



California Trucking Association  
4148 E. Commerce Way \* Sacramento, CA \* 95834  
[www.caltrux.org](http://www.caltrux.org)

American Trucking Associations  
80 M Street SE, Suite 800 \* Washington, DC \* 20003  
[www.truckline.com](http://www.truckline.com)

---

August 21, 2023

Clerk of the Board  
California Air Resources Board  
1001 I St.  
Sacramento, CA 95814

**Submitted electronically.**

**RE: Second Notice of Public Availability of Modified Text and Availability of Additional Documents for the Advanced Clean Fleets Regulation**

Dear Chair Randolph and Members of the Board:

Thank you for the opportunity to comment on the Second Notice of Public Availability of Modified Text and Availability of Additional Documents for the Advanced Clean Fleets (ACF) Regulation. On behalf of the California Trucking Association and the American Trucking Associations, we submit the following recommendation.

**1. CARB should incorporate the previously released Enforcement Discretion letter or remove the provisions which necessitate this discretion.**

Prior to the issuance of the Second Notice, CARB staff responded to a request from the Truck and Engine Manufacturers Association (EMA) for Enforcement Discretion under California Code of Regulations, Title 13, Section 2015(r). The response indicated, "...CARB will provide certain enforcement discretion for model years 2024 and 2025 for OEMs and their customer fleets that buy and sell engines outside California and then operate them in California."

With the Scope and Applicability of the ACF applying to fleets rather than manufacturers, it is imperative that regulated entities have access to and be made aware of this discretion. To ensure clarity, modifying the regulation to incorporate this discretion or removing section 2015(r) are two available options. Whichever path is selected, the final regulation should incorporate the most recent determinations made by the agency.

**2. The application and extent of the Enforcement Discretion letter needs to be clarified.**

Issuance of the Enforcement Discretion letter has raised questions regarding the applicability and scope of this discretion. For example,

- a) Will a fleet that operates vehicles subject to the enforcement discretion in California be able to generate a compliance certificate from TRUCRS if they meet all other ACF requirements?

- b) Will a fleet that operates vehicles subject to the enforcement discretion in California be deemed compliant for the purpose of shipper, broker, carrier compliant hiring requirements if they meet all other ACF requirements?

While our organizations recognize the importance of providing this enforcement discretion to enable the out-of-state sale of new vehicles to fleets, fleets need to have a clear understanding of what constitutes compliance under the provisions of the ACF regulation given the overlay of the Enforcement Discretion letter and Manufacturers Advisory Correspondence 22-04.

As stated above, we have significant concerns regarding the clarity of the proposed regulation with respect to achieving compliance. Combining this with the technology and infrastructure limitations, the regulation continues to be a recipe for disaster. We urge CARB to pause and reevaluate the proposed ACF regulation to address the numerous provisions which are proving to be unworkable.



Chris Shimoda  
Vice President of Government Affairs  
California Trucking Associations  
[cshimoda@caltrux.org](mailto:cshimoda@caltrux.org)



Michael Tunnell  
Senior Director  
American Trucking Associations  
[mtunnell@trucking.org](mailto:mtunnell@trucking.org)