

STATE OF NEW YORK

4707

2023-2024 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. EPSTEIN, STIRPE -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, COLTON, DINOWITZ, GLICK, GUNTHER, HEVESI, LUPARDO, 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:

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

3 § 201-b. Purchase of cleaner vehicles for use by state agencies. 1.
4 Definitions. As used in this section:

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

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

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

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

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

20 (f) "Motor vehicle" means a vehicle operated or driven upon a public
21 highway which is propelled by any power other than muscular power,
22 except electrically-driven mobility assistance devices operated or driv-
23 en by a person with a disability.

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

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

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

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

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

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

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

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

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

30 (i) zero emission vehicle (ZEV)

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

32 (iii) partial zero emission vehicle (PZEV)

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

34 (v) ultra low emission vehicle (ULEV)

35 (vi) low emission vehicle (LEV)

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

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

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

52 5. All vehicles shall be maintained and operated in a manner which
53 maximizes fuel efficiency and minimizes air pollution. The commissioner
54 of general services shall adopt regulations and implement policies
55 designed to reduce petroleum consumption and emissions through such
56 measures as the establishment of fleet management practices to reduce

1 vehicle miles traveled, and the institution and enforcement of maintenance, fueling and driving policies to maximize fuel economy.

2
3 6. All state agencies shall ensure that vehicles capable of operating
4 on E85 ethanol fuel shall do so whenever it is feasible to do so. The
5 governor's clean vehicle council shall prepare a plan outlining steps
6 that can be taken to ensure that, to the greatest extent possible, all
7 flexible-fueled vehicles in the state fleet that can utilize ethanol
8 fuels will do so, and identify and implement measures to provide for
9 such refueling.

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

<u>Calendar Year</u>	<u>B100 Percentage</u>
<u>2023</u>	<u>6.0%</u>
<u>2024</u>	<u>7.0%</u>
<u>2025</u>	<u>8.0%</u>
<u>2026</u>	<u>10.0%</u>

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

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

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

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

1 (c) the total number of vehicles, respectively, purchased by such agency
2 that are certified to California LEV II standards in each of the six
3 rating categories listed in paragraph (a) of subdivision three of this
4 section, disaggregated according to vehicle model; (d) the total vehicle
5 miles traveled by such vehicles; and (e) the total amount of fuel
6 consumed by each category of motor vehicles operated by an agency and
7 the estimated total amount of equivalent carbon dioxide emitted by such
8 vehicles, disaggregated according to fuel type.

9 § 2. Not later than February 15, 2024, the commissioner of general
10 services shall submit to the governor, the temporary president of the
11 senate and the speaker of the assembly a report on the status of motor
12 vehicles operated by state agencies. Such report shall be prepared in
13 conjunction with the governor's clean vehicle council and shall include,
14 at a minimum, the following information: (a) the total number of light-
15 duty vehicles, medium-duty vehicles, heavy-duty vehicles and other motor
16 vehicles (including non-road vehicles), respectively, operated by such
17 agency; (b) the type or types of fuel used by each such vehicle; (c) the
18 total number of vehicles, respectively, operated by such agency that are
19 certified to California LEV II standards in each of the six rating cate-
20 gories listed in paragraph (a) of subdivision 3 of section 201-b of the
21 executive law, as added by section one of this act, disaggregated
22 according to vehicle model; (d) the total vehicle miles traveled by such
23 vehicles in 2020; and (e) the total amount of fuel consumed by each
24 category of motor vehicles operated by an agency and the estimated total
25 amount of equivalent carbon dioxide emitted by such vehicles in 2021,
26 disaggregated according to fuel type.

27 § 3. This act shall take effect January 1, 2024. Effective immediate-
28 ly, the addition, amendment and/or repeal of any rule or regulation
29 necessary for the implementation of this act on its effective date are
30 authorized to be made and completed on or before such effective date.