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June 11, 2026

Submitted Via Online Portal

Clerk's Office
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear California Air Resources Board:

Re: Comments on the Second 15-Day Rulemaking Package for the Advanced Public Clean Fleets Regulation

The City of Fontana appreciates the opportunity to comment on the California Air Resources Board's (CARB's) Proposed Amendments to the Advanced Clean Fleets (ACF) and Low Carbon Fuel Standards Regulation, dated June 1, 2026 (the June 2026 15-Day Rulemaking Package) and accompanying guidance documents. The City of Fontana is committed to transitioning its fleet and operational equipment with a goal of achieving carbon neutrality and, accordingly, has been working towards compliance since 2024. As any transition, this requires balancing this worthy goal with the ability of the City of Fontana to provide reliable and efficient public service and immediate responses to emergencies. This new rulemaking package appears to substantially change the scope of application of the ACF Rules to public fleets in such a way that the City of Fontana feels compelled to respectfully submit the following comments.

Following a CARB's September 25, 2025, hearing, drayage, high-priority and federal fleets were relieved of compliance with the CARB ACF rules that became effective in 2024, ostensibly because the United States Environmental Protection Agency (EPA) has not granted the necessary waiver under the Clean Air Act. As a result, only State and Local Government (SLG) fleets remained subject to the ACF Regulation.

On April 2, 2026, CARB released the first 15-Day Rulemaking Package, which added flexibility for SLG . The first 15-Day Rulemaking Package revised the definition of "fleet owner". Many members of the regulated community inquiries whether SLGs that contract with private firms to perform public services (e.g., street sweeping, maintenance, hazardous waste hauling, etc.) would be responsible for their contractors' CARB-compliant vehicles.

On June 1, 2026, CARB issued the Second 15-Day Rulemaking Package and the accompanying "Second Notice of Public Availability." CARB stated that vehicles operated by State and local governments, including those under contractual arrangement, are part of the government entity's fleet for purposes of the regulation. CARB believed that the newly proposed amendments remove the issues raised in public comments. Although the City of Fontana appreciates that CARB's intention was to clarify the issue, the Second 15-Day Rulemaking Package raises many questions, lacks clarity and substantially expands the scope of the original proposed rule. As a result, the City of Fontana respectfully submits the following comments on the Second 15-Day Rulemaking Package.

City Services and Operations

The City of Fontana is a full-service municipal government serving a community of more than 200,000 residents within approximately 43 square miles in Fontana. The City provides a broad range of essential public services, including public works, street maintenance, water and wastewater operations, parks and recreation, fleet services, code enforcement, and other municipal functions necessary to support public health, safety, and welfare. The City's vehicle fleet is critical to the delivery of these services on a daily basis. However, due to the specialized nature of certain municipal operations and the significant costs associated with purchasing and maintaining highly specialized equipment, the City frequently relies on private-sector contractors and their fleets to perform services that cannot be efficiently provided in-house. These services include, but are not limited to, hazardous waste transportation and disposal, delivery of treatment chemicals and other materials, crane services, operation of specialized emergency response equipment, and other specialized functions requiring vehicles and equipment that are not practical or cost-effective for the City to own and operate. Those services are not everyday services but address specific needs of the City that arise from time to time. As required by the law, the City has to contract for those services, even though they are provided day to day.

Fleet Composition

The City of Fontana operates and maintains a fleet of more than 500 vehicles and pieces of equipment. The fleet includes light-duty vehicles, medium-duty and heavy-duty trucks, public works equipment, maintenance vehicles, utility service vehicles, and specialized equipment necessary to support municipal operations. Due to the diverse nature of City services, many fleet assets perform specialized functions requiring specific vehicle configurations and operational capabilities.

Additionally, the City has already made substantial investments in reducing fleet emissions and is currently compliant with the requirements of South Coast AQMD Rule 1196. In accordance with Rule 1196, the City has transitioned its diesel-powered fleet vehicles to compressed natural gas (CNG) technology, resulting in significant reductions in emissions and demonstrating the City's long-standing commitment to improving air quality.

Advanced Clean Fleets Compliance Efforts

Since the Advanced Clean Fleets (ACF) regulation became effective, the City has actively evaluated compliance pathways and implementation requirements. After careful review of the regulation and consideration of operational needs, the City elected to comply through the Milestone Compliance Option (Option 2). City staff have evaluated fleet replacement schedules, vehicle availability, infrastructure requirements, operational impacts, and budget considerations associated with implementation of the ACF regulation.

The City has also monitored regulatory developments, coordinated with industry partners and fleet professionals, and assessed the availability of zero-emission vehicle technologies capable of meeting the operational demands of municipal service delivery.

Fleet Transition Planning

The City has developed a transition strategy consistent with its selected Milestone Compliance Option under the ACF regulation. As part of this strategy, the City plans to replace vehicles with a gross vehicle weight rating (GVWR) greater than 8,500 pounds in accordance with the regulation's phased compliance schedule and tiered replacement requirements.

Implementation of this transition plan requires careful consideration of vehicle availability, charging infrastructure, electrical service upgrades, facility modifications, workforce training, procurement timelines, and long-term funding needs. The City remains committed to reducing emissions while maintaining reliable and uninterrupted delivery of essential public services.

Greenhouse Gas Reduction Efforts

The City of Fontana has a demonstrated history of implementing measures to reduce greenhouse gas emissions and improve air quality. In addition to transitioning its diesel fleet to CNG in compliance with South Coast AQMD Rule 1196, the City continues to pursue fleet modernization, fuel-efficiency improvements, sustainable operational practices, and evaluation of emerging zero-emission technologies. These efforts reflect the City's commitment to environmental stewardship while balancing operational and fiscal responsibilities.

Existing Regulatory Compliance

The City is already subject to local air quality regulations administered by the South Coast Air Quality Management District, including Rule 1196. The City's successful transition from diesel-powered vehicles to CNG vehicles required substantial planning and investment and has resulted in measurable emissions reductions. As CARB considers revisions to the ACF regulation, the City respectfully requests recognition of the significant compliance efforts and environmental benefits already achieved by public agencies operating under existing local air district requirements. The cumulative impacts of overlapping regulatory programs, infrastructure costs, vehicle availability constraints, and funding limitations should be carefully considered when evaluating additional compliance obligations for public fleets.

The Second 15-day Proposed Changes Lack Clarity, Create Many Issues For Compliance Due to Ambiguity And They Expand The ACF requirements Beyond the Initial Rule

Under the Proposed Second 15-Day Rulemaking Package, Section 2013(a)(1) and (b) of the rule have expanded definitions. The original rule contemplated applicability to an SLG that "owns, leases or operates, one or more vehicles specified in section 2013(a)(2) ….". The Proposed Amendments modify it as follows:

> Fleet Applicability. 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. This article does not apply to federal fleets.

Therefore, the definition to vehicles and what constitutes a public fleet has been expanded and this new definition includes "*rents, contracts for the operation of*".

In addition, definitions under section 2013(b) have also been changed:

> "Fleet" or "total fleet" means one or more vehicles owned or operated by a fleet owner. It also includes contracted vehicles that are considered owned by the "fleet owner" as defined in section 2013(b).
>
> "Fleet owner" means the person or entity who owns, rents, leases, operates, or contracts for the operation of the vehicles comprising the fleet. The owner shall be presumed to be either the person or entity registered with the California Department of Motor Vehicles (DMV) as the owner or lessee of a vehicle, or its equivalent in another state, province, or country; vehicle ownership is based on the vehicle registration document or the vehicle title, except as specified below:
>
> For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, including truck leases that are part of a bundled service agreement, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer.
>
> For vehicle leases or rental agreements for a period of one year or longer with a signed date before January 1, 2027, if the terms of the rental or lease agreement identify the renting operator or lessee of the vehicle as the party responsible for compliance with state laws, then the fleet owner shall be considered the rental or lease business.

The guidance documents accompanying the proposed amendments provide that:

> "The regulation applies to public services performed by a SLG; including functions carried out through contractual arrangements".

Therefore, there is a severe expansion of the applicability of the rule and also a disconnect and ambiguity between the rule and the guidance documents. This situation creates confusion, generates compliance exposure to the SLGs, and leads to inconsistent implementation. There is no clarification as to what constitutes a contract under the rule triggering its applicability. For example, the City of Fontana contracts private paving contractors and construction firms for roadway rehabilitation, asphalt paving, street maintenance, slurry seal applications, and capital improvement projects. The City also contracts private vendors for the delivery and transportation of pool treatment, chemicals and other materials necessary for the operation and maintenance of municipal aquatic facilities. Are those contracts covered by the rule? Even if it is a one-time, short-term contract or a contract for an emergency? The current language does not answer those questions. Compliance under a broad interpretation of the new language added leads to exponential increases in costs. For instance, the rule may increase project costs by limiting the number of eligible contractors, increasing fleet replacement and compliance expenses, and reducing competition among bidders. These additional costs would likely be passed on to public agencies through higher bid prices and service rates, resulting in increased costs for maintaining and improving critical transportation infrastructure. This rule could also lead to project delays and reduced contractor availability, further impacting the City's ability to deliver essential public works projects in a timely and cost-effective manner.

Furthermore, private companies also provide service to other SLGs so the same vehicular unit could be providing a service to different public entities in a short period of time. Applying the rule as proposed would lead to counting the same vehicle multiple times for different fleets, thus defeating the purpose and reporting requirements of the original rule. Without clarification, there is not only a risk of non-compliance, but also almost impossibility of monitoring by CARB.

<u>CARB should not Adopt This Amendments Through Government Code Section 11346.8(c)</u>

CARB is typically required to provide a 45-day public review period so there is a meaningful opportunity by the stakeholders to review and comment on the full scope of the proposed regulations. CARB, however, has invoked Government Code section 11346.8(c) which allows a 15-day period for notice and comments but only when the proposed changes are "sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action." As described above, the definitions have been changed in such manner that now the rule arguably applies to a number of vehicles never contemplated by the original rule. The number covered now would be exponentially larger when *"contracted for"* vehicles are included. Perhaps that was not CARB's intent and if that is the case, the rule should make clear that it is not.

<u>Rules Must Be Clear, Consistent with Other Laws and Non-Duplicative, But The Proposed Amendments are Not</u>

Government Code § 11349, et seq. requires regulations to be clear, consistent with other laws, and non-duplicative. As explained above, the proposed amendments are not clear. Instead, they lead to uncertainty in scope, inconsistency, compliance risk and duplicative reporting. Perhaps more problematic, they could be interpreted as inconsistent with CARB's withdrawal of the proposed ACF rules for private fleets and preempted by federal rules. CARB has withdrawn ACF rules for private fleets, but as currently worded, the proposed amendments can be seen as indirectly imposing ACF requirements on private fleet owners who seek to contract with public fleets. This expanded application of ACF is likely to trigger legal challenges under several federal and state laws. Both CARB and SLGs could be the subject of these legal challenges.

In light of the above, while The City of Fontana remains committed to working with CARB to protect the environment, reduce emissions of GHGs and transition public fleets to low or zero emissions vehicles, the City of Fontana requests that CARB do not adopt these newly proposed amendments. At a minimum, the City of Fontana requests that CARB do not proceed under the current 15-day public review process but instead proceed under the appropriate 45-day public review period so there is a meaningful opportunity by the regulated community to review and comment on the full scope of the proposed regulations.

If you have any questions or need any further information, please contact Mayor Acquanetta Warren at awarren@fontanaca.gov.

Sincerely yours,

Mayor Acquanetta Warren