase by completing the steps for NZEV unavailability as specified in section 2013.1(c); and(5) The responsible official must submit a letter to CARB to request the exemption with an explanation of the reason for the exemption and documentation supporting the requirements in sections 2013.1(d)(1-3); the Executive Officer will grant an exemption if they determines the fleet owner satisfies the criteria for the exemption, based on the information submitted below and the exercise of good engineering judgment

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.2 State and Local Government Fleet Reporting

- (a) Method of Reporting. Reports submitted to comply with sections 2013 through 2013.4 must be submitted online through CARB's Advanced Clean Fleets webpage.
- (b) Reporting Deadline and End Date. No later than April 1 of each year until April 1, 2045, each fleet must annually submit a compliance report to the Executive Officer showing the fleet composition as of January 1 of each year. The initial report must be submitted by April 1, 2024.:-
- (c) Fleet Reporting. Fleet owners must report the following:
 - (1) Public Agency Information. Fleet owners must report the following:
 - (A) Public agency name
 - (B) Physical address where records will be kept
 - (C) Designated contact mailing address
 - (D) Designated contact person name
 - (E) Designated contact person phone number

- (F) Designated contact person email
 - (G) Identify the jurisdiction (state, county name, city name or other local governments)
 - (H) If the fleet being reported is managed by someone other than the primary agency report the CARB issued ID of the primary agency; and
 - (I) Name of the responsible official.
- (2) Vehicle Information. The fleet owner must report the following information for each vehicle in the California fleet:⚡
- (A) Vehicle Identification Number (VIN)
 - (B) Vehicle make and model
 - (C) Vehicle model year
 - (D) Vehicle license plate number
 - (E) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.)
 - (F) Vehicle body type
 - (G) Fuel and powertrain type
 - (H) Date vehicle purchase was made
 - (I) Date vehicle was added to or removed from the California fleet
 - (J) Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension provision of section 2013.1
 - (K) Odometer readings for backup vehicles; and
 - (L) Funding contract start and end date for vehicles purchased with California State-funding if the vehicle is to be excluded during the funding contract period as specified by the funding program.
- (d) Changes to an Existing Fleet. Fleet owners must comply with the following reporting requirements when adding or removing vehicles:
- (1) Vehicles added to the California fleet must be reported within 30 calendar days of being added to the fleet.

- (2) Vehicles that are permanently removed from the California fleet must have the removal and date be reported within 30 calendar days of removal. The report must include the date of removal
 - (3) If a backup vehicle exceeds the allowable mileage limit the change must be reported within 30 calendar days of the date the mileage limit was exceeded.
 - (4) ZEV Repowers or Conversions. Vehicles repowered with zero-emissions powertrains must report the vehicle's new fuel type within 30 calendar days of being repowered or converted.
- (e) Odometer Reading Reporting. Fleet owners that have backup vehicles must comply with the following reporting requirements:
- (1) Odometer Readings. Report annually the mileage reading and the date the reading was recorded from a properly functioning odometer.
 - (2) Odometer Replacement. In the event that the odometer is replaced, report the following within 30 calendar days of the original odometer failure: the original odometer's final reading, the new odometer's initial reading, and the date of replacement; and
 - (3) Backup Vehicles. Fleet owners with designated backup vehicles must additionally report the following if applicable:
 - (A) Hubodometers. If the vehicle's odometer is not functional, report the serial number from a hubodometer with a non-resettable odometer; and
 - (B) Emergency Mileage. For backup vehicles used in emergency operations due to a [locally-declared](#) emergency event, the fleet owner must report the number of miles travelled in support of the emergency if the vehicle would exceed the backup vehicle mileage limit. [In the event of a state- or federally-declared emergency, the backup vehicle is exempt from mileage reporting for the duration of the active state of emergency.](#)
- (f) ZEV Unavailability Supporting Documentation Reporting. Fleets owners that purchase an ICEV pursuant to the ZEV Unavailability exemption of section 2013.1(c) must submit to the Executive Officer the purchase agreement and the following clear and legible photographs of:
- (1) DMV Vehicle Registration Card or Registration Renewal notice
 - (2) VIN/GVWR label (typically located on the driver side door or door jamb)

- (3) License plate with side of the vehicle visible
 - (4) Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
 - (5) Entire right side of the vehicle with doors closed showing the vehicle's body configuration.
- (g) Requirement For Signature. All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.3 State and Local Government Fleet Recordkeeping

Fleet owners must keep and provide the following forms of documentation upon request or make them available to CARB staff within 72 hours of a request:

- (a) Entity and Vehicle Documentation. The following records are required to be kept and provided upon request for vehicles in the California fleet:
 - (1) Records of all vehicle information reported per section 2013.2
 - (2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles
 - (3) For all vehicles that have been removed from the California fleet, keep and provide the following:
 - (A) If the vehicle is sold out-of-state, a transfer of liability form filed with DMV, including the date of sale and mileage reading at the time of sale
 - (B) If the vehicle is transferred out-of-state, but not sold, a copy of the out-of-state registration
 - (C) If the vehicle is registered with DMV as non-revivable junked or dismantled, a copy of the registration demonstrating it was filed as such with DMV; and
 - (D) If the vehicle is sold or consigned to an auction house, a copy of the contract and the transfer of liability form filed with DMV, if

applicable.

- (4) Emergency Operation Dispatch Documentation. Fleet owners with backup vehicles that exceed the annual mileage limit because they were used to perform emergency operations must keep and provide records to document dispatch by a local, state, or federal emergency management entity. Additionally, fleet owners must keep and provide records of any contracts with a company or agency that was dispatched by a government agency to support emergency operations.
- (b) Operator Documentation. Fleet owners must keep and provide documentation that identifies the entity that is responsible to pay the driver who is not a public agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick up and termination destination of the cargo.
 - (c) Backup Vehicle Documentation. For any fleet owner utilizing the backup vehicle exemption in section 2013.1(a), the fleet owner must keep and provide their own maintenance records and third party records of the vehicle miles traveled, such as those provided in smoke opacity test results, Biennial Inspection of Terminals inspection records, fuel tax records, or third party maintenance records. Additionally, fleet owners utilizing the backup vehicle exemption must keep and provide the following if applicable:
 - (1) Emergency Mileage Documentation. Fleet owners of backup vehicles used in emergency operations in support of an ~~an declared~~ emergency event must keep and provide records to document vehicle mileage accrued in support of an emergency event.
 - (2) Non-Operation Certificate Documentation. Fleet owners of backup vehicles that are not drive for the entire compliance year must keep and provide copies of either a planned non-operation certificate or a certificate of non-operation has been filed with the DMV.
- (d) Infrastructure Delay Documentation. Fleet owners that utilize the Infrastructure Delay Exemption must keep and provide copies of all documents, letters, contracts, and purchase agreements used to support their request for the exemption.
- (e) ZEV Unavailability Documentation. Fleet owners utilizing the ZEV Unavailability exemption must keep and provide documentation, purchase records, and other records used to qualify for the extension, records and photographs of the ICEVs purchased pursuant to the exemption, and any documentation to support adding or removing vehicles from the CARB list.
- (f) Documentation for Mutual Aid Assistance. Fleet owners that utilize the Mutual Aid Assistance provision must keep and provide copies of all documents,

mutual aid agreements, publicly issued bids and requests for information, and letters used to support their request for the exemption.

- (g) Hiring Entity Documentation. Hiring entities that are subject to the regulation per section 2013(i) must keep and provide documentation, records, dispatch records, contracts, certificates of compliance, and other records used to verify that hired fleets are compliant with CARB regulations.
- (h) Retention of Records. Records of reported information required in reporting section 2013.2 and documentation required in record keeping section 2013.3 must be kept by the fleet owner and made available to CARB staff for audit for a period of eight years from the date the information is used to demonstrate compliance.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5 Health and Safety Code.

Section 2013.4 State and Local Government Fleet Enforcement

- (a) Audit of Records. Within ~~72 hours~~ 10 business days of a request by CARB, a fleet owner must make all records required to be kept per sections 2013 through 2013.4 available to the Executive Officer for audit to verify compliance and the accuracy of the reported information.
- (b) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.
- (c) Penalties. ~~Any person who~~ A public entity that fails to comply with the performance requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to ~~civil or criminal~~ administrative penalties.
- (e) Right of Entry. An agent or employee of CARB, upon presentation of proper credentials, has the right to enter any motor carrier, broker, or hiring entity facility (with any necessary safety clearances) where vehicles are located or vehicle records, including hiring and brokering records, are kept to verify

compliance.

- (e) Appeal. A public entity has the right to appeal penalties or citations issued by CARB and may request a hearing.
- ~~(d)~~(f) Indemnification. Nothing in these regulations shall impede the ability of public agencies to comply with other state regulatory rules or strategies, specifically organic waste diversion mandates to reduce short-lived climate pollutants pursuant to Senate Bill 1383 (Ch. 395, Statutes of 2016), such as market development and procurement of biogas as vehicle fuel in fleets.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, 43104 Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39000, 39003, 39650, 39655, 43000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43205, 43205.5, 43212 Health and Safety Code.