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**RE: UPDATED DRAFT RULE LANGUAGE FOR CHAPTER 173-423 WAC, CLEAN VEHICLES PROGRAM RULE**

The Washington Public Utility Districts Association (WPUDA) appreciates the opportunity to provide comments on the proposed changes to the Clean Vehicles Program rules – Chapter 173-423 WAC.

WPUDA represents 27 of the state’s public utility districts which provide water, wastewater, energy, and telecommunications services, that are critical to protect and enhance public health and welfare. As local government service providers, Washington’s not-for-profit Public Utility Districts (PUD) exist to serve the needs of their customers.

We are writing to provide additional input to this rulemaking and express our appreciation that the current proposed changes offer some relief from fleet reporting requirements to the Clean Vehicles Program a include a refined definition for Utility Service Vehicles (USV). However, we strongly disagree with Ecology’s (ECY) decision to require USVs to comply with the impending zero emissions standards of the clean vehicles program established by this rulemaking. Simply stated, currently available electric configurations do not adequately serve the unique demands put on these vehicles.

Moreover, an exemption is required under federal statute. Section 177 of the federal Clean Air Act mandates that states that adopt California's vehicle emissions standards, like Washington, must maintain identicality with California's vehicle emissions standards. Therefore, the failure to adopt the “relief valve” processes found in California’s regulations alongside the mandates would result in Washington’s standards departing from and being more stringent than California’s standards, which is a violation of federal law. This departure from identicality places Washington’s Clean Vehicle Program standards at risk to court challenge.

We offer the following comments and recommendations for your consideration at this time:

**Clarifying the Definition and Status of Traditional Utility-Specialized Vehicles**

To maintain legal identicality, Washington must adopt the specific definition and treatment of “Traditional Utility-Specialized Vehicles” (TUSVs) established by California law (AB 1594) and the California Air Resources Board (CARB).

Proposed California. Code Regs. Tit. 13, § 2013(b). define a TUSV as an internal combustion engine (ICE) vehicle with a GVWR greater than 10,000 pounds that is not designed primarily to carry cargo or passengers. It is operated to maintain reliable public utility services and be equipped with either a Power Take-Off (PTO) device or all-wheel/six-wheel drive. Typical configurations include bucket trucks, digger derricks, cranes, and aerial booms.

In California, these vehicles may be granted regulatory relief (exceptions) from Zero-Emission Vehicle (ZEV) transition mandates. California law specifically authorizes the purchase of ICE replacements for TUSVs when they reach the end of their useful life, regardless of model year, to ensure utilities can maintain reliable service and respond to major foreseeable events like floods, power outages, wildfires and natural disasters.

### **Procurement Challenges and Economic Impact on Vulnerable Customers**

Utilities are providing proactive input on anticipated future CARB requirements because USVs can take up to 3 years to procure due to the highly specialized nature of the vehicle configuration and the limited availability of models that meet the rigorous requirements of rural utility operations. These vehicles must often travel long distances and work in remote areas on difficult terrain for extended periods during emergency restorations.

Furthermore, these specialized assets can cost upwards of \$1M, and significantly more if required to be electric, as ZEV versions often incur a substantial price premium over their diesel counterparts. For many utilities, such massive capital expenditures may necessitate conducting formal rate studies to cover increased costs. This would result in rate increases for utility customers, creating a compounding economic impact on low-income and disadvantaged customers who are most sensitive to changes in the cost of essential services.

### **Registration and Regulatory Misinterpretation**

The critical need for clarity and "relief valves" was recently demonstrated by an incident that affected a WPUDA member utility in December 2025. One of our member utilities attempted to register a newly acquired heavy-duty diesel bucket truck that cost \$750,000 and required 18 months of procurement time. A local agent of the Washington Department of Licensing (DOL) refused to register and license the vehicle, claiming it was ineligible because it did not meet California standards. The vehicle was eventually allowed to be registered after additional efforts to gain clarity were made by getting additional information from DOL headquarters.

This challenge of interpreting rules will likely be a recurring issue in Washington. We recommend that explicit clarity be restated to DOL agents to ensure they understand that specialized utility vehicles remain eligible for registration under current requirements. Without mirroring California's relief processes, such misinterpretations will likely continue to delay the procurement and utilization of assets essential for public safety in WA.

### **Consideration for Emergency Vehicle Exemptions**

Utility vehicles are oftentimes the first responders for infrastructure restoration, and several other states have already proposed and/or codified their status as essential emergency tools:

#### **Florida:**

Florida Statutes § 316.126 groups a "utility service vehicle... performing a task related to the provision of utility services" with authorized emergency vehicles under the Move Over Act

**Massachusetts:**

Senate Bill No. 2653 (2025) explicitly defines a "Utility vehicle" as any vehicle used to install, maintain, or restore communications, gas, or electric service and classifies them as emergency response vehicles.

**Maine:**

Under MRS Title 29-A, § 2082, vehicles used to perform public services of an "emergency nature" are identified by windshield stickers and granted specific recognition for their role in infrastructure repair.

**California:**

California Vehicle Code § 165 (2025) defines Authorized Emergency Vehicles as 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*.

As a subdivision of the state of Washington, Public Utility Districts under Title 54 RCW are special purpose districts. The California highway districts are also subdivisions of the state, codified as special purpose districts and explicitly recognized as entities with authorized emergency vehicles and exempt from the EV requirements of CARB. We recommend ECY further review this parallel and consider a similar classification in the rulemaking.

In conclusion, we urge Ecology develop pathways for USVs in WA to be exempt from the EV requirements under this rulemaking to maintain identity with the considerations provided in California's regulations for USVs. We understand this rulemaking is targeted at manufacturers, but as previously stated, the lead times and planning efforts for utilities can take up to 3 years of time for procurement and fiscal considerations that make this a relevant concern at this time. Specifically, we request ECY incorporate the identity clause that includes the specialized definitions, exemptions, and streamlined processes, such as the exemptions discussed here as provided for in the California Vehicle Code.

Utility workers provide the maintenance, repair, and installation of the utilities that enable critical service connections to the public through electricity, water, wastewater, stormwater, and telecommunications. Utility service vehicles are the critical link that ensures delivery of these services to the public.

Please contact me directly at 360-890-6681, or [tnelson@wpuda.org](mailto:tnelson@wpuda.org) to answer any questions or provide additional clarifications.

Sincerely,



Travis Nelson, Regulatory Affairs Manager  
Washington Public Utility Districts Association