

BOARD MEETING DATE: December 1, 2023

AGENDA NO. 23

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a public Board meeting on November 16, 2023. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

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The November Board meeting of the California Air Resources Board (CARB or Board) was held on November 16, 2023 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key item presented is summarized below.

DISCUSSION ITEM

23-10-1: Public Meeting to Consider the Proposed Fiscal Year 2023-24 Funding Plan for Clean Transportation Incentives

The Board approved the Fiscal Year 2023-24 Funding Plan for Clean Transportation Incentives (Funding Plan). The Funding Plan covers nearly \$624 million in clean transportation investments from related funding sources appropriated to the California Air Resources Board in budget bills passed by the Legislature and signed by the Governor. The approved Funding Plan builds on investments from previous budget cycles that were envisioned as multi-year investments, and includes \$140 million for clean transportation equity investments benefiting low income and disadvantaged communities, \$484 million for heavy-duty and off road equipment investments with a set-aside of funds for drayage trucks and school buses. The Funding Plan also continues the funding of the Clean Off-Road Equipment Voucher Incentive Project and the Innovative Small e-Fleets Project, expands the vehicle eligibility list to support electric motorcycles and adaptive equipment for light-duty vehicles, and adjusts the voucher amounts and delaying fleet size limits for heavy-duty vehicle incentives.

Attachment

CARB November 16, 2023 Meeting Agenda

Public Meeting Agenda

Thursday, November 16, 2023 @ 9:00 a.m.

Zoom Webinar: [Register](#)
Phone Number: (669) 900-6833
Webinar ID: 842 1877 8048



arb.ca.gov/ma111623

California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

[Webcast](#) (Livestream/Watch Only)

The November 16, 2023, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation also available. This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Board Meeting and not provide verbal comments, please view the [webcast](#). If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

- [In-Person Public Testimony](#)
- [Remote Public Participation](#)

The Board will set a two-minute time limit on verbal comments; however, the amount of time could change at the Chair's discretion.

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair may close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the November 16, Board Meeting.

- [Agenda de la Reunión Pública](#)
- [Spanish Webcast](#)

Thursday, November 16, 2023 @ 9:00 a.m.

Discussion Item:

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

23-10-1: Public Meeting to Consider the Proposed Fiscal Year 2023-24 Funding Plan for Clean Transportation Incentives

The Board will consider for approval staff's proposed Fiscal Year 2023-24 Funding Plan for Clean Transportation Incentives. This item is exempt from the California Environmental Quality Act.

- [More Information](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

Association of American Railroads et al. v. Randolph et al. United States District Court, Eastern District of California, Sacramento, Case No. 2:23-cv-01154-JAM-JDP.

Bobby Harris v. Nissan North America, Inc. (U.S. District Court, Central District of California, Case No. 2:20 cv 06021 CJC GJS.)

California Air Resources Board v. Best Energy Solutions & Technology Corp. Los Angeles Superior Court, Case No. 22STCV32487.

California Air Resources Board v. Daimler AG and Mercedes-Benz USA, LLC. (United States District Court, District of Columbia, Civil Action No. 1:20 cv 2565.)

California Air Resources Board v. Key Disposal, Inc. and John Katangian Los Angeles Superior Court, Case No. BC650014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250; industry appeal California Court of Appeal, Fifth District, Case No. F084229.

California Trucking Association v. California Air Resources Board, et al. Fresno County Superior Court, Case No. 22CECG00919.

California Trucking Association v. California Air Resources Board et al., United States District Court for the Eastern District of California, Case No. 2:23-at-01044.

California Trucking Association v. South Coast Air Quality Mgmt. District United States District Court, Central District of California, Case No. 2:21 cv 6341.

Central California Environmental Justice Network, et al. v. Randolph, et al., United States District Court, Eastern District of California, Case No. 2:22 cv 01714 TLN CKD.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145, and consolidated cases *State of California v. Wheeler, et al.*, No. 20-1167, and Nos. 20 1168, 20-1169, 20-1173, 20-1174, 20-1176, and 20-1177.

East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, et al. U.S. District Court, Central District of California, Los Angeles, Case 2:23-cv-06682.

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20 1360.

Federal Energy Regulatory Commission Order 719, Docket No. RM21-14-000.

Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al. (San Luis Obispo County Superior Court, Case No. 17CV-0576) and *Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al.*, U.S. District Court for the Central District of California, Case No. 2:17-cv-0-8733.

GreenPower Motor Company, Inc. v. California Air Resources Board, Sacramento County Superior Court, Case No. 23WM000083

Natural Resources Defense Council v. National Highway Traffic Safety Admin., et al., United States Court of Appeal, District of Columbia Circuit, Case No. 22 1080, consolidated with Nos. 22 1144, 22 1145.

People ex rel. California Air Resources Board v. Noil Energy Group, Inc. & Speedy Fuel, Inc. Los Angeles Superior Court Case Nos. 20STCV30142/20STCV30292.

People ex rel. California Air Resources Board v. Wholesale Harvest Supply, Inc. Mendocino County Superior Court, Case No. 22CV00491.

People v. Southern California Gas Company. (Los Angeles Superior Court, Case No. BC602973.)

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985; transferred to San Diego County Superior Court, Case No. 37-2021-00023385-CU-TT-CTL.

Possible litigation challenging U.S. Environmental Protection Agency's grant of waivers of preemption under the Clean Air Act to the California Air Resources Board.

State of California v. Andrew Wheeler et. al., District of Columbia Circuit, Case No. 19 1239, consolidated under No. 19 1230 along with other cases.

State of California v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1167.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18 cv 5712 DMR; United States Court of Appeals, Ninth Circuit, Case No. 20 16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit - Case No. 21-1034, consolidated with *California Communities Against Toxics et al. v. EPA*, Case No. 21-1024.

State of California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 23-1020.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21 1028.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18 cv 00773-RBW.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15 1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16 1242.

State of Ohio, et al., v. Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 22 1081, consolidated with Case Nos. 22 1083, 22 1084, and 22 1085.

State of Texas, et al., v. Environmental Protection Agency, et al. United States Court of Appeals, District of Columbia Circuit, Case No. 22 1031.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 2:16-cv-00285-SWS.

The Two Hundred for Homeownership, et al. v. California Air Resources Board, et al. United States District Court, Eastern District of California, Fresno, Case No. 1:22 cv 01474-ADA-BAM.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG1494.

Western States Petroleum Association v. California Air Resources Board, et al., Superior Court of the State of California for the County of Fresno, Case No. 22CECG03603.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Western States Petroleum Association v. California Air Resources Board, Fresno County Superior Court, Case No. 23CECG02976.

Western States Trucking Association, Inc. v. California Air Resources Board, Fresno County Superior Court, Case No. 23CECG02964.

Western States Trucking Association, Inc., et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 23-1148.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV 20-00083726-0000.

Opportunity for Members of the Board to Comment on Matters of Interest

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of two minutes to ensure that everyone has a chance to speak. The public will also have an opportunity to *submit written comments* for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board Meeting.

If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814
cotb@arb.ca.gov or (916) 322-5594
CARB Homepage: www.arb.ca.gov

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Acomodación Especial

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor contacte la oficina del Consejo al (916) 322-5594 o por correo electrónico al cotb@arb.ca.gov lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.