



June 16, 2026
Steven Cliff
Executive Officer
California Air Resources board
1001 "I" Street
Sacramento, CA 95814

Coalition Members



Building Industry Association
of Southern California



Western States Trucking
Association



United Contractors



Southern California
Contractors Association

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Industry
Advancement

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

RE: Comments on the Second 15-Day Modifications to the Advanced Clean
Fleets State and Local Government Fleets Regulation.

Dear Dr. Cliff:

The Construction Industry Air Quality Coalition would like to submit the follow-
ing comments in response to the Second Notice of Public Availability of Modi-
fied Text and proposed amendments to the Advanced Clean Fleets Regulation.

The Associations in our Coalition represent 1000's of contractors in California
almost all of whom contract with public agencies to provide the streets, pipe-
lines, transportation, and other necessary infrastructure required to keep our
economy functioning. The proposed regulations are of considerable interest to
our members.

In our previous comments we expressed our concern about the lack of clarity in
the regulation about which private fleets would be impacted by the proposed
changes. We also expressed concern about the legality of forcing public agen-
cies to implement regulations for which CARB has been unable to acquire a
waiver from USEPA.

We are disappointed that the new modifications have done little to provide clari-
ty about which fleets are covered by this regulation. For example, the guidance
states "Private fleets are not subject to the ACF State and Local government
regulations." On the next page it states, "State and local government agencies
can subdivide their fleet into different compliance pathways. For example, con-
tracted vehicles can be put on the zero-emission vehicle (ZEV) milestone Op-
tion...." Clearly private fleets are intended to be subject to the regulation.

We would ask that CARB make it clear that construction fleets are exempt from
this regulation and would offer the following to support such an exemption.

1. Public agencies do not hire construction companies for their fleets.
They choose them for their price and experience to build the project

that the public agency needs.

2. Construction projects are transitory and temporary. They are not long term and would not fit the compliance options available in the regulation.
3. Vehicles used by construction companies are not assigned to specific projects and move between projects as needed depending on the phase of the project.
4. Construction fleets may work on more than one public agency project at a time creating confusion and duplication in reporting and compliance.
5. Many fleets serving construction projects belong to subcontractors, material suppliers or equipment rental companies and are not directed by the prime contractor.
6. A contractor could have more than one contract with a public agency with differing timelines but common or shared fleet vehicles in addition to specialty vehicles that may be required to complete the project.

Any attempt to include construction fleets in this regulation is clearly an “end run” around the requirement to seek a waiver from USEPA in order to regulate private fleets.

It is also clearly a departure from the usual regulatory development process and the exclusion of the CARB Board from such a dramatic change from the original adopted regulation is likely a violation of the Administrative Procedures Act. Short circuiting the regular rule development process simply because you have the remnants of the Advanced Clean Fleet rule available, does not mean it is the proper method to introduce this idea. It appears to be an underground regulation.

Our industry has spent billions of dollars since 2005 to reduce emissions from our construction activity and our vehicles and equipment. We have worked successfully with CARB to craft regulations that have made California construction fleets the cleanest in the world. We can assure you that this proposed regulation is NOT the way to achieve further emission reductions from our industry.

We thank you for your consideration of our comments and would again request that construction contracts and construction fleets be clearly exempted from this regulation.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Lewis". The signature is written in a cursive, flowing style.

Michael Lewis
Senior Vice President
951-206-4420