Damon Conklin (Damon Conklin)

Dr. Steven Cliff
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Strong Opposition to 15-Day Proposed Amendments to the Advanced Clean Fleets (ACF) Regulation – Unlawful Expansion of Local Government Obligations and Impacts to Municipal Service Delivery

Dear Dr. Cliff:

On behalf of the League of California Cities (Cal Cities), representing cities throughout California, we write to express our strong opposition to the California Air Resources Board's (CARB) 15-day proposed amendments to the Advanced Clean Fleets (ACF) regulation.

While cities remain committed to advancing the State's climate and air quality goals, the proposed 15-day modifications fundamentally alter the structure, scope, and implementation of the ACF regulation in ways that are unworkable, legally questionable, and directly harmful to cities and the communities they serve. These changes are not technical refinements; they represent a sweeping and substantive expansion of regulatory authority introduced at the final stage of rulemaking that shifts compliance burdens onto cities, disrupts municipal contracting practices, and exposes local agencies to significant fiscal, legal, and operational risk.

The proposed amendments attempt to extend ACF requirements to private fleets operating under municipal contracts, including franchise agreements and long-term service providers. This approach effectively reclassifies private contractors as extensions of municipal fleets, despite CARB's acknowledged lack of authority to directly regulate many of these entities. From a city's perspective, this represents a clear circumvention of established legal limits, leveraging local contracting relationships to impose state regulatory mandates on third parties. In doing so, the proposal transforms municipal service delivery into a mechanism for indirect state enforcement, resulting in a loss of local control, the forced restructuring of long-standing contractual relationships, and significant legal and procurement instability for cities statewide.

Compounding this concern, the proposal imposes new and ongoing responsibilities on cities that go well beyond traditional fleet compliance. Cities would be required to verify contractor compliance with state regulations, incorporate CARB-specific disclosures into municipal contracts, and maintain auditable records for third-party private fleets. These provisions effectively treat cities as enforcement agents of a complex state regulatory program without statutory authority, funding, or administrative capacity. Cities do not regulate private fleets, nor do they have the legal authority to compel contractor compliance with state emissions mandates. Imposing these obligations creates substantial liability exposure for actions outside of local control and constitutes an unfunded state mandate.

The proposal also threatens to disrupt the delivery of essential municipal services that rely on

long-term, capital-intensive contractual arrangements. In sectors such as waste hauling, street maintenance, and infrastructure construction, cities enter into agreements that often span a decade or more and are built on fixed cost assumptions and long-term fleet investments. The introduction of new compliance requirements at this stage imposes conditions that were not contemplated at the time these contracts were executed and cannot reasonably be integrated without renegotiation, breach of contract, or service disruption. As a result, cities will face increased procurement costs as contractors incorporate regulatory uncertainty into pricing, reduced competition due to a limited pool of compliant fleets, and higher costs shifted to cities at a time when cities are forced to do more with less.

Although the amendments do not explicitly mandate procurement of zero-emission vehicle fleets, they create strong indirect pressure for cities to contract only with entities capable of meeting ACF requirements. This operates as a de facto procurement mandate that distorts local contracting markets and limits competition. In many parts of the state, zero-emission vehicle technology and supporting infrastructure remain insufficient to support such a transition at scale, resulting in fewer qualified bidders, increased costs, and diminished reliability in the delivery of essential public services.

Recent findings from the California Department of Transportation's 2025 Zero-Emission Vehicle Report to the Legislature make clear that even the State's own largest and best-resourced fleet operator is struggling to meet the realities of a full transition to zero-emission vehicles. Despite significant funding, centralized coordination, and a clear statutory mandate, Caltrans reports that zero-emission vehicles cost, on average, more than 130% above their internal combustion counterparts, require extensive infrastructure that can take years to deploy, and in many cases cannot perform the same work on a one-to-one basis. For medium- and heavy-duty operations, Caltrans acknowledges that it may take two to three zero-emission vehicles to replace a single diesel unit due to limited range, charging downtime, and operational constraints. Meanwhile, real-world conditions can reduce heavy-duty vehicle range to roughly 150 miles, far short of the 750-mile capability of conventional equipment . At the same time, the State continues to face fundamental infrastructure barriers, including unreliable hydrogen fueling availability and charging projects that can take multiple years and significant capital to complete.

These are not theoretical concerns; they are the State's own documented operational realities. Yet under the proposed amendments, cities are expected to absorb more aggressive compliance obligations, extend those obligations to private contractors, and do so without the benefit of comparable funding, staffing, or implementation flexibility. If the State itself cannot yet reliably meet these mandates at scale, it is unreasonable and inequitable to shift these risks and responsibilities onto local governments. Doing so does not accelerate climate progress; it transfers cost, liability, and operational risk to the level of government least equipped to absorb it.

Equally concerning is the proposal's failure to adequately account for emergency response and public safety needs. Despite repeated requests from local agencies, the amendments do not provide clear and categorical exemptions for vehicles that support emergency response and critical public works functions. Cities must maintain fleets capable of operating during power outages, wildfires, floods, and other disasters, often under extreme and unpredictable conditions. Many zero-emission vehicle technologies currently lack the range, durability, and infrastructure independence necessary for these applications. Specifically, the exempted vehicles (Title 15 CCR § 2013(c)) should be amended to include: water utility vehicles, flood protection vehicles, sewer utility vehicles, electric

utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles. Without appropriate exemptions, the proposal risks compromising the ability of cities to protect public health and safety during emergencies.

The 15-day modifications also introduce significant ambiguity regarding how the regulation is intended to operate in practice. Key questions remain unresolved, including the extent to which contracted fleets are subject to the regulation, how compliance responsibilities are allocated between cities and contractors, and whether contractors will have access to the same exemptions and compliance pathways as public fleets. This lack of clarity undermines long-term planning, delays investment, and exposes cities to enforcement risk without clear standards. These concerns are further compounded by the absence of meaningful analysis regarding fiscal, legal, and operational feasibility, including vehicle availability, infrastructure readiness, and impacts on municipal procurement processes.

Finally, the scope and substance of these changes far exceed what is permissible under a 15-day comment period pursuant to the Administrative Procedure Act. The statute (Gov. Code §11346.8(c)) requires that such modifications be sufficiently related to the original proposal and constitute a logical outgrowth of the rulemaking. These amendments do neither. Instead, they introduce new regulated parties, new enforcement mechanisms, and a fundamentally different compliance structure that was not disclosed or evaluated during the original 45-day review period . Advancing these changes without full notice and opportunity for public review denies cities the ability to meaningfully assess their impacts and undermines the integrity of the rulemaking process. While we appreciate the amendments to provide increased compliance flexibility by delaying the 100% zero-emission vehicle purchase requirement from 2027 to 2030, these changes are overshadowed by the proposed changes that significantly increase obligations on local municipalities.

For these reasons, Cal Cities strongly opposes the 15-day proposed amendments to the ACF regulation. We respectfully urge CARB to withdraw the provisions that extend applicability to municipally contracted fleets, remove requirements that impose compliance and enforcement obligations on local governments, provide clear and categorical exemptions for emergency response and critical public works vehicles, and reissue any substantive policy changes through a full 45-day rulemaking process with robust stakeholder engagement and comprehensive fiscal and operational analysis.

California cities are aggressively working to meet the state transportation and climate goals. However, those goals must be pursued through policies that are transparent, legally sound, respect local authority, ground in the operational realities of municipal service delivery and capabilities. The current proposal fails to meet these standards and, if adopted, will undermine the very local systems that Californians rely on every day.

Sincerely,

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League of California Cities

April 16, 2026

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The proposal also threatens to disrupt the delivery of essential municipal services that rely on long-term, capital-intensive contractual arrangements. In sectors such as waste hauling, street maintenance, and infrastructure construction, cities enter into agreements that often span a decade or more and are built on fixed cost assumptions and long-term fleet investments. The introduction of new compliance requirements at this stage imposes conditions that were not contemplated at the time these contracts were executed and cannot reasonably be integrated without renegotiation, breach of contract, or service disruption. As a result, cities will face increased procurement costs as contractors incorporate regulatory uncertainty into pricing, reduced competition due to a limited pool of compliant fleets, and higher costs shifted to cities at a time when cities are forced to do more with less.

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[1] http://dot.ca.gov/programs/legislative-affairs/reports

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