

## Teichert Construction (John Lane)

Please see uploaded file for comments.

April 17, 2026

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

**Re: Comments on Modified Statement of Reasons for the Advanced Clean Fleets Regulation State and Local Government Fleets (April 2, 2026)**

Dear Dr. Cliff:

This email letter is provided on behalf of Teichert, one of California's oldest and most successful construction and materials contractors. Our longstanding diverse customer base includes private firms as well as a broad assortment of State and Local Governments (SLG) since 1887. For well over 100 years, Teichert has built California's highways and provided valuable work for local and regional government infrastructure. This letter is an attempt to clarify certain assumptions and statements by the California Air Resources Control Board (CARB) on the current final 15-day language on CARB's Advanced Clean Fleet (ACF) Rule which has evolved into a rule specifically tailored for SLG. With this letter, it is our intent to understand CARB's intent on how SLGs will hire private contractors and how our fleets (EV and non-EV) will be treated under the new ACF.

The current 15-day modifications, among other things, provide regulatory instructions for SLG entities when hiring external private fleets, such as Teichert, in **Article 8 — Hiring Compliant Fleets**. The current language appears to provide formal steps for all parties (SLG and private contractors) hire and conduct work. In a nutshell, Article 8 states that SLGs can hire private fleets so long as they are not subject to ACF and private fleets submit a formal ACF compliance statement and certification under §2049(c)(1). Since ACF is now entirely focused on SLG fleets, Teichert and similar private fleets would seem to have a very straightforward and unambiguous avenue for being hired. SLGs will require statements of fleet ACF compliance (or non-applicability) as required and private fleets will submit these documents.

With this email letter, we would like to establish the assumptions that Teichert is making, and request clarification from CARB if we are misunderstanding how the current ACF, as defined in this 15-day language, would apply to Teichert and other private contractors for future construction and maintenance work, which is a significant portion of the work we perform each year.

Two actions taken by CARB in recent weeks have made us feel the nefarious this letter and following request for clarification:

**CARB Action 1:** In March 2026, CARB staff responded to a formal question posed to CARB in January 2026 where CARB was asked if private fleets would be subject to the new ACF when being hired by SLG (see response below as Attachment A). CARB's official written response states that, private fleets were NOT subject to ACF directly. The CARB response further states that in certain cases, such as contracted work and maintenance, SLG fleets will be required to include any ACF covered vehicles from the private fleet vehicles that they contract with into their own SLG fleets compliance inventories. This, in effect, will require that Teichert's fleets, and other private fleets, would be required to have and use some portion of EV trucks, to the extent possible, to perform work for SLGs and maintain SLG fleet ACF compliance.

**CARB Action 2:** CARB revised §2013 in the current 15-day ACF language to force the following private fleets to be incorporated into SLG compliance inventories when hiring and contracting:

- Waste fleets operating under long-term municipal contracts
- Long-term rental or lease vehicle provisions
- Wastewater fleet definition - public only?

With Action #1 above now part of the public record, and Action #2 above now part of the proposed 15-day changes, it seems prudent for Teichert (and other private contractors) to clarify exactly how staff will apply the new ACF related to SLG hiring of private contractors so that adequate fleet preparations can be anticipated.

## **Statement of Assumptions**

Based on the actions and explanation provided above, we are currently operating under the following assumptions:

**Assumption #1:** The revised definition in the 15-day language of "waste fleet" appears to capture privately owned fleets operating under franchise

agreements or long-term municipal contracts meeting specified duration criteria.

**Assumption #2:** It is currently Teichert's clear understanding that we are not subject to ACF as a large private fleet. We, therefore, either not purchasing EV trucks or purchasing EV trucks to a limited extent due to low (or non-existent) EV truck availability for our uses.

**Assumption #3:** We currently assume that EV trucks are not required at this time to do business with our customers (including SLG) if we are hired to complete the following types of projects unless EV trucks are expressly written in a project scope and/or bid for services:

- Construction services
- Public works projects
- Design-build contracts
- Project-specific services
- Subcontracted services

To ensure proper implementation and compliance and to avoid a major business disruptions if these assumptions are not correct (based on CARB staff's enforcement of the new ACF), we request clarification of CARB staff's intent related to private fleets and contracting by SLGs.

## **Request for Clarification**

Does CARB staff intend to require SLG entities (covered under the new ACF) to incorporate contracted private fleets (other than waste fleets) in CARB's enforcement of the new ACF for the types of projects listed above. Does CARB intend for private fleets, not subject to ACF, to be used for purposes of SLG compliance determinations and certifications under §2049?

If the answer is yes to either of the above, can CARB please provide reference to any unamended regulatory language that otherwise captures these categories of privately owned fleets or vehicles?

The clarifications requested above are particularly important because §2049 references compliance with the regulation package as a whole, making it difficult for public entities and private fleets to determine applicability without identifying the specific provisions governing privately owned fleets within the cited 61 pages of the new ACF regulation.

## **Suggested Amendment if Applicability Misunderstood**

We made our best effort to determine this rule's applicability pursuant to its language and the changes and clarity added to them in the 15-day changes. If our interpretations were wrong we would suggest the rule currently lacks clarity as required by the Government Code. And while we appreciate the clarity added in 2049(A)1 on vehicles with a GVWR greater than 8,500 lbs, the more important clarity is citing 2049 (a)1(A) to the specific provisions that may capture private fleets into fleet compliance for SLGs. This clarity would be necessary for public entities and private organizations to comply once the rule is finalized.

## **Potential Ramifications**

When SLG entities request contractors to perform the type of contracted work listed above, specific project scopes are developed, budgets are established based on those project scopes, contractor bids are requested, contractors developed bids based on information contained in the SLG scopes, and finally projects are awarded by SLGs to private contractors based on budgets, scopes, and ultimately based on the detailed bids supplied by contractors. If clarity is insufficient in ACF, as it pertains to SLG fleets and private fleets be contracted, there is real and significant potential to upset the entire bid and award process if CARB staff intends to have private fleets be pulled into SLG ACF fleet accounting for compliance. Succinctly put: If SLGs do not require EV fleets in their scope, EV trucks will likely not be included in the bids because the private contractor will likely not be low bid. If the projects cannot then be administered because the awarded contract cannot support the EV trucks, this would create significant confusion and possible legal action between all parties.

We respectfully request clarification on the topics and assumptions listed above.

Thank you for your time and consideration,

**Sincerely,**

*Electronic submittal*

**John Lane**

**Director of Environmental Compliance**

**Teichert Materials**

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**Sacramento, CA 95864**

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### **Attachment A**

*Correspondence between CARB and California Council for Environmental and Economic Balance (CCEEB) staff.*

In January 2026, CCEEB sent an email to CARB Staff's ZEVFLEET email address seeking to confirm that private fleets who contract with SLGs for services (e.g. construction, tree trimming, waste hauling, street sweeping, etc.) would not be subject to the ACF-SLG regulation.

On March 20, 2026, CARB staff provided the following response (emphasis added):

*When a city, county, or other local agency contracts with a private company to perform public services (e.g., waste collection, street sweeping, or maintenance), the local government remains responsible for ensuring compliance with the SLG requirements for vehicles used to carry out those services. **The government agency must include vehicles used under contract** when determining its compliance with the ACF regulation, including required ZEV purchases or phase-ins. In such cases, while **the private fleet is not itself the regulated entity, the government agency must account for the emissions and vehicle types used under contract and may impose contractual requirements to ensure regulatory compliance.***