



February 20, 2025

The Honorable Jared Polis
Governor
State of Colorado
136 State Capitol
Denver, CO 80203-1792

The Honorable Kathy Hochul
Governor
State of New York
State Capitol
Albany, NY 12224

The Honorable Wes Moore
Governor
State of Maryland
State House
100 State Circle
Annapolis, MD 21401

The Honorable Tina Kotek
Governor
State of Oregon
900 Court Street, Suite 254
Salem, OR 97301-4047

The Honorable Maura Healey
Governor
State of Massachusetts
State House, Room 360
Boston, MA 02133

The Honorable Dan McKee
Governor
State of Rhode Island
State House
82 Smith Street
Providence, RI 02903

The Honorable Phil Murphy
Governor
State of New Jersey
The State House
P.O. Box 001
Trenton, NJ 08625

The Honorable Phil Scott
Governor
State of Vermont
109 State Street
Pavilion Office Building
Montpelier, VT 05609

The Honorable Michelle Lujan Grisham
Governor
State of New Mexico
State Capitol, Fourth Floor
Santa Fe, NM 87501

The Honorable Bob Ferguson
Governor
State of Washington
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governors:

The undersigned represent towing and recovery truck associations in the states that adopted California Air Resources Board's (CARB) Advanced Clean Trucks (ACT) and/or Heavy-Duty Engine and Vehicle Omnibus (Omnibus) regulations.

As you know, towing and recovery trucks are part of the roadway safety network supporting American motorists and first responders. They prioritize motorists' safety by providing reliable roadside assistance 24/7 and clearing road accidents and mechanical breakdowns daily.

Today, we urge you to prioritize roadway and motorist safety and in-state jobs by delaying the implementation of CARB's ACT and Omnibus regulations and request that Governor Gavin Newsom address their demonstrated failure. While the goal of transitioning America's trucking industry to Zero-Emission Vehicles (ZEVs) by 2035 is well intended, the regulations are not functioning as conceived and are undermining in-state businesses, jobs, and clean air goals.

Combined, these regulations reduced combustion engine chassis availability by over 80% in California in 2024, devastating their in-state dealers and upfitters and pushing companies to purchase used out-of-state vehicles or retain older, higher emission vehicles longer. In 2025, a major supplier of chassis to the towing and recovery industry has only been able to confirm 10% of normal chassis deliveries to California across all manufacturers. Because of the lack of ZE sales in the additional ACT states, deliveries will likely be even lower to our members, jeopardizing their ability to maintain adequate response times. And as the current inventories of combustion engines are depleted, the production and sale of towing and recovery trucks will stop in your state as in California, resulting in small businesses closing, layoffs, and a decline in reliable roadside services.

The failures of the regulations are acute and demonstrated by California and other states' actions. CARB announced in October that they will not enforce significant provisions of the Omnibus regulation, recognizing its severe impact on California's economy and in-state businesses. There is no justifiable logic for other states to adopt a policy that knowingly places businesses in violation of the law and then must rely on the 'grace' of the state to not take action against them. New York, Massachusetts, and New Jersey have gone further and indicated they will not enforce the ACT regulation against key government entities. This is because CARB failed to account for equipment used for snow removal, and the inadequate availability of chassis delayed replacing older equipment before it was required to be counted towards the Zero Emission mandates. In other words, these states affirm that the regulation can't be complied with for economic and technical reasons, but it only delays the regulation for government entities.

We strongly agree that these states should not implement the regulations, but it should not create an artificial and illegal compliance "pass" for only government entities. Section 177 of the Clean Air Act requires that every state must adopt a regulation identical to California's regulations and at least two years prior to its application. This means these states' "pass" for government entities violates Section 177. Similarly, the Clean Air Act provides no exceptions for other states to forgo enforcement of any provision of either regulation, meaning any state that adopts either or both regulations must fully enforce every provision, regardless of CARB's decision not to enforce large portions of the failed regulations.

Any state creating artificial and illegal exemptions risks litigation from parties that do not benefit from these unofficial exemptions. It is in the interests of each Section 177 state, its taxpayers, and motorists to delay implementing the regulations and formally request CARB make appropriate regulatory amendments to address the deficiencies in each regulation.

Private entities, such as the towing and recovery industries, are equally critical to supporting roadway safety. This is why we urge each state to delay implementation until CARB can appropriately update the regulations to exempt those vehicles essential to roadway safety and the economy. This would, at a minimum, include towing and recovery, snowplows, and snow removal trucks. Of note, California provides exemptions for public emergency vehicles, towing and recovery trucks owned by bridge and highway districts, private ambulances, and armored vehicles. These exemptions are due to California's statutory construction that was developed to exempt certain vehicles from rules of the road and completely unrelated to an evaluation of essential vehicles and the state of technology related to air emissions.

As an example of the lack of evaluation conducted on specific use cases by CARB in developing these latest regulations, the University of California, Berkeley conducts a bi-annual evaluation of the Freeway Service Patrol (FSP) operations in California. This is a free service to motorists in 16 metro jurisdictions designed to quickly remove breakdowns, accidents, or other impediments to the flow of vehicles on highways and interstates. UC Berkeley Institute of Transportation Studies (UC Berkeley) found that even during the lower traffic volumes during the COVID-19 pandemic, the adequate availability of private towing and recovery trucks under the FSP reduced emissions, saved motorists money, and reduced the economic impact from traffic delays. Specifically, UC Berkeley indicated that in the 2020-2021 fiscal year, the FSP resulted in fuel savings to consumers of over 16.5 million gallons, reduced time on roadways by over 9.6 million hours, reduced carbon dioxide creation by over 145.7 million kilograms, and resulted in 1,153.6 kilograms less of nitrogen oxides.

The UC Berkeley study did not quantify the additional benefits of increased safety to first responders spending less time along roadways, the reduction in follow-along crashes from stalled traffic, and the benefits of reduced injuries and deaths from those crashes. Similarly, the adequate availability of other essential vehicles to clear highways of other hazards would offer similar economic and safety benefits and reduced emissions that CARB should have evaluated in their environmental documents. If CARB had fully evaluated use cases, it would have included private towing and recovery trucks in the exemption without impacting air quality emissions. There is no difference between a towing and recovery truck operated by a private entity and those operated by a bridge or highway district. No commercially available ZEV option can meet the energy requirements and specifications enforced by the California Highway Patrol.

Given the state of technology, towing and recovery truck operators have little to no options to purchase from in-state businesses. Those available are increasing in cost due to mandatory mitigation fees of at least \$9,000 imposed on only new trucks. This results in operators being forced to keep older, higher emission trucks on the road longer. Trucks that don't have updated safety equipment are subject to higher maintenance and upkeep costs. Alternatively, operators will seek used trucks from out-of-state that are not required to pay mitigation fees. CARB's regulations allow higher emissions trucks to be brought in that are up to 18 model years old or have less than 800,000 miles. And in direct competition to in-state businesses, CARB's rule also allows any truck with over 7,500 miles to be imported with no requirement to pay a mitigation fee or be counted against the ACT mandates. These "used" trucks undermine jobs and economic activity associated with in-state businesses. CARB has created an economic loophole you can literally drive a truck through. This legal loophole means that dealers, upfitters and service providers in surrounding non-Section 177 states will benefit economically, all while undermining the clean air goals of your states.

Adding insult to injury, CARB indicates they cannot document imports into their state. And they plan to cap the exchange or credits between states. At a workshop in December, CARB proposed transferable credits between states that decline over time, starting at 20% in 2027 and reducing to 4% in 2031. CARB also proposes to restrict transfers further so that no more than 25% of those credits can be transferred from any state. This means that as the largest market and having the most infrastructure, if sales in California exceed what is needed, every other state will be limited in how many credits can be transferred to ensure economic needs are being met for in-state businesses. This places smaller states in direct competition for credits or redirects state resources to subsidize ZEV infrastructure and purchases at unsustainable levels.

Governor Newsom recently announced another \$1.4 billion for charging infrastructure. This brings California's total investment to over \$10 billion for ZEVs and ZEV infrastructure (not including federal funding). And yet California's investment remains far from making the transition to ZEV trucks economically or technologically viable at the scale the regulations contemplate. In fact, most of the excess credits boasted about by Governor Gavin Newsom are related to the sale of electric pickup trucks for non-commercial uses. Yet these pickup manufacturers have implemented plans to reduce manufacturing volumes or delay manufacturing of future models completely. This reflects the broader statements by manufacturers of not expanding offerings of electric-only vehicles and, in most cases, reducing production volumes in favor of hybrid and plug-in hybrid technologies that meet consumer demands for increased efficiency and avoid the problems with inadequate infrastructure for electric-only vehicles.

If the states want to continue the push for electric-only vehicles and trucks, robust analysis is necessary to evaluate the scale of charging networks necessary to support the fleets, the state of the energy infrastructure, and the investment necessary to meet production and distribution upgrades AND other necessary uses that will be competing for those resources. This includes the rapidly increasing demand for Artificial Intelligence and other data centers, which is predicted to double over the next two years, equivalent to the total energy consumption of Japan, according to the International Energy Agency. Electric charging will not be able to compete with massive technology companies, increasing the costs of procuring electrons for charging purposes.

Towing and recovery truck drivers provide essential emergency services critical to the free flow of trade, commerce, and commuters traveling to and from work. Without access to reliable and affordable towing services, traffic delays will only delay the delivery of products and services, wasting time and fuel, resulting in billions of dollars in economic loss and higher consumer prices.

We urge you to take action immediately to delay the implementation of the ACT and Omnibus regulations and direct CARB to provide exemptions for essential vehicles and trucks that are important to roadway and motorist safety. Further, do not undermine air quality goals by incentivizing the importation of used out-of-state trucks at the cost of in-state jobs and small businesses.

As organizations representing tens of thousands of towing and recovery businesses and their valued employees, we implore you to recognize that a strong and vibrant towing industry is essential to your state's economy, jobs, and public safety.

Sincerely,



Amy Barela, President
New Mexico Towing and Recovery Assoc.



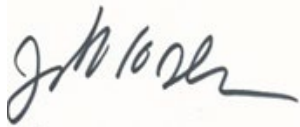
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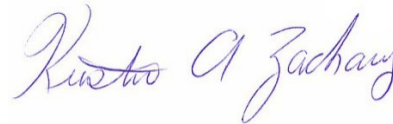
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