CONSTRUCTION INDUSTRY AIR QUALITY COALITION

Coalition Members

AGC CALIFORNIA

Building Industry Association of Southern California

Western States Trucking Association

United Contractors

Southern California Contractors Association

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Major Funding Provided by the Construction Industry Advancement Fund and the Fund for Construction Industry Advancement

April 17, 2026

Steven Cliff
Executive Officer
California Air Resources Board
1001 “I” Stret
Sacramento, CA 95814

https://ww2.arb.ca.gov/lispub/comm/bclist.php

RE: COMMENTS ON MODIFIED STATEMENT OF REASONS FOR ADVANCED CLEAN FLEETS REGULATION STATE AND LOCAL GOVERNMENT FLEETS (April 2, 2026, version)

Dear Dr. Cliff,

The Construction Industry Air Quality Coalition (CIAQC) would like to submit the following comments regarding the latest proposed changes to the ACF State and Local Government Fleets rule. We are also seeking clarification on the type of fleets that are intended to be subject to this entirely new version of the rule. All we have seen to date is “guidance” in an email response from CARB staff in response to a question, and some very unclear seemingly tentative language in the 15-day comment documents. This unusual disclosure method makes it very hard to track and comment, let alone advise our industry.

It appears that the intent of these last-minute revisions to the previously adopted rule are intended to make public agencies responsible for the emissions/ turnover for those private fleets that may be contracted for public works projects. Not only is that a nearly impossible task for most public agencies, but it was also never conceived as part of the original rule when it was adopted. Had that been the case your Board would have heard from us loudly during that public review process. This appears to be an end-run around the USEPA’s requirement for CARB to receive a waiver in order to regulate private fleets. We would question the legal rational for CARB to now regulate private fleets by this subterfuge. This approach seems to circumvent the normal deliberative rule-making process which has long been the hallmark of your agency and Board.

As you know, a great deal of the construction work done in California is done at the behest of and under contract to public agencies of all types. That work could include street construction or reconstruction, the erection of buildings, bridges, dams, schools, mass transit, pipelines, channels or parks. It could include debris removal, demolition, replenishment of sand for beaches or emer-

gency work related to natural disasters. In most cases these are contracts with fixed prices and are of relatively short duration, usually less than 3 years, certainly less than 5 years. In almost every case there is a prime contractor and multiple specialty sub-contractors who may be on the job for limited purposes and even shorter timelines.

By definition all of this work is TEMPORARY AND TRANSITORY in nature. Your proposed rule changes would seem to make no distinction between contracts for private fleets that have assigned vehicles and those that do not. Nor does the rule make a distinction based on the length of the contract. On any given day the construction truck fleets assigned to the job may vary widely from one activity to another as the job progresses. Also, many of these fleets may work at other sites for other public or private agencies. Requiring public agencies to track these vehicles and assume responsibility for these private fleets in addition to their own is completely unrealistic and a logistical an administrative nightmare. It may also prevent many firms from bidding on public work entirely. That will only serve to increase the cost of doing business for public agencies.

We might add that there is very little evidence that zero emission trucks are available to operate in the duty cycles and mileage coverage required by the construction industry. Our fleets tend to be very heavy duty, capable of hauling large loads. Vehicles vary from dump trucks to maintenance vehicles to supervisory vehicles to material delivery vehicles. Most of the locations where we are working do not have electric service available for vehicle charging as we have shared previously with your staff.

Your proposed rule changes offer no specifics how such a provision would operate in practice. Nor do they anticipate exemptions or exclusions where the requirements cannot be met. This ambiguity and the abbreviated amendment process leave too many unanswered questions and lack of detail about implementation procedures and timelines.

This rule-making approach parallels the Indirect Source Rule (ISR) framework, making one organization responsible for the emissions and compliance of another independent organization. While ISRs have largely been ineffective at emission reductions, it is unclear that CARB even has the authority to impose an ISR without additional legislative authority.

This idea appears to us as a last-minute, slap-dash, half-baked concept that needs considerable further thought, analysis and input from stakeholders. It smacks of desperation in an attempt to regulate private fleets for which you have dubious authority without a federal EPA waiver. We would suggest that you take a step back from the capricious decision and evaluate this change in definition with the stakeholders who are most impacted by this sudden change in policy. This is a dramatic change in policy in which your Board will have no input utilizing this staff-driven 15-day comment process.

Short circuiting the regular rule development process simply because you have the remnants of the Advanced Clean Fleets rule available, does not mean it is the proper method to introduce this idea. It might even qualify as an “underground” regulation under the Administrative Procedures Act.

CIAQC stands ready, as always, to engage the Board and staff on this important matter. This rushed and abbreviated process is not the vehicle to use to develop such significant regulation. As you will hear from others, there are many unintended consequences to this approach, and the private sector and public agencies deserve more consideration for their concerns than this process allows.

Our construction industry does not fit into the contracting scenario envisioned by this proposed rule change. Our contracts are shorter term. The vehicles cannot be assigned to specific contracts because they move freely between projects both public and private. Many vehicles are operated by subcontractors for short duration and also move between public and private work sites. For all the reasons stated above we believe that there needs to be a clear exemption in this rule for construction work performed by private firms on behalf of public agencies.

We fully endorse the comments submitted by the League of California Cities.

We look forward to your response to our concerns.

Sincerely,

Michael Lewis,
Senior Vice President
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