

A10098 Text:

STATE OF NEW YORK

10098

IN ASSEMBLY

May 3, 2024

Introduced by M. of A. SIMONE -- read once and
referred 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 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
9 sale or lease, or
10 sold, or leased, for registration in the state be
11 zero-emissions by two
12 thousand thirty-one, that eighty percent of medium-
13 duty and heavy-duty
14 vehicles offered for sale or lease, or sold, or
15 leased, for registration
16 in the state be zero-emissions by two thousand
17 thirty-six, and that one
18 hundred percent of medium-duty and heavy-duty
19 vehicles offered for sale
20 or lease, or sold, or leased, for registration in
21 the state be zero-em-
22 issions by two thousand [~~forty-five~~] forty-one for
23 all operations where
24 feasible. It shall be further a goal of the state
25 to transition to one
26 hundred percent zero-emissions from new off-road
27 vehicles and equipment
28 purchased beginning in two thousand thirty-five,
29 where feasible.

30 § 2. Paragraph b of subdivision 2 of section 19-
31 0306-b of the environ-
32 mental conservation law, as amended by chapter 109
33 of the laws of 2022,
34 is amended to read as follows:
35 b. Medium-duty and heavy-duty vehicle regulations
36 requiring increasing
37 volumes of new zero-emissions trucks and buses
38 offered for sale or
39 lease, or sold, or leased, for registration and
40 operated in the state
41 towards the target of fifty percent of the sold or
42 leased fleet transi-
43 tioning to zero-emissions vehicles by two
44 thousand thirty-one, eighty
45 percent of the sold or leased fleet
46 transitioning to zero-emissions
47 vehicles by two thousand thirty-six, and one
48 hundred percent of the sold

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

[-] is old law to be omitted.

LBD06573-07-4

A. 10098

2

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

2 [~~forty-five~~] forty-one everywhere feasible.

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

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

5 § 19-0306-c. Advanced clean fleets law for medium-
and heavy-duty vehi-

6 cles.

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

8 "advanced clean fleets law."

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

10 following meanings:

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

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

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

14 maritime terminal and intermodal rail facility,
distribution center, or

15 other near-port location.

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

17 ness entity, whether in partnership, limited
liability company, joint

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

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

20 tiates for truck transportation by a motor
carrier for compensation.

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

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

24 vehicle, as defined in paragraph (e) of this
subdivision, a drayage
25 truck, as defined in paragraph (b) of this
subdivision, or any truck, as
26 defined in paragraph (n) of this subdivision,
owned, operated, or
27 controlled as part of a high priority fleet, as
defined in paragraph (f)
28 of this subdivision.

29 (d) "Gross vehicle weight rating" or "GVWR" shall
mean the weight of a
30 vehicle consisting of the unladen weight and the
maximum carrying capac-
31 ity recommended by the manufacturer of such
vehicle.

32 (e) "Heavy-duty vehicle" shall mean a vehicle
with a gross vehicle
33 weight rating greater than twenty thousand six
hundred pounds.

34 (f) "High priority fleets" shall mean trucking
fleets which are owned,
35 operated, or controlled by entities with fifty
million dollars or more
36 in annual gross revenue and that own, operate, or
control at least one
37 vehicle with a gross vehicle weight rating of
greater than eight thou-
38 sand five hundred pounds, or trucking fleets which
are owned, operated,
39 or controlled by entities which own, operate, or
control at least fifty
40 vehicles with a gross vehicle weight rating of
greater than eight thou-
41 sand five hundred pounds.

42 (g) "Intermodal rail facility" shall mean a
facility owned or operated
43 by a public or private entity that receives
both drayage trucks and
44 locomotives.

45 (h) "Maritime terminal" shall mean wharves,
bulkheads, quays, piers,
46 docks, and other berthing locations and
adjacent storage or adjacent

47 areas and structures associated with the primary
48 movement of cargo and
49 goods from vessel to shore, or shore to vessel,
50 including structures
51 which are devoted to receiving, handling, holding,
52 consolidating, and
53 loading or delivery of waterborne shipments or
54 passengers, including
55 areas devoted to the maintenance of the terminal or
56 equipment.

57 (i) "Medium-duty vehicle" shall mean a vehicle
58 with a gross vehicle
59 weight rating between fourteen thousand one
60 pounds and twenty thousand
61 six hundred pounds.

A. 10098

3

62 (j) "Motor carrier" shall mean a common and
63 contract carrier of prop-
64 erty by motor vehicle and a common carrier of
65 household goods by motor
66 vehicle.

67 (k) "Near zero emissions" shall refer to a
68 vehicle that uses zero
69 emission technologies or technologies that provide
70 a pathway to zero
71 emission operations or a vehicle that
72 incorporates other technologies
73 that significantly reduce exhaust emissions of
74 any greenhouse gas,
75 criteria pollutant, or precursor pollutant under
76 any and all possible
77 operational modes and conditions.

78 (l) "On-road" shall mean a vehicle that is
79 designed to be driven on
80 public highways, as such term is defined in
81 section one hundred thirty-
82 four of the vehicle and traffic law, and that is
83 registered or capable
84 of being registered pursuant to article
85 fourteen of the vehicle and
86 traffic law.

87 (m) "Zero emission" shall refer to a vehicle
88 powered by means of a

16 battery or fuel cell or a combination thereof,
or another source of
17 power, that produces zero exhaust emissions of
any greenhouse gas,
18 criteria pollutant, or precursor pollutant under
any and all possible
19 operational modes and conditions.

20 (n) "Truck" shall mean a vehicle with a gross
vehicle weight rating of
21 greater than eight thousand five hundred pounds.

22 3. No later than one year after the effective
date of this section,
23 all fleet operators, as defined in paragraph (c)
of subdivision two of
24 this section, shall be required to compile and
deliver a report to the
25 department which shall detail:

26 (a) the number and type of contracts the fleet
operator may have to
27 deliver items or perform work in the state of New
York;

28 (b) what types of facilities the fleet operator
uses to store such
29 operator's medium- and heavy-duty vehicle
fleet as a home base, and
30 whether such fleet is primarily fueled at such home
base;

31 (c) whether such storage facility is owned or
leased by the fleet
32 operator;

33 (d) whether such storage facility contains
refueling infrastructure
34 and the type of such infrastructure;

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

36 (f) how many vehicles in the operator's fleet are
zero emission vehi-
37 cles or near zero emission vehicles compared to
non-zero emission or
38 non-near zero emission vehicles;

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

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

41 operator's fleet;
42 (i) whether the operator's fleet has a
predictable usage pattern, and
43 if so, a description of such pattern;
44 (j) whether the operator's fleet tows a
trailer and if so, a
45 description of the weight and type of such trailer;
46 (k) whether the operator's fleet is registered
outside the state of
47 New York, and if so, where such fleet is
registered;
48 (l) the percentage of an operator's fleet being
driven on public high-
49 ways compared to the percentage parked at a
facility on an average day;
50 (m) the average annual mileage of the operator's
fleet;
51 (n) whether the operator's fleet is equipped with
a global positioning
52 system or other form of electronic mileage
tracking;
53 (o) how many years after purchase or lease a
vehicle in the operator's
54 fleet is typically kept;
55 (p) whether the fleet operator is the owner
of the fleet or is
56 dispatching vehicles as a broker of such fleet; and

A. 10098

4

1 (q) any other information the department deems
necessary in order to
2 enforce the provisions of this section.

3 4. (a) Commencing in the year two thousand
twenty-eight, no fleet
4 operator shall newly purchase or lease a drayage
truck in this state
5 unless such truck is a zero emission or near zero
emission vehicle.

6 (b) Commencing in the year two thousand thirty-
six, no fleet operator
7 shall maintain or drive a drayage truck in this
state unless it is a
8 zero emission or near zero emission vehicle.

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

11 shall maintain or drive a medium- or heavy-duty
12 vehicle in this state

13 unless it is a zero emission or near zero emission
14 vehicle.

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

17 fleet operator may newly purchase or lease a truck
18 in this state unless

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

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

23 fleet operators must replace a non-zero emission or
24 non-near zero emis-

25 sion truck that has reached the end of its
26 useful life, defined as

27 occurring when either (i) the model year for the
28 engine of such truck

29 has exceeded eighteen years, or (ii) such truck
30 has been driven more

31 than eight hundred thousand miles, whichever is
32 sooner, with a zero

33 emission or near zero emission truck. High
34 priority fleet operators

35 shall not be required to replace a non-zero
36 emission or non-near zero

37 emission truck that has reached the end of its
38 useful life, however, if

39 such operator has determined that a replacement for
40 such truck is unnec-

41 essary because of a reduction in the size of such
42 operator's fleet.

43 (e) (i) The commissioner may, in their
44 discretion, exempt fleet oper-

45 ators from the zero emission or near zero emission
46 fleet requirements

47 described in this subdivision if no such zero
48 emission or near zero

49 emission vehicle model is available for purchase or
50 lease which meets

51 the needs of such fleet operator, in which case the
52 fleet operator shall

31 be able to purchase or lease an alternative
32 vehicle model, including
33 models with an internal combustion engine,
34 where necessary. The
35 commissioner shall promulgate rules and/or
36 regulations to effectuate the
37 provisions of this paragraph.

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

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

53 (b) The navigation program shall provide the
54 following:
55 (i) information about available zero emission and
56 near zero emission
57 models of vehicles for fleet operators covered
58 under this section;
59 (ii) information about available programs to
60 assist fleet operators in
61 the purchasing or lease of zero emission and
62 near zero emission vehi-
63 cles, such as but not limited to, vouchers,
64 rebates, competitive grants,
65 low-cost financing, or any other program offered
66 by any public or
67 private entity; and
68 (iii) any other information the department deems
69 relevant in order to
70 compel compliance with the provisions of this
71 section.

72 (c) The department shall conduct an outreach and
73 education campaign to

54 inform fleet operators of the provisions of this
section.

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

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

A. 10098

5

1 state of the trucking industry as it relates to the
provisions of this

2 section. Such report shall include:

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

4 aggregate description of such operators' fleets,
including the number of

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

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

7 controlled by fleet operators covered under this
section which are zero

8 emission or near zero emission vehicles compared to
non-zero emission or

9 non-near zero emission vehicles;

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

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

12 zero emission vehicles compared to non-zero
emission or non-near zero

13 emission vehicles;

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

15 emission or non-near zero emission vehicles
covered by this section

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

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

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

19 manufacturer;

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

21 by this section;
22 (f) the estimated aggregate annual tailpipe
emissions of fleet opera-
23 tors covered by this section, based on the mileage
reported in paragraph
24 (e) of this subdivision;
25 (g) recommendations for any legislative changes
to this section; and
26 (h) any other information the department deems
necessary to include as
27 a description of the trucking industry's compliance
with this act.
28 Such report shall be delivered on an annual
basis to the temporary
29 president of the senate, the speaker of the
assembly, and the governor.
30 Such report shall also be posted for public
review in a clear and
31 conspicuous manner on the department's website.
32 7. (a) Any fleet operator who violates the
provisions of subdivision
33 four of this section shall be liable, in the case
of a first violation,
34 for a penalty not less than five hundred dollars
nor more than eighteen
35 thousand dollars for said violation; provided,
however, that the commis-
36 sioner may in their discretion suspend such
penalty for a period of one
37 calendar year. If at the end of such calendar year,
such fleet operator
38 remains noncompliant with subdivision four of this
section, such penalty
39 shall be reinstated and become immediately
due and payable to the
40 commissioner.
41 (b) In the case of a second or any further
violation, the liability
42 shall be for a penalty not to exceed twenty-six
thousand dollars for
43 said violation.
44 § 4. This act shall take effect on the one
hundred eightieth day after

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

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

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

48 completed on or before such effective date.