**S06298 Text:**

 **STATE OF NEW YORK**

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 6298--A

 2023-2024 Regular Sessions

 **IN SENATE**

 April 12, 2023

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 Introduced by Sens. GOUNARDES, COMRIE -- read twice and ordered printed,

 and when printed to be committed to the Committee on Environmental

 Conservation -- recommitted to the Committee on Environmental Conser-

 vation in accordance with Senate Rule 6, sec. 8 -- committee

 discharged, bill amended, ordered reprinted as amended and recommitted

 to said committee

 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 Assem-**

 **bly, 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-one, that eighty percent of medium-duty and heavy-duty**

 11 **vehicles offered for sale or lease, or sold, or leased, for registration**

 12 **in the state be zero-emissions by two thousand thirty-six, 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-one** 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:

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

 [] is old law to be omitted.

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 1 b. Medium-duty and heavy-duty vehicle regulations requiring increasing

 2 volumes of new zero-emissions trucks and buses offered for sale or

 3 lease, or sold, or leased, for registration and operated in the state

 4 towards the target of **fifty percent of the sold or leased fleet transi-**

 5 **tioning to zero-emissions vehicles by two thousand thirty-one, eighty**

 6 **percent of the sold or leased fleet transitioning to zero-emissions**

 7 **vehicles by two thousand thirty-six, and** one hundred percent of the **sold**

 8 **or leased** fleet transitioning to zero-emissions vehicles by two thousand

 9 [**~~forty-five~~**] **forty-one** everywhere feasible.

 10 § 3. The environmental conservation law is amended by adding a new

 11 section 19-0306-c to read as follows:

 12 **§ 19-0306-c. Advanced clean fleets law for medium- and heavy-duty vehi-**

 13 **cles.**

 14 **1. This section shall be known and may be cited and referred to as the**

 15 **"advanced clean fleets law."**

 16 **2. As used in this section, the following terms shall have the**

 17 **following meanings:**

 18 **(a) "Break-bulk goods" shall mean goods that are stowed on a drayage**

 19 **truck in individually counted units.**

 20 **(b) "Drayage truck" shall mean any in-use on-road vehicle that trans-**

 21 **ports cargo, such as containerized bulk or break-bulk goods, between a**

 22 **maritime terminal and intermodal rail facility, distribution center, or**

 23 **other near-port location.**

 24 **(c) "Fleet operator" or "operator" shall mean the individual or busi-**

 25 **ness entity, whether in partnership, limited liability company, joint**

 26 **stock company, corporation, or any other form, which owns a truck, or a**

 27 **broker, which, as a principal or agent, sells, offers to sell, or nego-**

 28 **tiates for truck transportation by a motor carrier for compensation.**

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

 30 **vehicle, as defined in paragraph (i) of this subdivision, a heavy-duty**

 31 **vehicle, as defined in paragraph (e) of this subdivision, a drayage**

 32 **truck, as defined in paragraph (b) of this subdivision, or any truck, as**

 33 **defined in paragraph (n) of this subdivision, owned, operated, or**

 34 **controlled as part of a high priority fleet, as defined in paragraph (f)**

 35 **of this subdivision.**

 36 **(d) "Gross vehicle weight rating" or "GVWR" shall mean the weight of a**

 37 **vehicle consisting of the unladen weight and the maximum carrying capac-**

 38 **ity recommended by the manufacturer of such vehicle.**

 39 **(e) "Heavy-duty vehicle" shall mean a vehicle with a gross vehicle**

 40 **weight rating greater than twenty thousand six hundred pounds.**

 41 **(f) "High priority fleets" shall mean trucking fleets which are owned,**

 42 **operated, or controlled by entities with fifty million dollars or more**

 43 **in annual gross revenue and that own, operate, or control at least one**

 44 **vehicle with a gross vehicle weight rating of greater than eight thou-**

 45 **sand five hundred pounds, or trucking fleets which are owned, operated,**

 46 **or controlled by entities which own, operate, or control at least fifty**

 47 **vehicles with a gross vehicle weight rating of greater than eight thou-**

 48 **sand five hundred pounds.**

 49 **(g) "Intermodal rail facility" shall mean a facility owned or operated**

 50 **by a public or private entity that receives both drayage trucks and**

 51 **locomotives.**

 52 **(h) "Maritime terminal" shall mean wharves, bulkheads, quays, piers,**

 53 **docks, and other berthing locations and adjacent storage or adjacent**

 54 **areas and structures associated with the primary movement of cargo and**

 55 **goods from vessel to shore, or shore to vessel, including structures**

 56 **which are devoted to receiving, handling, holding, consolidating, and**

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 1 **loading or delivery of waterborne shipments or passengers, including**

 2 **areas devoted to the maintenance of the terminal or equipment.**

 3 **(i) "Medium-duty vehicle" shall mean a vehicle with a gross vehicle**

 4 **weight rating between fourteen thousand one pounds and twenty thousand**

 5 **six hundred pounds.**

 6 **(j) "Motor carrier" shall mean a common and contract carrier of prop-**

 7 **erty by motor vehicle and a common carrier of household goods by motor**

 8 **vehicle.**

 9 **(k) "Near zero emissions" shall refer to a vehicle that uses zero**

 10 **emission technologies or technologies that provide a pathway to zero**

 11 **emission operations or a vehicle that incorporates other technologies**

 12 **that significantly reduce exhaust emissions of any greenhouse gas,**

 13 **criteria pollutant, or precursor pollutant under any and all possible**

 14 **operational modes and conditions.**

 15 **(l) "On-road" shall mean a vehicle that is designed to be driven on**

 16 **public highways, as such term is defined in section one hundred thirty-**

 17 **four of the vehicle and traffic law, and that is registered or capable**

 18 **of being registered pursuant to article fourteen of the vehicle and**

 19 **traffic law.**

 20 **(m) "Zero emission" shall refer to a vehicle powered by means of a**

 21 **battery or fuel cell or a combination thereof, or another source of**

 22 **power, that produces zero exhaust emissions of any greenhouse gas,**

 23 **criteria pollutant, or precursor pollutant under any and all possible**

 24 **operational modes and conditions.**

 25 **(n) "Truck" shall mean a vehicle with a gross vehicle weight rating of**

 26 **greater than eight thousand five hundred pounds.**

 27 **3. No later than one year after the effective date of this section,**

 28 **all fleet operators, as defined in paragraph (c) of subdivision two of**

 29 **this section, shall be required to compile and deliver a report to the**

 30 **department which shall detail:**

 31 **(a) the number and type of contracts the fleet operator may have to**

 32 **deliver items or perform work in the state of New York;**

 33 **(b) what types of facilities the fleet operator uses to store such**

 34 **operator's medium- and heavy-duty vehicle fleet as a home base, and**

 35 **whether such fleet is primarily fueled at such home base;**

 36 **(c) whether such storage facility is owned or leased by the fleet**

 37 **operator;**

 38 **(d) whether such storage facility contains refueling infrastructure**

 39 **and the type of such infrastructure;**

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

 41 **(f) how many vehicles in the operator's fleet are zero emission vehi-**

 42 **cles or near zero emission vehicles compared to non-zero emission or**

 43 **non-near zero emission vehicles;**

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

 45 **(h) the estimated daily and annual mileage of each vehicle in the**

 46 **operator's fleet;**

 47 **(i) whether the operator's fleet has a predictable usage pattern, and**

 48 **if so, a description of such pattern;**

 49 **(j) whether the operator's fleet tows a trailer and if so, a**

 50 **description of the weight and type of such trailer;**

 51 **(k) whether the operator's fleet is registered outside the state of**

 52 **New York, and if so, where such fleet is registered;**

 53 **(l) the percentage of an operator's fleet being driven on public high-**

 54 **ways compared to the percentage parked at a facility on an average day;**

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

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 1 **(n) whether the operator's fleet is equipped with a global positioning**

 2 **system or other form of electronic mileage tracking;**

 3 **(o) how many years after purchase or lease a vehicle in the operator's**

 4 **fleet is typically kept;**

 5 **(p) whether the fleet operator is the owner of the fleet or is**

 6 **dispatching vehicles as a broker of such fleet; and**

 7 **(q) any other information the department deems necessary in order to**

 8 **enforce the provisions of this section.**

 9 **4. (a) Commencing in the year two thousand twenty-eight, no fleet**

 10 **operator shall newly purchase or lease a drayage truck in this state**

 11 **unless such truck is a zero emission or near zero emission vehicle.**

 12 **(b) Commencing in the year two thousand thirty-six, no fleet operator**

 13 **shall maintain or drive a drayage truck in this state unless it is a**

 14 **zero emission or near zero emission vehicle.**

 15 **(c) Commencing in the year two thousand forty-one, no fleet operator**

 16 **shall maintain or drive a medium- or heavy-duty vehicle in this state**

 17 **unless it is a zero emission or near zero emission vehicle.**

 18 **(d) Commencing in the year two thousand twenty-eight, no high-priority**

 19 **fleet operator may newly purchase or lease a truck in this state unless**

 20 **such truck is a zero emission or near zero emission vehicle. Also**

 21 **commencing in the year two thousand twenty-eight, all high priority**

 22 **fleet operators must replace a non-zero emission or non-near zero emis-**

 23 **sion truck that has reached the end of its useful life, defined as**

 24 **occurring when either (i) the model year for the engine of such truck**

 25 **has exceeded eighteen years, or (ii) such truck has been driven more**

 26 **than eight hundred thousand miles, whichever is sooner, with a zero**

 27 **emission or near zero emission truck. High priority fleet operators**

 28 **shall not be required to replace a non-zero emission or non-near zero**

 29 **emission truck that has reached the end of its useful life, however, if**

 30 **such operator has determined that a replacement for such truck is unnec-**

 31 **essary because of a reduction in the size of such operator's fleet.**

 32 **(e) (i) The commissioner may, in their discretion, exempt fleet oper-**

 33 **ators from the zero emission or near zero emission fleet requirements**

 34 **described in this subdivision if no such zero emission or near zero**

 35 **emission vehicle model is available for purchase or lease which meets**

 36 **the needs of such fleet operator, in which case the fleet operator shall**

 37 **be able to purchase or lease an alternative vehicle model, including**

 38 **models with an internal combustion engine, where necessary. The**

 39 **commissioner shall promulgate rules and/or regulations to effectuate the**

 40 **provisions of this paragraph.**

 41 **(ii) The department shall maintain, on a publicly accessible website,**

 42 **a list of vehicle models, sortable by manufacturer and model year, which**

 43 **are not yet available as a zero emission or near zero emission vehicle.**

 44 **5. (a) The department shall establish a navigation program to provide**

 45 **information and assistance to fleet operators relating to the provisions**

 46 **of this section. Such program shall include assistance by a natural**

 47 **person by phone and email as well as the posting of information on a**

 48 **publicly accessible website.**

 49 **(b) The navigation program shall provide the following:**

 50 **(i) information about available zero emission and near zero emission**

 51 **models of vehicles for fleet operators covered under this section;**

 52 **(ii) information about available programs to assist fleet operators in**

 53 **the purchasing or lease of zero emission and near zero emission vehi-**

 54 **cles, such as but not limited to, vouchers, rebates, competitive grants,**

 55 **low-cost financing, or any other program offered by any public or**

 56 **private entity; and**

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 1 **(iii) any other information the department deems relevant in order to**

 2 **compel compliance with the provisions of this section.**

 3 **(c) The department shall conduct an outreach and education campaign to**

 4 **inform fleet operators of the provisions of this section.**

 5 **6. No later than two years after the effective date of this section,**

 6 **and each year thereafter, the department shall issue a report on the**

 7 **state of the trucking industry as it relates to the provisions of this**

 8 **section. Such report shall include:**

 9 **(a) the number of fleet operators covered by this section and an**

 10 **aggregate description of such operators' fleets, including the number of**

 11 **drayage trucks and medium- and heavy-duty vehicles across the state;**

 12 **(b) the aggregate percentage of vehicles owned, operated, or**

 13 **controlled by fleet operators covered under this section which are zero**

 14 **emission or near zero emission vehicles compared to non-zero emission or**

 15 **non-near zero emission vehicles;**

 16 **(c) an aggregate description of the purchase or lease of new vehicles**

 17 **by fleet operators and whether such vehicles are zero emission or near**

 18 **zero emission vehicles compared to non-zero emission or non-near zero**

 19 **emission vehicles;**

 20 **(d) an aggregate description, by number and percentage, of non-zero**

 21 **emission or non-near zero emission vehicles covered by this section**

 22 **which were not able to be replaced with zero emission or near zero emis-**

 23 **sion vehicles due to such vehicle model's unavailability, as well as**

 24 **such model's anticipated date, if any, of availability by any vehicle**

 25 **manufacturer;**

 26 **(e) the estimated aggregate annual mileage of fleet operators covered**

 27 **by this section;**

 28 **(f) the estimated aggregate annual tailpipe emissions of fleet opera-**

 29 **tors covered by this section, based on the mileage reported in paragraph**

 30 **(e) of this subdivision;**

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

 32 **(h) any other information the department deems necessary to include as**

 33 **a description of the trucking industry's compliance with this act.**

 34 **Such report shall be delivered on an annual basis to the temporary**

 35 **president of the senate, the speaker of the assembly, and the governor.**

 36 **Such report shall also be posted for public review in a clear and**

 37 **conspicuous manner on the department's website.**

 38 **7. (a) Any fleet operator who violates the provisions of subdivision**

 39 **four of this section shall be liable, in the case of a first violation,**

 40 **for a penalty not less than five hundred dollars nor more than eighteen**

 41 **thousand dollars for said violation; provided, however, that the commis-**

 42 **sioner may in their discretion suspend such penalty for a period of one**

 43 **calendar year. If at the end of such calendar year, such fleet operator**

 44 **remains noncompliant with subdivision four of this section, such penalty**

 45 **shall be reinstated and become immediately due and payable to the**

 46 **commissioner.**

 47 **(b) In the case of a second or any further violation, the liability**

 48 **shall be for a penalty not to exceed twenty-six thousand dollars for**

 49 **said violation.**

 50 § 4. This act shall take effect on the one hundred eightieth day after

 51 it shall have become a law. Effective immediately, the addition, amend-

 52 ment and/or repeal of any rule or regulation necessary for the implemen-

 53 tation of this act on its effective date are authorized to be made and

 54 completed on or before such effective date.