CSDA, CSAC, RCRC, Cal Cities, CARPD (Brittney Barsotti)

June 15, 2026
Clerk of the Board
California Air Resources Board
1001 I Street, Sacramento, CA 95814

To Chair Lauren Sanchez and the Members of the California Air Resources Board:
RE: Advanced Clean Fleets Regulation 2nd 15-Day Amendment Comments

The California Special Districts Association (CSDA), the League of California Cities (CalCities), California Association of Recreation and Parks Districts (CARPD), Rural County Representatives of California (RCRC), and the California State Association of Counties (CSAC) appreciate the opportunity to provide comments to the proposed amendments to the Advanced Clean Fleets (ACF) regulatory language. Collectively, we represent the thousands of local public agencies providing essential government services vital to life in California.

We greatly appreciate the opportunity to comment on this secondary 15-day public comment draft of the regulations addressing contractor requirements and that these amendments were intended to provide clarification. While California cities support the State's climate and air quality goals, the proposed amendments significantly expand the scope of the regulation and cost implications for our members. In particular, we feel expanding the regulations to apply to private fleets simply by virtue of the fact they contract with state and local governments exceeds CARBs regulatory authority, since the federal Clean Air Act waiver was withdrawn. In doing so, CARB is attempting to regulate entities that were never represented to be a part of the state and local government fleet provisions and that are no longer reachable.

Moreover, the practical effect of this expansion is a significant cost shift onto local governments and ratepayers without corresponding statutory authority, demonstrated need, or available vehicle technology. Caltrans' own report, documents substantial costs, infrastructure barriers, procurement challenges, delayed deliveries, and operational limitations of the current marketplace. According to the report, ZEVs are 138 percent more expensive than the ICE counterparts, further expanding the regulations to private fleets that contract with local governments will compound these cost burdens and significantly increase the cost of every contract that state and local governments enter into when affordability weighs on the mind of every Californian.

Proposed Language Mandating Private Contractors Comply with ACF is Overbroad and Creates Confusion

We appreciate that this draft was intended to clarify if so, and when contractors working with government entities could be required to convert their fleets to ZEVs under these regulations. The scope of this proposed language could be applied to any and all private entities that state and local government contract with. This overbreadth would sweep in entities that have not had notice that they would be included in the regulations because CARB had been consistent in clearly stating these regulations do not and cannot apply to private fleets.

If this expansion is not the intended purpose of the proposed language then the revised applicability

is unclear, specifically stating:
"This article applies to any state or local government agency with jurisdiction in California that owns, leases, rents, contracts for the operation of, or operates one or more vehicles specified in section 2013(a)(2) in California on or after January 1, 2024."

CARB's assertion that the proposed amendments merely clarify existing requirements is difficult to reconcile with this broadening beyond "owns, leases, rents." It is within the represented scope of the regulations to apply to vehicles local governments directly own or lease for their use. However, this proposed language does not state whether the regulations include any private entity that contracts specifically or solely for the "operation of" a vehicle, a contract for any service that could reasonably or potentially include the operation of a vehicle, or simply every contract. Leasing or renting a vehicle for direct use by a local government is a direct connection, where as "contracts for the operation of" lacks clarity and being listed in addition to "leases, rents," must be intended to be broader and impact other types of contracts, otherwise the addition would not be necessary.

For example, the previous 15-day comment period language addressed franchises, commonly used by different localities for the collection of solid waste. Given franchises perform functions that would have to perform otherwise, while still impracticable for the other cited reasons, it is somewhat understandable. However, contracts for a public works project where the private entities vehicles could be used are very different. Contracting for the collection of waste clearly requires a vehicle, but a public works project may require a contractor to use private vehicles for some tasks necessary to complete final outcome the project. For public works projects, a contract is not specifically "for operation of" a vehicle, but the private entity would be forced to comply with this proposed language. Requiring public works bidders to purchase or use ZEVs will significantly drive-up costs and likely limit bidders for public works projects. Many state and local governments contract with Amazon for orders that are delivered with vehicles, but the contract is not for "operation of" a vehicle. Would these entities be subject to ACF? Many local governments contract with Comcast for phone or internet services. Would those entities be included simply because they contract with state and local governments? There are drastic difference between these potential interpretations and implications. CARB should be clarify that ACF does not apply to anything beyond a contract specifically for operation of a vehicle that is equivalent to the rental or lease to perform state or local government functions.

Further adding to the confusion, the regulations state, "Fleet owners shall keep documentation identifying the entity responsible copies of any agreement contracting for... services using vehicles." This language of "any agreement contracting" certainly takes the broader view of impacting any contract with a private entity must be reported to CARB rather than contracts solely for the operation of a vehicle. This requirement will add significant administrative burdens to local governments and require analysis of whether or not every contract could involve "services using a vehicle."

However, the guidance that was released by CARB shortly following the release of this draft for expressly states that "Private fleets are not subject to the ACF State and local government regulations." But, then the guidance adds that the regulations apply to "functions carried out through contractual arrangements." This guidance is very broad including any contract for any project, or purpose, even those that are for services at single location where "operation of" a vehicle may not be for the expressed purpose of operating a vehicle, but the private entity may have to purchase and transport supplies or equipment to that singular site. As noted above there is a wide range of contracts implicated here, rather than just leased or rented vehicles. We urge CARB to clarify the ACF regulations and the public guidance to specify the true scope of contracts that are intended to comply with ACF are specifically for the operation of a vehicle or be clear on the intended breadth of this draft.

Proposed 15-day Comment Period Language Remains Unworkable

Despite repeated warnings from cities, counties, special districts, utilities, and emergency service providers, CARB continues to advance a framework that places regulatory compliance ahead of operational readiness during disasters and public emergencies. These regulations fail to acknowledge that when wildfire risk is at its highest, there are regular public safety power shut offs.

This past week PG&E warned over 5,000 customers in Northern California of public safety power shutoffs for multiple days because of "dangerous fire weather, strong winds and triple-digit heat which could impact Colusa, Glenn, Lake, Napa, Sonoma, Sutter, Tehama and Yolo counties, according to the Sacramento Bee. These Californians need access to services, especially when the power is out. These amendments continue to prioritize rigid compliance mandates over operational realities faced by the public agencies responsible for protecting lives, maintaining critical infrastructure, and responding to disasters. Electric vehicles cannot be charged when the power is off, leaving the communities we serve at risk. We respectfully urge CARB to consider the realities state and local governments face as a result of the climate change these regulations are trying to prevent.

Stretching every dollar to meet increasing costs has Californians clutching their pocket books and with decreased federal funding now is not the time to have state and local governments spending substantially more to comply with the ACF regulations. According to Caltrans' recent 2025 report to the legislature, ZEVs are on average 132.82 percent more expensive than their ICE counterparts, delivery times vary significantly and that infrastructure or charging stations are estimated to cost over $210,231 and take three years to complete.

Caltrans has been allocated $538 million over two years to purchase over 2100 med-to-heavy duty ZEV and have requested another $250 million to continue purchasing vehicles and building the necessary infrastructure and reported they have purchased a combination of nearly 1000 Tesla Model 3 and Rivain1 &11 SUVs. They have only purchased 14 medium to heavy class vehicles, with one class 8 vehicle costing more than $1 million, reinforcing our concerns of the limited availability of the majority of vehicles required under these regulations. The report noted Caltrans is having to redesign a class 5 vehicle so that it could still perform its functions with the necessary batteries, demonstrating obstacles for larger vehicles. Additionally, some vehicles took nearly two years to be delivered. Even with the substantial budget allocations, Caltrans still suffered many issues and the limitations of available technology. The report further identified that Caltrans will need to purchase 2-3 ZEV to do the job of 1 of their ICE counterparts because limited range and extended charging times. The local governments we serve cannot afford to purchase one of these ZEVs at double the cost of their ICEs, let alone an additional two or three ZEVs to complete a standard shift. The realities of the available vehicle costs, delayed deliveries, limited range, and extended charging times combined make these regulations unworkable.

Emergency Response Vehicles Should Be Excluded from the Mandate

We also are disappointed that CARB declined to include even the most modest amendments requested by local governments to protect emergency response and critical infrastructure operations in this additional 15-day comment period draft.

We resubmit for this 15-day comment period that vehicles reasonably anticipated to respond to emergency situations, or that support those efforts should be excluded from the regulations similar to other excluded vehicles such as snow removal vehicles. An emergency response vehicle is always an emergency response vehicle— Not all emergencies are "declared" or benefit from mutual aid.
Some examples of vehicles called upon to preserve public health and safety beyond those currently exempted:

• Vehicles used for purposes of fire prevention and mitigation, public safety, search and rescue, medical response, and poacher prevention should be excluded.
• Vehicles that are essential to the delivery, repair, and maintenance of electricity, water, wastewater, stormwater, and flood protection should be excluded.
• Vehicles used to prevent and respond to the spread of disease and dangerous vector outbreaks should be excluded.

In light of the rising toll of natural disasters in our state, we must prioritize the safety of our communities and the public servants that work around the clock through these unprecedented events. The most likely current and anticipated future ZEV options depend upon a consistently accessible source of electricity. The risk of electricity disruption, whether due to an earthquake, public safety power shutoff, rolling brownout, wildfire, flood, or other emergencies is too great to risk the operability of these vehicles when they are most desperately needed and, with it, imperil the health and safety of Californians.

Thank you for your consideration of this important issue. We remain committed to advancing the State's important climate objectives and regret the operational realities facing local governments that make these regulations unworkable. We respectfully urge that CARB to withdraw the contractor fleet provisions, adopt categorical exemptions for emergency response and critical infrastructure vehicles, and subject any substantive policy changes to a new public rulemaking process. Should you have any questions or concerns regarding our position, please do not hesitate to contact us.
Sincerely,

Brittney Mark Neuburger
Legislative Representative Legislative Advocate
California Special District Association California State Association of Counties
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Damon Conklin Ethan Nagler
Legislative Advocate Associate Lobbyist
League of California Cities California Public Policy Group

dconklin@calcities.org enagler@publicpolicygroup.com

Staci Heaton
Senior Policy Advocate
sheaton@rcrcnet.org

CC: CARB program staff
Attachment: Proposed Amendments to 13 CCR § 2013.
Part (c) of § 2013 of title 13:
Exemptions. The following vehicles are exempt from the requirements specified in sections 2013 through 2013.4:
(1) School buses as defined in CVC section 545(a);
(2) Military tactical vehicles as described in title 13, CCR, section 1905;
(3) Vehicles awaiting sale;
(4) Emergency vehicles as defined in CVC section 165;
(5) Historical vehicles;
(6) Dedicated snow removal vehicles, 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;
(7) Two-engine vehicles;
(8) Heavy cranes as defined in title 13, CCR, section 2021(b)(16);
(9) Transit vehicles subject to the Innovative Clean Transit regulations commencing with title 13, CCR, section 2023; and
(10) Vehicles that are subject to the Zero-Emission Airport Shuttle regulations of title 17, CCR, sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690

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