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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 STATE OF CALIFORNIA, et al.,
22
23 Plaintiffs,

24 v.

25 UNITED STATES POSTAL SERVICE, et al.,
26
27 Defendants.

28 CLEANAIRNOW, et al.,
29
30 Plaintiffs,

31 v.

32 LOUIS DEJOY, et al.,
33
34 Defendants.

Case Nos. 3:22-cv-02583-AMO
3:22-cv-02576-AMO

JOINT STATUS REPORT

Honorable Araceli Martínez-Olguín

JOINT STATUS REPORT

Pursuant to the Court's orders (No. 3:22-cv-02583 (*State*) Dkt. 121; No. 3:22-cv-02576 (*CleanAirNow*) Dkt. 63), the parties submit the following status report regarding the supplemental environmental review process and the issuance of a revised record of decision (ROD).

On June 30, 2023, the U.S. Postal Service published a draft supplemental environmental impact statement (SEIS) for the Next Generation Delivery Vehicle (NGDV) Acquisitions program, 88 Fed. Reg. 42,401. The Postal Service is currently soliciting comments on the draft SEIS and held a virtual public hearing on July 26, 2023. *Id.* The comment period will run until August 14, 2023. *Id.* The expected dates for the Postal Service to issue the revised ROD for the NGDV Acquisitions program and receive the first NGDVs remain unchanged from the May 1, 2023 status report. *See States* Dkt. 125; *CleanAirNow* Dkt. 65. The Postal Service anticipates finalizing the revised ROD in October 2023 and expects to begin receiving the first mail-delivery NGDVs in June 2024. The Postal Service also anticipates receiving 12 pre-production NGDVs (six electric and six gas) at the end of April 2024 that it will use for testing and training.

In addition, the previous status report stated that the Postal Service's vehicle modernization strategy will include contracts for 9,250 commercial off-the-shelf electric vehicles, 9,250 commercial off-the-shelf gas vehicles, and more than 14,000 charging stations. U.S. Postal Serv., *USPS Moves Forward with Awards to Modernize and Electrify the Nation's Largest Federal Fleet* (Feb. 28, 2023), <https://about.usps.com/newsroom/national-releases/2023/0228-usps-moves-forward-with-awards-to-modernize-and-electrify-nations-largest-federal-fleet.htm>. Delivery of the commercial off-the-shelf vehicles "is intended to commence in December of this year, assuming successful completion of the [SEIS] . . . , and the related issuance of" the revised ROD "pursuant to the National Environmental Policy Act." *Id.*

Plaintiffs note that the Postal Service awarded contracts for the aforementioned 18,500 commercial off-the-shelf vehicles before completing review under the National Environmental Policy Act (NEPA), and that the subsequent June 30, 2023 draft SEIS does not consider any alternative with a greater proportion of electric vehicles than what the Postal Service has already committed to in its February 2023 press release. Plaintiffs also note that the Postal Service expects

1 delivery of gas-powered off-the-shelf vehicles only two months after finalizing the revised ROD.
2 Therefore, if Plaintiffs file a motion to lift the litigation stays and are successful, Plaintiffs will
3 likely seek an expedited briefing schedule to allow the court to address the alleged NEPA violations
4 before a significant number of gas-powered off-the-shelf vehicles are delivered.
5

6 Dated: July 31, 2023

Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I hereby certify that the above counsel in Case Nos. 3:22-cv-02583-AMO and 3:22-cv-02576-AMO have concurred in the filing of this document.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 31, 2023, I electronically filed the foregoing document with the Clerk of the Court using the ECF System, which will send notification of such filing to all counsel of record by operation of the Court’s ECF System.

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