S T A T E O F N E W Y O R K

3558

2011-2012 Regular Sessions

I N S E N A T E

February 25, 2011

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to enacting the "Thruway to Fuelway act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "Thruway to Fuelway act."

S 2. Legislative findings. (1) The legislature finds that New York state agencies and authorities annually use millions of gallons of diesel fuel, the majority of which is imported from other countries, and is subject to the uncontrollable fluctuations of the world crude oil market. However, bio-diesel, which can be produced from plants natively grown in New York, can be utilized in standard diesel engines without modification. The use of such bio-diesel in the state's vehicle fleet would lower emissions, increase diversity of fuel sources, and generally improve New York's energy security and economy.

(2) The legislature further finds that the New York State Thruway ("Thruway") has 1,140 miles of median strips, which are as wide as one-quarter of a mile in sections, and are currently planted in ground cover, erosion control vegetation and various native flowering plants. To maintain a safe roadway, the thruway authority, which administers the thruway in the public interest, is required to mow or otherwise tend such vegetation at a substantial annual cost. With expert input from the state's cooperative extension service, it would be possible to replace the existing plantings with bio-fuel crops, some of which are natively grown in New York, turning the annual median maintenance expenses into investment in a locally grown fuel source. Such an investment is consistent with the state's goal of reducing carbon emissions, and with the important agricultural policy of avoiding replacing farm acreage

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

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devoted to food, with acreage devoted to fuel, which raises the costs of living for New York working families.

(3) The legislature therefore declares that the thruway authority shall be required to establish a pilot program to test the financial feasibility of replacing some or all of the thruway's existing plantings with bio-fuel crops, and of using the fuel generated from such crops to replace some or all of the foreign oil required by New York's diesel vehicle fleet.

S 3. The public authorities law is amended by adding a new section 359-b to read as follows:

S 359-B. PILOT PROGRAM FOR BIO-FUEL PRODUCTION IN THE THRUWAY RIGHT-OF-WAY. 1. UPON THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY SHALL INITIATE A TWO-YEAR PILOT "THRUWAY TO FUELWAY" PROGRAM TO INVESTIGATE THE FISCAL FEASIBILITY OF REPLACING IN WHOLE OR PART, THE EXISTING PLANTINGS AND VEGETATION IN THE THRUWAY RIGHT-OF-WAY'S MEDIAN STRIPS WITH BIO-FUEL FEEDSTOCK. THE CORNELL COOPERATIVE EXTENSION SERVICE, THE STATE DEPARTMENT OF AGRICULTURE, AND THE STATE UNIVERSITY OF NEW YORK AND ITS MEMBER CAMPUSES ARE AUTHORIZED AND REQUIRED TO COOPERATE WITH THE PILOT PROGRAM ADMINISTERED BY THE AUTHORITY.

2. IN CONSULTATION WITH THE STATE DEPARTMENT OF AGRICULTURE, CORNELL UNIVERSITY, THE STATE UNIVERSITY OF NEW YORK AT COBLESKILL, AND SUCH OTHER DIVISIONS OF THE STATE UNIVERSITY SYSTEM AS MAY BE NECESSARY OR PRUDENT, THE AUTHORITY SHALL PLANT AT LEAST ONE ACRE OF BIO-FUEL FEEDSTOCK SUCH AS, BUT NOT LIMITED TO, SOY, RAPESEED, JATROPHA, MAHUA, MUSTARD, FLAX, SUNFLOWER, PALM OIL, HEMP, FIELD PENNYCRESS, PONGAMIA PINNATA, OR ALGAE, IN EACH OF THE FIVE FOLLOWING ADMINISTRATIVE ZONES OF THE THRUWAY: THE MAINLINE, ERIE SECTION, NIAGARA SECTION, BERKSHIRE SECTION, AND THE NEW ENGLAND SECTION. THE AUTHORITY SHALL STUDY THE BIO-FUEL FEEDSTOCK PLANTINGS OVER TWO PLANTING, GROWING AND HARVESTING SEASONS IN ORDER TO DETERMINE THE FOLLOWING: (I) THE FISCAL VIABILITY AND SURVIVABILITY OF SUCH FEEDSTOCK AS A CONTINUING SOURCE OF BIO-FUEL, WHEN GROWN IN THE THRUWAY RIGHT-OF-WAY; (II) THE AMOUNT OF LABOR AND EXPENSE NECESSARY TO GROW AND HARVEST SUCH FEEDSTOCK IN THE THRUWAY RIGHT-OF-WAY; (III) THE BIO-FUEL YIELD OF SUCH FEEDSTOCK PER ACRE PLANTED; (IV) THE EXPECTED DEMAND FOR SUCH BIO-FUEL BY THE STATE'S DIESEL VEHICLE FLEET; (V) THE EXPECTED REVENUE, OR VALUE OF FUEL, POTENTIALLY ACCRUING TO THE STATE IF THE TOTAL ACREAGE OF THE THRUWAY RIGHT-OF-WAY WAS INTENSIVELY FARMED WITH BIO-FUEL FEEDSTOCK BY A PRIVATE VENDOR OR VENDORS UNDER A REVENUE CONTRACT WITH THE AUTHORITY; AND (VI) SUCH OTHER FACTORS AS MAY BE IN THE PUBLIC INTEREST, AND ARE REASONABLE AND NECESSARY FOR THE AUTHORITY TO CONSTRUCT A PERMANENT PROGRAM FOR USING THE THRUWAY'S MEDIAN STRIPS FOR BIO-FUEL PRODUCTION AT LITTLE OR NO COST TO THE STATE.

3. WITHIN SIXTY DAYS AFTER THE COMPLETION OF SUCH TWO-YEAR PILOT PROGRAM, THE AUTHORITY SHALL REPORT ITS FINDINGS, RECOMMENDATIONS AND LEGISLATIVE SUGGESTIONS TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, AND MINORITY LEADERS OF THE SENATE AND ASSEMBLY, REGARDING INSTITUTING A PERMANENT PROGRAM TO PRODUCE BIO-FUEL FOR SUPPLY TO THE STATE VEHICLE FLEET BY PLANTING THE THRUWAY MEDIAN STRIPS WITH BIO-FUEL FEEDSTOCK, IN PARTNERSHIP WITH ONE OR MORE PRIVATE ENTITIES THAT SHALL PLANT, FARM, HARVEST AND PRODUCE BIO-FUEL FROM SUCH FEEDSTOCK.

S 4. Section 377 of the public authorities law, as added by chapter 810 of the laws of 1973, is amended to read as follows:

S 377. Provision for servicing state vehicles with petroleum, etc. 1. The authority shall have the power to provide and shall provide to

state-owned or leased motor vehicles, gasoline and other petroleum by-products that are presently provided or will be provided to motor vehicles owned, leased or operated by the authority. The charge for providing such goods and services shall be equal to the cost to provide such to vehicles owned, leased or used by the authority except that a fee may also be charged to cover the necessary operating costs incurred as a result of providing such goods and services. Payment shall be accomplished by charging such cost-back against the centralized services fund established by state finance law section ninety-seven-g.

2. THE AUTHORITY SHALL HAVE THE POWER TO PROVIDE AND SHALL PROVIDE TO STATE-OWNED OR LEASED MOTOR VEHICLES, BIO-DIESEL AND OTHER ALTERNATIVE FUEL BYPRODUCTS THAT ARE PRESENTLY PROVIDED OR WILL BE PROVIDED TO THE MOTOR VEHICLES OWNED, LEASED OR OPERATED BY THE AUTHORITY, FROM THE AUTHORITY'S "THRUWAY TO FUELWAY" PILOT PROGRAM ESTABLISHED IN SECTION THREE HUNDRED FIFTY-NINE-B OF THIS TITLE, AND BY ANY PERMANENT SUCCESSOR BIO-FUEL PRODUCTION PROGRAM. THE CHARGE FOR PROVIDING SUCH GOODS AND SERVICES SHALL BE EQUAL TO THE COST TO PROVIDE SUCH GOODS AND SERVICES TO VEHICLES OWNED, LEASED OR USED BY THE AUTHORITY EXCEPT THAT A FEE MAY ALSO BE CHARGED TO COVER THE NECESSARY OPERATING COSTS INCURRED AS A RESULT OF PROVIDING SUCH GOODS AND SERVICES. PAYMENT SHALL BE ACCOMPLISHED BY CHARGING SUCH COST-BACK AGAINST THE CENTRALIZED SERVICES FUND ESTABLISHED BY SECTION NINETY-SEVEN-G OF THE STATE FINANCE LAW.

S 5. The New York State Thruway Authority, as deemed feasible and advisable by the trustees, is authorized and required to expend $1,000,000, or so much thereof as is necessary, for the purpose of carrying out the provisions of this act.

S 6. This act shall take effect immediately.