

# STATE OF NEW YORK

1199

2021-2022 Regular Sessions

## IN ASSEMBLY

January 7, 2021

Introduced by M. of A. CAHILL, STIRPE -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, COLTON, CYMBROWITZ, DINOWITZ, ENGLEBRIGHT, GALEF, GLICK, GOTTFRIED, GUNTHER, HEVESI, LUPARDO, O'DONNELL, PERRY, QUART, RAMOS, L. ROSENTHAL, ZEBROWSKI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to purchase of cleaner vehicles for use by state agencies

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

Section 1. The executive law is amended by adding a new section 201-b to read as follows:

§ 201-b. Purchase of cleaner vehicles for use by state agencies. 1. Definitions. As used in this section:

(a) "Alternative fuel" means natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether.

(b) "Alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel.

(c) "Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

(d) "Light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of eight thousand five hundred pounds or less.

(e) "Medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than eight thousand five hundred pounds but not more than fourteen thousand pounds.

(f) "Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power,

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

LBD01358-01-1

1 except electrically-driven mobility assistance devices operated or driv-  
2 en by a person with a disability.

3 (g) "Purchase" means purchase, lease, borrow, or otherwise acquire.

4 (h) "State agency" means any department, board, bureau, commission,  
5 division, office, council, committee or officer of the state, or a  
6 public benefit corporation or public authority at least one of whose  
7 members is appointed by the governor, but shall not include the governor  
8 or agencies in the legislative or judicial branches.

9 (i) "B100" shall mean bio-diesel in its pure form.

10 (j) "B20" shall mean a mixture of twenty percent bio-diesel and eighty  
11 percent petroleum fuel.

12 (k) "B5" shall mean a mixture of five percent bio-diesel and ninety-  
13 five percent petroleum fuel.

14 (l) "E85" shall mean a mixture of eighty-five percent ethanol and  
15 fifteen percent petroleum fuel.

16 2. On and after January first, two thousand twenty-two, one hundred  
17 percent of all new light-duty vehicles purchased by state agencies shall  
18 be alternative fuel motor vehicles with the exception of specialty,  
19 police or emergency vehicles as designated by the division of the budg-  
20 et.

21 3. (a) Notwithstanding the provisions of section two hundred one-a of  
22 this article, and except as provided for in paragraphs (b) and (c) of  
23 this subdivision, on and after January first, two thousand twenty-two  
24 each medium-duty vehicle that a state agency purchases, with the excep-  
25 tion of specialty, police or emergency vehicles as designated by the  
26 division of the budget, shall achieve the highest of the following  
27 ratings, with subparagraph (i) of this paragraph being the highest vehi-  
28 cle rating, applicable to motor vehicles certified to California LEV II  
29 standards and available within the applicable model year for a medium-  
30 duty vehicle that meets the requirements for the intended use of such  
31 vehicle:

32 (i) zero emission vehicle (ZEV)

33 (ii) advanced technology partial zero emission vehicle (ATPZEV)

34 (iii) partial zero emission vehicle (PZEV)

35 (iv) super ultra low emission vehicle (SULEV)

36 (v) ultra low emission vehicle (ULEV)

37 (vi) low emission vehicle (LEV)

38 (b) The state agency shall not be required to purchase a zero emission  
39 vehicle or advanced technology partial zero emission vehicle in accord-  
40 ance with subparagraph (i) of paragraph (a) of this subdivision if the  
41 only available vehicle or vehicles that achieve such a rating cost  
42 greater than fifty percent more than the lowest bid as determined by the  
43 applicable procurement process for a vehicle available in the next high-  
44 est rating category that meets the requirements for the intended use by  
45 the agency of such vehicle.

46 (c) Notwithstanding the requirements of paragraph (a) of this subdivi-  
47 sion, such requirements need not apply to a maximum of five percent of  
48 the medium-duty vehicles purchased within each year.

49 4. When purchasing vehicles other than light-duty and medium-duty  
50 vehicles, including non-road vehicles, state agencies shall purchase the  
51 most fuel efficient model in the vehicle class unless the agency head  
52 certifies in writing that purchase of such model would not meet the  
53 needs of the agency.

54 5. All vehicles shall be maintained and operated in a manner which  
55 maximizes fuel efficiency and minimizes air pollution. The commissioner  
56 of general services shall adopt regulations and implement policies

1 designed to reduce petroleum consumption and emissions through such  
2 measures as the establishment of fleet management practices to reduce  
3 vehicle miles traveled, and the institution and enforcement of mainte-  
4 nance, fueling and driving policies to maximize fuel economy.

5 6. All state agencies shall ensure that vehicles capable of operating  
6 on E85 ethanol fuel shall do so whenever it is feasible to do so. The  
7 governor's clean vehicle council shall prepare a plan outlining steps  
8 that can be taken to ensure that, to the greatest extent possible, all  
9 flexible-fueled vehicles in the state fleet that can utilize ethanol  
10 fuels will do so, and identify and implement measures to provide for  
11 such refueling.

12 7. (a) The governor's clean vehicle council shall prepare a report  
13 detailing how such agencies shall purchase, allocate, distribute and  
14 utilize bio-diesel in state vehicles. State agencies shall purchase,  
15 allocate, distribute and utilize bio-diesel in accordance with the  
16 aforementioned report, and as specified in the table below. The percent-  
17 age of diesel shall be a blended equivalent which results in an overall  
18 consumption of B100 as set forth below.

<u>Calendar Year</u>	<u>B100 Percentage</u>
<u>2021</u>	<u>6.0%</u>
<u>2022</u>	<u>7.0%</u>
<u>2023</u>	<u>8.0%</u>
<u>2024</u>	<u>10.0%</u>

24 In two thousand twenty-six and thereafter, the percentage of diesel as  
25 specified above shall be set by the commissioner of general services by  
26 regulation, but shall not be less than ten percent.

27 (b) In complying with the requirements of subdivision two of this  
28 section, state agencies may substitute the use of four hundred fifty  
29 gallons of B100 for the acquisition of one alternative fuel motor vehi-  
30 cle. Use of two thousand two hundred fifty gallons of B20 or use of  
31 nine thousand gallons of B5 may also be substituted for one alternative  
32 fuel motor vehicle. No more than fifty percent of a given state agency's  
33 alternative fueled motor vehicle purchase requirement may be met by  
34 substituting B100, B20 or B5 in accordance with this paragraph.

35 (c) The requirements of this subdivision may be waived, either in  
36 whole or in part, by any state agency upon a finding by the head of such  
37 agency that adherence to such requirement would have unacceptable  
38 impacts upon the reliable and safe operation of such vehicles, or upon  
39 the life cycle or warranted performance of certain critical components  
40 of such vehicles. Such waivers shall be in effect no longer than neces-  
41 sary to address the condition, or for a maximum of sixty days from the  
42 issuance of the finding, whichever one is less; however, in the event  
43 that the condition that gives rise to the waiver is not capable of being  
44 resolved within a sixty-day period, such waivers may be extended for an  
45 additional period by the head of the agency with the concurrence of the  
46 president of the New York state research and development authority,  
47 after consultation with the commissioner of environmental conservation.

48 8. Not later than February fifteenth, two thousand twenty-three, and  
49 not later than February fifteenth of each year thereafter, the commis-  
50 sioner of general services shall submit to the governor, the temporary  
51 president of the senate and the speaker of the assembly a report on the  
52 efforts of each agency to implement this section. Such report shall be  
53 prepared in conjunction with the governor's clean vehicle council and  
54 shall include, at a minimum, information on the following activities  
55 during the immediately preceding calendar year: (a) the total number of  
56 light-duty vehicles, medium-duty vehicles, heavy duty vehicles and other

motor vehicles (including non-road vehicles), respectively, purchased by such agency; (b) the type or types of fuel used by each such vehicle; (c) the total number of vehicles, respectively, purchased by such agency that are certified to California LEV II standards in each of the six rating categories listed in paragraph (a) of subdivision three of this section, disaggregated according to vehicle model; (d) the total vehicle miles traveled by such vehicles; and (e) the total amount of fuel consumed by each category of motor vehicles operated by an agency and the estimated total amount of equivalent carbon dioxide emitted by such vehicles, disaggregated according to fuel type.

§ 2. Not later than February 15, 2022, the commissioner of general services shall submit to the governor, the temporary president of the senate and the speaker of the assembly a report on the status of motor vehicles operated by state agencies. Such report shall be prepared in conjunction with the governor's clean vehicle council and shall include, at a minimum, the following information: (a) the total number of light-duty vehicles, medium-duty vehicles, heavy-duty vehicles and other motor vehicles (including non-road vehicles), respectively, operated by such agency; (b) the type or types of fuel used by each such vehicle; (c) the total number of vehicles, respectively, operated by such agency that are certified to California LEV II standards in each of the six rating categories listed in paragraph (a) of subdivision 3 of section 201-b of the executive law, as added by section one of this act, disaggregated according to vehicle model; (d) the total vehicle miles traveled by such vehicles in 2020; and (e) the total amount of fuel consumed by each category of motor vehicles operated by an agency and the estimated total amount of equivalent carbon dioxide emitted by such vehicles in 2021, disaggregated according to fuel type.

§ 3. This act shall take effect January 1, 2022. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.