



California Air Resources Board
 1001 I Street
 Sacramento, CA 95814

Submitted via email

April 18, 2022

Re: Targeted Fixes to the High Priority Fleets Section of CARB’s Advanced Clean Fleets Rule

Dear CARB Staff:

The undersigned community, environmental justice, environmental, and health organizations write to request that the California Air Resources Board (CARB) staff make some key, targeted amendments to the current draft Advanced Clean Fleets (ACF) rule, specifically to the High-Priority Fleets section. We believe that these surgical amendments are practical, feasible, and will lead to greater adoption of zero-emission trucks sooner while still allowing for flexibility in the implementation of the rule.

I. CARB should strengthen the ZEV fleet milestones, and reformat the table for greater flexibility.

Our organizations are committed to working with CARB to develop a strong ACF rule that charts a course for California to meet its statewide zero-emission vehicle (ZEV) targets, as set forth in CARB’s 2020 Mobile Source Strategy and the Governor’s Executive Order N-79-20. The proposed ZEV fleet milestones are a good starting point, but should be strengthened to better address our health, air quality, and climate concerns, and reflect current and projected ZEV availabilities across truck categories and the cost savings of ZEVs over combustion trucks. The attached annotated bibliography paints a clear picture of the feasibility of setting stronger milestones.

Staff should modify the table for the ZEV fleet milestones to give the agency more flexibility to set specific targets for each truck category that more accurately reflects the current and projected rates of deployment for those vehicles.

We propose the following milestone targets and format of the ZEV fleet milestone table:

	Group 1: Box trucks or vans, two-axle buses, yard tractor	Group 2: Work trucks, day cab tractors, three-axle buses	Group 3: Sleeper cab tractors and specialty vehicles
2025	10%		
2026	10%	10%	
2027	10%	10%	10%
2028	40%	10%	10%
2029	40%	30%	10%
2030	75%	50%	30%
2031	75%	50%	30%
2032	90%	50%	30%
2033	90%	75%	30%
2034	90%	75%	50%
2035	100%	75%	50%
2036		90%	50%
2037		90%	75%
2038		90%	75%
2039		100%	75%
2040			100%

II. To avoid incentivizing pre-buys, change the alternative compliance pathway cutoff to 2022.

The current draft regulation allows fleets that do not meet the ZEV milestones to remain compliant under an alternative compliance pathway, so long as each of its fleet vehicles is a ZEV or near-zero emission vehicle (NZEV), is exempt under section 95692.2, or was owned by the fleet as of January 1, 2024 and is within its minimum useful life.

We understand the desire to provide the flexibility of the alternative compliance pathway, but we recommend that staff move up the timing for the last date by which a fleet is permitted to purchase a combustion truck. Because of the useful life restrictions in Senate Bill (SB) 1, any newly purchased truck could remain on our roads for up to 18 years. Here, this means that any new combustion truck purchased on January 1, 2024 could be with us into 2042.

We ask that staff shift this date up to December 31, 2022, or some date immediately following final adoption of the rule, in order to shorten this timeline. In addition to getting polluting trucks off California’s roads sooner, shifting this cutoff date will limit the risk of combustion pre-buys before the rule takes effect.

Because this is an applicability cutoff date, rather than a date that triggers a new requirement, moving this date up does not raise concerns over retroactivity.¹

¹ The cutoff date is more analogous to an applicability provision, such as those used in CARB’s Truck and Bus Rule defining the model years subject to repair or replacement. *See* CARB, Truck & Bus Regulation Language (2014), at 16, https://www.arb.ca.gov/msprog/onrdiesel/documents/tbfinalreg.pdf?_ga=2.87629904.938452505.1648495286-1570305007.1560899350.

III. Hired fleets should be required to meet the ZEV milestones.

Motor carriers, brokers, or other California persons or entities that direct a fleet should only be deemed compliant if they meet the ZEV milestones, and should not have the option to take the alternative compliance pathway. This approach is most aligned with CARB’s goals of kickstarting ZEV deployments, since this would lead to increased ZEV purchases under the milestones, rather than just limiting purchases of any new combustion trucks under the alternative compliance pathway. Moreover, because this requirement applies to what vehicles can be hired, rather than forcing any vehicles to be retired, this modification does not present any SB 1 concerns.

IV. Exempt trucks should not be treated as ZEVs in the ZEV target calculation.

We ask that staff modify how exempt trucks are counted in the ZEV target calculation. Currently, the draft regulation provides that “[e]ven if the ZEV targets have not been met, the vehicle will be treated as a compliant vehicle unless it is removed from the fleet.”² Instead of treating exempt trucks as ZEVs in this total count, exempt trucks should simply be removed from the ZEV target calculation. It is more aligned with the regulation’s intent to remove combustion trucks from this count, rather than deem them to be ZEVs. More importantly, this has a tangible impact on the number of ZEVs required in each fleet. For example, under the current language, a 100-truck fleet with 20 exemptions can meet the 50% milestone with only 30 ZEVs. If exempt trucks are removed from the calculation, as we urge they should be, the same fleet would be treated as an 80-truck fleet, which would need 40 ZEVs to meet the 50% milestone.

We appreciate staff’s continued hard work in developing a strong ACF rule that will address the environmental justice and climate crises communities across California are experiencing. Please do not hesitate to reach out to discuss any of these recommendations.

Sincerely,

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² CARB, ACF Proposed Draft Regulation Language – High Priority Fleets (Sept. 9, 2021), at 17-18, https://ww2.arb.ca.gov/sites/default/files/2021-08/210909acfdraft_highprioiefed_ADA.pdf.

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