

S06298 Text:

STATE OF NEW YORK

6298

2023-2024 Regular Sessions

IN SENATE

April 12, 2023

Introduced by Sen. GOUNARDES -- read twice and
ordered printed, and when
printed to be committed 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:

1 Section 1. Subdivision 1 of section 19-0306-b
of the environmental
2 conservation law, as amended by chapter 109 of the
laws of 2022, is
3 amended to read as follows:
4 1. It shall be a goal of the state that one
hundred percent of new
5 passenger cars and trucks offered for sale or
lease, or sold, or leased,
6 for registration in the state shall be zero-
emissions by two thousand

7 thirty-five. It shall be a further goal of the
state that fifty percent
8 of medium-duty and heavy-duty vehicles offered for
sale or lease, or
9 sold, or leased, for registration in the state be
zero-emissions by two
10 thousand thirty, that eighty percent of medium-duty
and heavy-duty vehi-
11 cles offered for sale or lease, or sold, or leased,
for registration in
12 the state be zero-emissions by two thousand
thirty-five, and that one
13 hundred percent of medium-duty and heavy-duty
vehicles offered for sale
14 or lease, or sold, or leased, for registration in
the state be zero-em-
15 issions by two thousand [~~forty-five~~] forty for
all operations where
16 feasible. It shall be further a goal of the state
to transition to one
17 hundred percent zero-emissions from new off-road
vehicles and equipment
18 purchased beginning in two thousand thirty-five,
where feasible.

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

22 b. Medium-duty and heavy-duty vehicle regulations
requiring increasing
23 volumes of new zero-emissions trucks and buses
offered for sale or
24 lease, or sold, or leased, for registration and
operated in the state
25 towards the target of fifty percent of the sold or
leased fleet transi-

EXPLANATION--Matter in italics (underscored) is
new; matter in brackets

[~~-~~] is old law to be omitted.

1 tioning to zero-emissions vehicles by two
2 thousand thirty, eighty
3 percent of the sold or leased fleet
4 transitioning to zero-emissions
5 vehicles by two thousand thirty-five, and one
6 hundred percent of the
7 sold or leased fleet transitioning to zero-
8 emissions vehicles by two
9 thousand [~~forty-five~~] forty everywhere feasible.

10 § 3. The environmental conservation law is
11 amended by adding a new
12 section 19-0306-c to read as follows:
13 § 19-0306-c. Advanced clean fleets law for medium-
14 and heavy-duty vehi-

15 cles.
16 1. This section shall be known and may be cited
17 and referred to as the

18 "advanced clean fleets law."

19 2. As used in this section, the following
20 terms shall have the
21 following meanings:

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

25 (b) "Drayage truck" shall mean any in-use on-road
26 vehicle that trans-
27 ports cargo, such as containerized bulk or break-
28 bulk goods, between a
29 maritime terminal and intermodal rail facility,
30 distribution center, or
31 other near-port location.

32 (c) "Fleet operator" or "operator" shall mean
33 the individual or busi-
34 ness entity, whether in partnership, limited
35 liability company, joint
36 stock company, corporation, or any other form,
37 which owns a truck, or a
38 broker, which, as a principal or agent, sells,
39 offers to sell, or nego-
40 tiates for truck transportation by a motor
41 carrier for compensation.

42 For the purposes of this paragraph, "truck" shall
43 refer to a medium-duty

26 vehicle, as defined in paragraph (i) of this
subdivision, a heavy-duty
27 vehicle, as defined in paragraph (e) of this
subdivision, a drayage
28 truck, as defined in paragraph (b) of this
subdivision, or any truck, as
29 defined in paragraph (n) of this subdivision,
owned, operated, or
30 controlled as part of a high priority fleet, as
defined in paragraph (f)
31 of this subdivision.
32 (d) "Gross vehicle weight rating" or "GVWR" shall
mean the weight of a
33 vehicle consisting of the unladen weight and the
maximum carrying capac-
34 ity recommended by the manufacturer of such
vehicle.
35 (e) "Heavy-duty vehicle" shall mean a vehicle
with a gross vehicle
36 weight rating greater than twenty thousand six
hundred pounds.
37 (f) "High priority fleets" shall mean trucking
fleets which are owned,
38 operated, or controlled by entities with fifty
million dollars or more
39 in annual gross revenue and that own, operate, or
control at least one
40 vehicle with a gross vehicle weight rating of
greater than eight thou-
41 sand five hundred pounds, or trucking fleets which
are owned, operated,
42 or controlled by entities which own, operate, or
control at least fifty
43 vehicles with a gross vehicle weight rating of
greater than eight thou-
44 sand five hundred pounds.
45 (g) "Intermodal rail facility" shall mean a
facility owned or operated
46 by a public or private entity that receives both
drayage trucks and
47 locomotives.
48 (h) "Maritime terminal" shall mean wharves,
bulkheads, quays, piers,

49 docks, and other berthing locations and adjacent
50 storage or adjacent
51 areas and structures associated with the primary
52 movement of cargo and
53 goods from vessel to shore, or shore to vessel,
54 including structures
55 which are devoted to receiving, handling,
56 holding, consolidating, and
57 loading or delivery of waterborne shipments or
58 passengers, including
59 areas devoted to the maintenance of the terminal or
60 equipment.

S. 6298

3

1 (i) "Medium-duty vehicle" shall mean a vehicle
2 with a gross vehicle
3 weight rating between fourteen thousand one pounds
4 and twenty thousand
5 six hundred pounds.

6 (j) "Motor carrier" shall mean a common and
7 contract carrier of prop-
8 erty by motor vehicle and a common carrier of
9 household goods by motor
10 vehicle.

11 (k) "Near zero emissions" shall refer to a
12 vehicle that uses zero
13 emission technologies or technologies that provide
14 a pathway to zero
15 emission operations or that incorporates other
16 technologies that signif-
17 icantly reduce exhaust emissions of any greenhouse
18 gas, criteria pollu-
19 tant, or precursor pollutant under any and all
20 possible operational
21 modes and conditions.

22 (l) "On-road" shall mean a vehicle that is
23 designed to be driven on
24 public highways, as such term is defined in section
25 one hundred thirty-
26 four of the vehicle and traffic law, and that is
27 registered or capable
28 of being registered pursuant to article fourteen
29 of the vehicle and
30 traffic law.

18 (m) "Zero emission" shall refer to a vehicle
19 powered by means of a
20 battery or fuel cell or a combination thereof, or
21 another source of
22 power, that produces zero exhaust emissions
23 of any greenhouse gas,
24 criteria pollutant or precursor pollutant under
25 any and all possible
26 operational modes and conditions.
27 (n) "Truck" shall mean a vehicle with a gross
28 vehicle weight rating of
29 greater than eight thousand five hundred pounds.
30 3. No later than one year after the effective
31 date of this section,
32 all fleet operators, as defined in paragraph (c) of
33 subdivision two of
34 this section, shall be required to compile and
35 deliver a report to the
36 department which shall detail:
37 (a) the number and type of contracts the fleet
38 operator may have to
39 deliver items or perform work in the state of New
40 York;
41 (b) what types of facilities the fleet
42 operator uses to store such
43 operator's medium and heavy-duty vehicle fleet as
44 a home base, and
45 whether such fleet is primarily fueled at such home
46 base;
47 (c) whether such storage facility is owned
48 or leased by the fleet
49 operator;
50 (d) whether such storage facility contains
51 refueling infrastructure
52 and the type of such infrastructure;
53 (e) the body and fuel type of each vehicle of the
54 operator's fleet;
55 (f) how many vehicles in the operator's fleet
56 are zero emission vehi-
57 cles or near zero emission vehicles compared to
58 non-zero emission or
59 non-near zero emission vehicles;
60 (g) the weight class of each vehicle in the
61 operator's fleet;

43 (h) the estimated daily and annual mileage
44 of each vehicle in the
45 operator's fleet;
46 (i) whether the operator's fleet has a
47 predictable usage pattern, and
48 if so, a description of such pattern;
49 (j) whether the operator's fleet tows a
50 trailer and if so, a
51 description of the weight and type of such trailer;
52 (k) whether the operator's fleet is registered
53 outside the state of
54 New York, and if so, where such fleet is
55 registered;
56 (l) the percentage of an operator's fleet being
57 driven on public high-
58 ways compared to the percentage parked at a
59 facility on an average day;
60 (m) the average annual mileage of the operator's
61 fleet;
62 (n) whether the operator's fleet is equipped with
63 a global positioning
64 system or other form of electronic mileage
65 tracking;

S. 6298

4

66 (o) how many years after purchase or lease a
67 vehicle in the operator's
68 fleet is typically kept;
69 (p) whether the fleet operator is the
70 owner of the fleet or is
71 dispatching vehicles as a broker of such fleet; and
72 (q) any other information the department deems
73 necessary in order to
74 enforce the provisions of this section.
75 4. (a) Commencing in the year two thousand
76 twenty-seven, no fleet
77 operator shall newly purchase or lease a drayage
78 truck in this state
79 unless such truck is a zero emission or near zero
80 emission vehicle.
81 (b) Commencing in the year two thousand thirty-
82 five, no fleet operator
83 shall maintain or drive a drayage truck in this
84 state unless it is a

12 zero emission or near zero emission vehicle.
13 (c) Commencing in the year two thousand forty, no
14 fleet operator shall
15 maintain or drive a medium or heavy-duty vehicle in
16 this state unless it
17 is a zero emission or near zero emission vehicle.
18 (d) Commencing in the year two thousand twenty-
19 seven, all high priori-
20 ty fleet operators must replace a non-zero
21 emission or non-near zero
22 emission truck that has reached the end of its
23 useful life, defined as
24 occurring when either (i) the model year for the
25 engine of such truck
26 has exceeded eighteen years, or (ii) such truck
27 has been driven more
28 than eight hundred thousand miles, whichever is
29 sooner, with a zero
30 emission or near zero emission truck. High
31 priority fleet operators
32 shall not be required to replace a non-zero
33 emission or non-near zero
34 emission truck that has reached the end of its
35 useful life, however, if
36 such operator has determined that a replacement for
37 such truck is unnec-
38 essary.
39 (e) (i) The commissioner may, in their
40 discretion, exempt fleet oper-
41 ators from the zero emission or near zero emission
42 fleet requirements
43 described in this subdivision if no such zero
44 emission or near zero
45 emission vehicle model is available for purchase or
46 lease which meets
47 the needs of such fleet operator, in which case the
48 fleet operator shall
49 be able to purchase or lease an alternative
50 vehicle model, including
51 models with an internal combustion engine,
52 where necessary. The
53 commissioner shall promulgate rules and/or
54 regulations to effectuate the
55 provisions of this paragraph.

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

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

44 (b) The navigation program shall provide the
45 following:

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

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

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

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

S. 6298

5

1 6. No later than two years after the effective
2 date of this section,

2 and each year thereafter, the department shall
3 issue a report on the

3 state of the trucking industry as it relates to the
4 provisions of this
5 section. Such report shall include:
6 (a) the number of fleet operators covered
7 by this section and an
8 aggregate description of such operators' fleets,
9 including the number of
10 drayage trucks and medium and heavy duty vehicles
11 across the state;
12 (b) the aggregate percentage of vehicles
13 owned, operated, or
14 controlled by fleet operators covered under this
15 section which are zero
16 emission or near zero emission vehicles compared to
17 non-zero emission or
18 non-near zero emission vehicles;
19 (c) an aggregate description of the purchase or
20 lease of new vehicles
21 by fleet operators and whether such vehicles are
22 zero emission or near
23 zero emission vehicles compared to non-zero
24 emission or non-near zero
25 emission vehicles;
26 (d) an aggregate description, by number and
27 percentage, of non-zero
28 emission or non-near zero emission vehicles covered
29 by this section
30 which were not able to be replaced with zero
31 emission or near zero emis-
32 sion vehicles due to such vehicle model's
33 unavailability, as well as
34 such model's anticipated date, if any, of
35 availability by any vehicle
36 manufacturer;
37 (e) the estimated aggregate annual mileage of
38 fleet operators covered
39 by this section;
40 (f) the estimated aggregate annual tailpipe
41 emissions of fleet opera-
42 tors covered by this section, based on the mileage
43 reported in paragraph
44 (e) of this subdivision;
45 (g) recommendations for any legislative changes
46 to this section; and

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

30 Such report shall be delivered on an annual
basis to the temporary
31 president of the senate, the speaker of the
assembly, and the governor.

32 Such report shall also be posted for public
review in a clear and
33 conspicuous manner on the department's website.

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

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

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