

Date of Hearing: April 28, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 911 (Carrillo) – As Introduced February 19, 2025

SUBJECT: Emergency telecommunications medium- and heavy-duty zero-emission vehicles

SUMMARY: Exempts emergency telecommunications vehicles that emergency telecommunications service providers own or operate from California Air Resources Board (CARB) requirements that these fleets transition to zero-emission vehicles. Specifically, **this bill:**

- 1) Exempts emergency telecommunications vehicles from Article 3.4 (commencing with Section 2015) of Chapter 1 of Division 3 of Title 13 of the California Code of Regulations that outlines vehicle emission requirements for high priority fleets operating in California.
- 2) Defines an “emergency telecommunications vehicle” as:
 - a) “Bucket truck” means a vehicle configured with an affixed personnel or aerial lift system with a control platform at the end of the lift with a space for the operator to stand and work above the ground; and,
 - b) “Cell on wheels (COW) unit” means a mobile unit vehicle configuration that is equipped with telecommunications infrastructure, including, but not limited to, antennas or network equipment, that is typically mounted on a platform and that enables the rapid deployment of temporary network coverage in remote areas or during emergency situations.
- 3) Defines an “emergency telecommunications service provider” as:
 - a) A public or private entity that is required to participate in the federal Emergency Alert System or to provide access to 911 emergency services; and,
 - b) A public or private entity that provides wireless connectivity services in emergencies or during other wireless connectivity services outages, including, but not limited to, providing support to the federal First Responder Network Authority and the Nationwide Public Safety Broadband Network.

EXISTING LAW:

- 1) Establishes CARB as the air pollution control agency in California and requires CARB, among other things, to control emissions from a wide array of mobile sources and coordinate with local air districts to control emission from stationary sources in order to implement the Federal Clean Air Act. (Health and Safety Code (HSC) 39602; HSC 39602.5)
- 2) Requires CARB, pursuant to California Global Warming Solutions Act of 2006 (AB 32 (Núñez), Chapter 488, Statutes of 2006) to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to 1990 levels by 2020 and to develop a scoping plan for achieving the maximum technologically feasible and cost effective reductions in GHGs. (HSC 38500)

- 3) Requires, pursuant to SB 32 (Pavley), Chapter 249, Statutes of 2016 that CARB ensure that statewide GHG emissions are reduced to at least 40% below 1990 levels by 2030. (HSC 38566)
- 4) Provides, pursuant to the California Climate Crisis Act (AB 1279 (Muratsuchi), Chapter 337, Statutes of 2022) that it is the policy of the state to do both of the following:
 - a) Achieve net zero GHG emissions as soon as possible but no later than 2045; and, ensure that by 2045, GHG emissions are reduced to at least 85% below 1990 levels.

FISCAL EFFECT: Unknown

COMMENTS: *Why regulate vehicle emissions?* Mobile sources and the fossil fuels that power them are the largest contributors to the formation of ozone, GHG emissions, fine particulate matter (PM_{2.5}), and toxic diesel particulate matter. In California, they are responsible for approximately 80% of smog-forming nitrogen oxide (NO_x) emissions. They also represent about 50% of GHG emissions when including emissions from fuel production, and more than 95% of toxic diesel particulate matter emissions. Statewide, more than 21 million out of over 39 million Californians live in areas that exceed the federal ozone standards; within these areas, there are many low-income and disadvantaged communities that are exposed to not only ozone, but also particulate and toxic, pollutant levels significantly higher than the federal standards which have immediate and detrimental health effects.

The National Ambient Air Quality Standard (NAAQS). The Clean Air Act of 1970 instructs the U.S. Environmental Protection Agency (US EPA) to set primary NAAQS to protect public health, and secondary NAAQS to protect plants, forests, crops and materials from damage due to exposure to six air pollutants. These pollutants include: particulate matter, ozone, nitrogen oxides, sulfur oxides, carbon monoxide, and lead.

Federal law (42 United States Code 7409 and 7410) requires that all states attain the NAAQS and develop State Implementation Plans (SIP) for nonattainment areas to attain the NAAQS, and attainment areas to maintain attainment. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds.

Under State law (Health and Safety Code (HSC) 39602), CARB is responsible for developing the SIP emission reduction strategies for cars, trucks, and other mobile sources to meet the requirements in the Clean Air Act. The California Department of Pesticide Regulation is the State agency responsible for controlling pesticide emissions. Local air districts are primarily responsible for controlling emissions from stationary sources such as factories and power plants. CARB coordinates closely with the local air districts in the development of attainment plans which are then incorporated into the SIP.

GHG reduction goals. The Legislature has set a number of goals to reduce GHG emissions and address climate change. The Global Warming Solutions Act of 2006, AB 32 (Nuñez), Chapter 488, Statutes of 2006 and subsequent companion legislation SB 32 (Pavley), Chapter 249, Statutes of 2016, requires California to reduce statewide GHG emissions to 40% below the 1990 level by 2030. AB 1279 (Muratsuchi), Chapter 337, Statutes of 2022 establishes the policy of the state to achieve carbon neutrality as soon as possible, but no later than 2045. CARB is responsible for developing a Scoping Plan to detail how the state will achieve its GHG emissions reduction targets mandated by law.

Advanced Clean Fleet (ACF) Regulation. To further these efforts, at the end of 2020, Governor Newsom issued EO N-79-20 which requires 100% of in-state sales of new passenger cars and trucks to be zero-emission by 2035. EO N-79-20 charges CARB with developing and proposing passenger vehicle and truck regulations requiring increasing volumes of new ZEVs sold in the state. CARB spent three years developing ACF which went into effect in late 2023 with initial compliance and reporting dates phasing in for certain fleets December 31, 2023. ACF was developed to require sales of new medium and heavy-duty vehicles and for drayage trucks, and for high priority fleets (fleets that have either \$50 million or more in gross annual revenues, or that own, operate, or have common ownership or control of a total of 50 or more vehicles) and state and local fleets to phase-in ZEVs.

California is granted special authority under the Clean Air Act (42 United States Code 7543) to adopt regulations that apply stricter emissions requirements on vehicles than set by the federal government. CARB must apply for a federal waiver from the US EPA to enforce these regulations. CARB applied for a waiver to enforce the ACF regulation on July 12, 2024. CARB withdrew their waiver request January 13, 2025. Without a federal waiver, CARB is only able to enforce the portion of ACF that requires state and local fleets to phase-in ZEVs. This bill focuses on emergency telecommunications vehicles owned or purchased by emergency telecommunications service providers and these entities are not subject to ACF at this time.

Streamlined ZEV Exemption List. CARB created a mechanism within ACF to streamline the exemption process. The regulation includes a list of vehicles that are considered to be added to the ZEV Purchase Exemption List. The vehicles specified within the regulation were compiled through extensive stakeholder feedback to reflect the needs of regulated entities. If a vehicle is on the Exemption List, a fleet may purchase an internal combustion engine vehicle of the same configuration and weight class as one on the list and still be in compliance. The list is updated to reflect good engineering and business judgement as to when vehicles are added to and removed from the list. When a vehicle is added to the list, at least 180 calendar days must pass before the vehicle is removed from the list. The list was released on January 1, 2025 and currently includes Class 5 bucket trucks, which are set to be removed from the list on August 1, 2025 as available models have been identified. COWs were not considered for the Exemption List as they are often mounted on trailers and do not have their own motive power.

Committee comments. This committee heard a similar version of this bill on August 29, 2024. During that hearing, the committee raised concerns that the bill would put at risk federal transportation funding for non-compliance with NAAQS, continue the emissions of harmful air pollutants, and delay the state in meeting its climate change goals. The committee also pointed out that there is a current exemption process built into ACF when vehicles are not available in ZEV configurations that fit the fleet's needs. At that time, the committee was planning to hold a joint informational hearing in January 2025 to publicly discuss ACF and seek solutions to the issues public entities and private businesses face when transitioning to ZEV fleets.

As the policy landscape around the ZEV transition continues to settle and come into focus in light of the federal administration changes and CARB's withdrawal of its waivers, the state has the opportunity to pause and critically consider how to move forward. This bill and others like it exemplify that businesses and public entities that operate vehicle fleets face challenges with technology, infrastructure, and funding. Individual or piecemeal exemptions, however, are not the solution. At this critical juncture, California can consider how to address very real challenges while finding a holistic approach to complying with NAAQs and meeting the state's climate

goals. This committee is committed to continuing the conversation and working closely with the legislative body, the Administration, and stakeholders to find comprehensive solutions.

According to the author. “Access to reliable telecommunications services is not just a convenience—it’s a necessity and a matter of public safety, especially in rural and underserved communities like mine and many others across California. AB 911 ensures that emergency vehicles, such as Bucket Trucks and Cells on Wheels (COWs), can be deployed quickly to restore and maintain the lines and services that support 9-1-1 and the Emergency Alert System (EAS).

Reliable communication systems play a pivotal role in our daily lives, and we must ensure that first responders have access to the specialized vehicles they need during severe weather, wildfires, natural disasters, and other life-threatening events. While we continue to make important progress toward meeting the state’s climate and air quality goals, this bill strikes a necessary balance—prioritizing both public safety and equitable access to emergency communications for all Californians.”

Arguments in support. According to CalBroadband, the sponsors of this bill, “Bucket trucks and [Cells on Light Trucks] COLTs are critical tools for maintaining and restoring emergency communications. These specialized vehicles allow telecommunications providers to repair infrastructure in remote, high-risk, or disaster-affected areas. However, current zero emission vehicle technology is not yet capable of meeting the operational needs of these vehicles due to weight constraints, range limitations, and the requirement for rapid deployment—often in areas where power sources are unavailable.

The regulation of privately owned telecommunications in the ACF leaves a critical gap in emergency response capabilities. Telecommunication providers are integral partners in public safety efforts, ensuring that 9-1-1 systems, Emergency Alert Systems (EAS), and disaster recovery operations function seamlessly. Without this exemption, telecommunications companies will face unnecessary delays in restoring critical infrastructure, putting lives at risk.”

Arguments in opposition. According to a coalition of groups including the Environmental Defense Fund, Coalition for Clean Air, the National Resources Defense Council, and the Union of Concerned Scientists write, “The overarching goal of the ACF regulation is to increase the use of zero-emission medium- and heavy-duty vehicles for fleets meeting certain criteria, in an effort to mitigate harmful transportation sector emissions and better protect public health. Alongside the health benefits of the ACF regulation, financial benefits are also predicted for regulated fleets, with CARB estimates indicating savings of over \$30 billion through 2050. For privately-owned fleet requirements, ACF only applies to fleets that have 50 or more medium- and heavy-duty vehicles, or annual revenue exceeding \$50 million. However, the rule is currently without an approved U.S. Environmental Protection Agency waiver, leaving its enforceability applicable to only the public fleets, which CARB has indicated it plans to implement. The vehicles eligible under AB 911 owned by private utility entities are therefore currently not subject to the ACF rule.

However, should ACF be approved by a future federal administration and fully enforceable at a later date, there are provisions written into the regulation to take into consideration emergency response and fleet business needs. The Advanced Clean Fleets regulation was carefully crafted at the California Air Resources Board to ensure that flexibility was available to regulated fleets.

This is widely represented by the many exceptions and exemptions under ACF, as well as the multiple pathways for compliance available to fleet operators. For example, should a zero-emission equivalent bucket truck not be adequate for the daily-usage or mileage needs of a given utility, the vehicle would be exempt under the Daily Usage exemption. Additionally, should a zero-emission vehicle (ZEV) not be available in the needed configuration, the combustion engine model would be exempt from ACF under the ZEV Purchase Exemption. Vehicles contracted to support declared emergency events are also exempt from compliance. There are several other potentially applicable exemptions built into ACF, as the regulation was drafted in a practical manner, with much input from affected industries.”

Previous and related legislation. SB 496 (Hurtado) of 2025 would require CARB to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee to review appeals of denied requests for exemptions from the requirements of ACF. The bill is currently set to be heard in the Senate Appropriations Committee.

AB 3179 (Carrillo) of 2024 would have exempted emergency telecommunications service providers from procuring zero emission bucket trucks and cell on wheels until January 1, 2036. The bill was vetoed by the Governor.

AB 1122 (Bains) of 2024 would have required CARB to delay the compliance dates for towing vessel commercial harbor crafts to replace or retrofit their engines until their next regularly scheduled inspection by the Coast Guard or an authorized classification society. The bill was vetoed by the Governor.

AB 1296 (Grayson) of 2024 would prohibit CARB from requiring or compelling the San Francisco bar pilots to replace certain pilot station boats until the end of its useful service life. The bill was vetoed by the Governor.

SB 1393 (Niello) of 2024 would have established an advisory committee that would meet monthly to hear appeals from individuals who sought exemption from the Advanced Clean Fleets regulations and make recommendations to CARB. SB 1393 failed passage in the Senate Environmental Quality committee.

AB 1594 (Garcia) Chapter 585, Statutes of 2023, requires any state regulation that seeks to require the procurement of medium- and heavy-duty ZEVs to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life, as determined by the California Air Resources Board in consultation with public agency utilities, when needed to maintain reliable service and respond to major foreseeable events, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

CalBroadband (sponsor)

Cal Fire Local 2881

CalCom Association

California Association of Highway Patrolmen

California Chapter National Emergency Number Association

California Community Foundation

California Hispanic Chambers of Commerce
California Police Chiefs Association
California Professional Firefighters
Corporation for Education Network Initiatives in California
CTIA
Rural County Representatives of California
United States Telecom Association
Wireless Infrastructure Association

Opposition

Coalition for Clean Air
Environmental Defense Fund
Natural Resources Defense Council
Union of Concerned Scientists

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