

STATE OF NEW YORK

10098

IN ASSEMBLY

May 3, 2024

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the advanced clean fleets law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 19-0306-b of the environmental conservation law, as amended by chapter 109 of the laws of 2022, is amended to read as follows:

1. It shall be a goal of the state that one hundred percent of new passenger cars and trucks offered for sale or lease, or sold, or leased, for registration in the state shall be zero-emissions by two thousand thirty-five. It shall be a further goal of the state that fifty percent of medium-duty and heavy-duty vehicles offered for sale or lease, or sold, or leased, for registration in the state be zero-emissions by two thousand thirty-one, that eighty percent of medium-duty and heavy-duty vehicles offered for sale or lease, or sold, or leased, for registration in the state be zero-emissions by two thousand thirty-six, and that one hundred percent of medium-duty and heavy-duty vehicles offered for sale or lease, or sold, or leased, for registration in the state be zero-emissions by two thousand ~~forty-five~~ forty-one for all operations where feasible. It shall be further a goal of the state to transition to one hundred percent zero-emissions from new off-road vehicles and equipment purchased beginning in two thousand thirty-five, where feasible.

§ 2. Paragraph b of subdivision 2 of section 19-0306-b of the environmental conservation law, as amended by chapter 109 of the laws of 2022, is amended to read as follows:

b. Medium-duty and heavy-duty vehicle regulations requiring increasing volumes of new zero-emissions trucks and buses offered for sale or lease, or sold, or leased, for registration and operated in the state towards the target of fifty percent of the sold or leased fleet transitioning to zero-emissions vehicles by two thousand thirty-one, eighty percent of the sold or leased fleet transitioning to zero-emissions vehicles by two thousand thirty-six, and one hundred percent of the sold

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

LBD06573-07-4

1 or leased fleet transitioning to zero-emissions vehicles by two thousand
2 ~~[forty-five]~~ forty-one everywhere feasible.

3 § 3. The environmental conservation law is amended by adding a new
4 section 19-0306-c to read as follows:

5 § 19-0306-c. Advanced clean fleets law for medium- and heavy-duty vehi-
6 cles.

7 1. This section shall be known and may be cited and referred to as the
8 "advanced clean fleets law."

9 2. As used in this section, the following terms shall have the
10 following meanings:

11 (a) "Break-bulk goods" shall mean goods that are stowed on a drayage
12 truck in individually counted units.

13 (b) "Drayage truck" shall mean any in-use on-road vehicle that trans-
14 ports cargo, such as containerized bulk or break-bulk goods, between a
15 maritime terminal and intermodal rail facility, distribution center, or
16 other near-port location.

17 (c) "Fleet operator" or "operator" shall mean the individual or busi-
18 ness entity, whether in partnership, limited liability company, joint
19 stock company, corporation, or any other form, which owns a truck, or a
20 broker, which, as a principal or agent, sells, offers to sell, or nego-
21 tiates for truck transportation by a motor carrier for compensation.
22 For the purposes of this paragraph, "truck" shall refer to a medium-duty
23 vehicle, as defined in paragraph (i) of this subdivision, a heavy-duty
24 vehicle, as defined in paragraph (e) of this subdivision, a drayage
25 truck, as defined in paragraph (b) of this subdivision, or any truck, as
26 defined in paragraph (n) of this subdivision, owned, operated, or
27 controlled as part of a high priority fleet, as defined in paragraph (f)
28 of this subdivision.

29 (d) "Gross vehicle weight rating" or "GVWR" shall mean the weight of a
30 vehicle consisting of the unladen weight and the maximum carrying capac-
31 ity recommended by the manufacturer of such vehicle.

32 (e) "Heavy-duty vehicle" shall mean a vehicle with a gross vehicle
33 weight rating greater than twenty thousand six hundred pounds.

34 (f) "High priority fleets" shall mean trucking fleets which are owned,
35 operated, or controlled by entities with fifty million dollars or more
36 in annual gross revenue and that own, operate, or control at least one
37 vehicle with a gross vehicle weight rating of greater than eight thou-
38 sand five hundred pounds, or trucking fleets which are owned, operated,
39 or controlled by entities which own, operate, or control at least fifty
40 vehicles with a gross vehicle weight rating of greater than eight thou-
41 sand five hundred pounds.

42 (g) "Intermodal rail facility" shall mean a facility owned or operated
43 by a public or private entity that receives both drayage trucks and
44 locomotives.

45 (h) "Maritime terminal" shall mean wharves, bulkheads, quays, piers,
46 docks, and other berthing locations and adjacent storage or adjacent
47 areas and structures associated with the primary movement of cargo and
48 goods from vessel to shore, or shore to vessel, including structures
49 which are devoted to receiving, handling, holding, consolidating, and
50 loading or delivery of waterborne shipments or passengers, including
51 areas devoted to the maintenance of the terminal or equipment.

52 (i) "Medium-duty vehicle" shall mean a vehicle with a gross vehicle
53 weight rating between fourteen thousand one pounds and twenty thousand
54 six hundred pounds.

1 (j) "Motor carrier" shall mean a common and contract carrier of prop-
2 erty by motor vehicle and a common carrier of household goods by motor
3 vehicle.

4 (k) "Near zero emissions" shall refer to a vehicle that uses zero
5 emission technologies or technologies that provide a pathway to zero
6 emission operations or a vehicle that incorporates other technologies
7 that significantly reduce exhaust emissions of any greenhouse gas,
8 criteria pollutant, or precursor pollutant under any and all possible
9 operational modes and conditions.

10 (l) "On-road" shall mean a vehicle that is designed to be driven on
11 public highways, as such term is defined in section one hundred thirty-
12 four of the vehicle and traffic law, and that is registered or capable
13 of being registered pursuant to article fourteen of the vehicle and
14 traffic law.

15 (m) "Zero emission" shall refer to a vehicle powered by means of a
16 battery or fuel cell or a combination thereof, or another source of
17 power, that produces zero exhaust emissions of any greenhouse gas,
18 criteria pollutant, or precursor pollutant under any and all possible
19 operational modes and conditions.

20 (n) "Truck" shall mean a vehicle with a gross vehicle weight rating of
21 greater than eight thousand five hundred pounds.

22 3. No later than one year after the effective date of this section,
23 all fleet operators, as defined in paragraph (c) of subdivision two of
24 this section, shall be required to compile and deliver a report to the
25 department which shall detail:

26 (a) the number and type of contracts the fleet operator may have to
27 deliver items or perform work in the state of New York;

28 (b) what types of facilities the fleet operator uses to store such
29 operator's medium- and heavy-duty vehicle fleet as a home base, and
30 whether such fleet is primarily fueled at such home base;

31 (c) whether such storage facility is owned or leased by the fleet
32 operator;

33 (d) whether such storage facility contains refueling infrastructure
34 and the type of such infrastructure;

35 (e) the body and fuel type of each vehicle of the operator's fleet;

36 (f) how many vehicles in the operator's fleet are zero emission vehi-
37 cles or near zero emission vehicles compared to non-zero emission or
38 non-near zero emission vehicles;

39 (g) the weight class of each vehicle in the operator's fleet;

40 (h) the estimated daily and annual mileage of each vehicle in the
41 operator's fleet;

42 (i) whether the operator's fleet has a predictable usage pattern, and
43 if so, a description of such pattern;

44 (j) whether the operator's fleet tows a trailer and if so, a
45 description of the weight and type of such trailer;

46 (k) whether the operator's fleet is registered outside the state of
47 New York, and if so, where such fleet is registered;

48 (l) the percentage of an operator's fleet being driven on public high-
49 ways compared to the percentage parked at a facility on an average day;

50 (m) the average annual mileage of the operator's fleet;

51 (n) whether the operator's fleet is equipped with a global positioning
52 system or other form of electronic mileage tracking;

53 (o) how many years after purchase or lease a vehicle in the operator's
54 fleet is typically kept;

55 (p) whether the fleet operator is the owner of the fleet or is
56 dispatching vehicles as a broker of such fleet; and

1 (q) any other information the department deems necessary in order to
2 enforce the provisions of this section.

3 4. (a) Commencing in the year two thousand twenty-eight, no fleet
4 operator shall newly purchase or lease a drayage truck in this state
5 unless such truck is a zero emission or near zero emission vehicle.

6 (b) Commencing in the year two thousand thirty-six, no fleet operator
7 shall maintain or drive a drayage truck in this state unless it is a
8 zero emission or near zero emission vehicle.

9 (c) Commencing in the year two thousand forty-one, no fleet operator
10 shall maintain or drive a medium- or heavy-duty vehicle in this state
11 unless it is a zero emission or near zero emission vehicle.

12 (d) Commencing in the year two thousand twenty-eight, no high-priority
13 fleet operator may newly purchase or lease a truck in this state unless
14 such truck is a zero emission or near zero emission vehicle. Also
15 commencing in the year two thousand twenty-eight, all high priority
16 fleet operators must replace a non-zero emission or non-near zero emis-
17 sion truck that has reached the end of its useful life, defined as
18 occurring when either (i) the model year for the engine of such truck
19 has exceeded eighteen years, or (ii) such truck has been driven more
20 than eight hundred thousand miles, whichever is sooner, with a zero
21 emission or near zero emission truck. High priority fleet operators
22 shall not be required to replace a non-zero emission or non-near zero
23 emission truck that has reached the end of its useful life, however, if
24 such operator has determined that a replacement for such truck is unnec-
25 essary because of a reduction in the size of such operator's fleet.

26 (e) (i) The commissioner may, in their discretion, exempt fleet oper-
27 ators from the zero emission or near zero emission fleet requirements
28 described in this subdivision if no such zero emission or near zero
29 emission vehicle model is available for purchase or lease which meets
30 the needs of such fleet operator, in which case the fleet operator shall
31 be able to purchase or lease an alternative vehicle model, including
32 models with an internal combustion engine, where necessary. The
33 commissioner shall promulgate rules and/or regulations to effectuate the
34 provisions of this paragraph.

35 (ii) The department shall maintain, on a publicly accessible website,
36 a list of vehicle models, sortable by manufacturer and model year, which
37 are not yet available as a zero emission or near zero emission vehicle.

38 5. (a) The department shall establish a navigation program to provide
39 information and assistance to fleet operators relating to the provisions
40 of this section. Such program shall include assistance by a natural
41 person by phone and email as well as the posting of information on a
42 publicly accessible website.

43 (b) The navigation program shall provide the following:

44 (i) information about available zero emission and near zero emission
45 models of vehicles for fleet operators covered under this section;

46 (ii) information about available programs to assist fleet operators in
47 the purchasing or lease of zero emission and near zero emission vehi-
48 cles, such as but not limited to, vouchers, rebates, competitive grants,
49 low-cost financing, or any other program offered by any public or
50 private entity; and

51 (iii) any other information the department deems relevant in order to
52 compel compliance with the provisions of this section.

53 (c) The department shall conduct an outreach and education campaign to
54 inform fleet operators of the provisions of this section.

55 6. No later than two years after the effective date of this section,
56 and each year thereafter, the department shall issue a report on the

1 state of the trucking industry as it relates to the provisions of this
2 section. Such report shall include:

3 (a) the number of fleet operators covered by this section and an
4 aggregate description of such operators' fleets, including the number of
5 drayage trucks and medium- and heavy-duty vehicles across the state;

6 (b) the aggregate percentage of vehicles owned, operated, or
7 controlled by fleet operators covered under this section which are zero
8 emission or near zero emission vehicles compared to non-zero emission or
9 non-near zero emission vehicles;

10 (c) an aggregate description of the purchase or lease of new vehicles
11 by fleet operators and whether such vehicles are zero emission or near
12 zero emission vehicles compared to non-zero emission or non-near zero
13 emission vehicles;

14 (d) an aggregate description, by number and percentage, of non-zero
15 emission or non-near zero emission vehicles covered by this section
16 which were not able to be replaced with zero emission or near zero emis-
17 sion vehicles due to such vehicle model's unavailability, as well as
18 such model's anticipated date, if any, of availability by any vehicle
19 manufacturer;

20 (e) the estimated aggregate annual mileage of fleet operators covered
21 by this section;

22 (f) the estimated aggregate annual tailpipe emissions of fleet opera-
23 tors covered by this section, based on the mileage reported in paragraph
24 (e) of this subdivision;

25 (g) recommendations for any legislative changes to this section; and

26 (h) any other information the department deems necessary to include as
27 a description of the trucking industry's compliance with this act.

28 Such report shall be delivered on an annual basis to the temporary
29 president of the senate, the speaker of the assembly, and the governor.
30 Such report shall also be posted for public review in a clear and
31 conspicuous manner on the department's website.

32 7. (a) Any fleet operator who violates the provisions of subdivision
33 four of this section shall be liable, in the case of a first violation,
34 for a penalty not less than five hundred dollars nor more than eighteen
35 thousand dollars for said violation; provided, however, that the commis-
36 sioner may in their discretion suspend such penalty for a period of one
37 calendar year. If at the end of such calendar year, such fleet operator
38 remains noncompliant with subdivision four of this section, such penalty
39 shall be reinstated and become immediately due and payable to the
40 commissioner.

41 (b) In the case of a second or any further violation, the liability
42 shall be for a penalty not to exceed twenty-six thousand dollars for
43 said violation.

44 § 4. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law. Effective immediately, the addition, amend-
46 ment and/or repeal of any rule or regulation necessary for the implemen-
47 tation of this act on its effective date are authorized to be made and
48 completed on or before such effective date.