

Memorandum

*Making Conservation
a California Way of Life.*

To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: November 27, 2023

File: Division of Construction
CPD 23-11



From: RAMON HOPKINS, Chief
Division of Construction

Subject: RENEWABLE DIESEL REQUIRED USE STATEWIDE

Effective January 1, 2024, the California Air Resources Board (CARB) amended regulations that require the statewide use of renewable diesel for off-road diesel-fueled fleets, pursuant to California Code of Regulations, Title 13, Section 2449 (13 CCR 2449), "In-Use Off-Road Diesel-Fueled Fleets." The new regulations also require prime- and sub-contractors to submit a Certificate of Reported Compliance for their fleets before contract award, which is addressed by Section 2-1.11, "In-Use Off-Road Diesel-Fueled Vehicle List," and Section 2-1.33B, "Bid Form Submittal Schedule," of the special provisions for projects with bid opening after November 1, 2023.

This directive removes the requirements in Section 5-1.35, "Renewable Diesel Required Use," of the special provisions, which conflict with the new CARB regulations. The existing provisions in Section 5-1.35 contain requirements for quarterly reporting of renewable diesel usage, and an opt-out alternative, which is inconsistent with the new CARB regulations.

Section 5-1.35 of the special provisions is currently included in pilot projects located in Districts 3, 4, 6, 7, 8, 10, 11 and 12, that are greater than \$2 million, with at least 100 working days, and roadway excavation quantity greater than 5,000 cubic yards. For ongoing construction projects that use Section 5-1.35, resident engineers must issue a change order no later than December 31, 2023, to eliminate the existing provisions in Section 5-1.35, and as applicable, to eliminate or decrease the remaining quantity of the corresponding "Renewable Diesel Report" bid item.

Attached is a sample change order and memorandum. This directive serves as delegation of authority from the Division of Construction for change order approval, except when change order language is altered.

DEPUTY DISTRICT DIRECTORS, Construction et al.

November 27, 2023

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If you have questions or comments regarding this directive, contact Katharine Perrin, Division of Construction, at Katharine.Perrin@dot.ca.gov, or Renewable.Diesel@dot.ca.gov.

Attachments:

1. Sample Form CEM-4903, "Change Order Memorandum" Renewable Diesel
2. Sample Form CEM-4900, "Change Order" Renewable Diesel