

S02492 Text:

STATE OF NEW YORK

2492

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

Introduced by Sens. GOUNARDES, COMRIE,
FERNANDEZ -- 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 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-two, 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-seven, and that
13 one hundred percent of medium-duty and heavy-duty
vehicles offered for
14 sale or lease, or sold, or leased, for
registration in the state be
15 zero-emissions by two thousand [~~forty-five~~] forty-
two for all operations
16 where feasible. It shall be further a goal of the
state to transition to
17 one hundred percent zero-emissions from new off-
road vehicles and equip-
18 ment 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

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

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

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

13 § 3. The environmental conservation law is
14 amended by adding a new
15 section 19-0306-c to read as follows:

16 § 19-0306-c. Advanced clean fleets law for medium-
17 and heavy-duty vehi-
18 cles.

19 1. This section shall be known and may be cited
20 and referred to as the
21 "advanced clean fleets law".

22 2. As used in this section, the following
23 terms shall have the
24 following meanings:

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

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

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

25 tiates for truck transportation by a motor
26 carrier for compensation.

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

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

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

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

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

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

32 of this subdivision.

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

34 vehicle consisting of the unladen weight and the
maximum carrying capac-

35 ity recommended by the manufacturer of such
vehicle.

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

37 weight rating greater than twenty thousand six
hundred pounds.

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

39 operated, or controlled by entities with fifty
million dollars or more

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

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

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

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

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

45 sand five hundred pounds.

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

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

48 locomotives.

49 (h) "Maritime terminal" shall mean wharves,
50 bulkheads, quays, piers,
51 docks, and other berthing locations and
52 adjacent storage or adjacent
53 areas and structures associated with the primary
54 movement of cargo and
55 goods from vessel to shore, or shore to vessel,
including structures
which are devoted to receiving, handling, holding,
consolidating, and
loading or delivery of waterborne shipments or
passengers, including
areas devoted to the maintenance of the terminal or
equipment.

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1 (i) "Medium-duty vehicle" shall mean a vehicle
2 with a gross vehicle
3 weight rating between fourteen thousand one
4 pounds 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 a vehicle that
incorporates other technologies
that significantly reduce exhaust emissions of
any greenhouse gas,
criteria pollutant, or precursor pollutant under
any and all possible
operational modes and conditions.

16 (l) "On-road" shall mean a vehicle that is
17 designed to be driven on
18 public highways, as such term is defined in
19 section one hundred thirty-
20 four of the vehicle and traffic law, and that is
21 registered or capable

16 of being registered pursuant to article
17 fourteen of the vehicle and
18 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,
21 or another source of
22 power, that produces zero exhaust emissions of
23 any greenhouse gas,
24 criteria pollutant, or precursor pollutant under
25 any and all possible
26 operational modes and conditions.

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

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

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

31 (b) what types of facilities the fleet operator
32 uses to store such
33 operator's medium- and heavy-duty vehicle
34 fleet as a home base, and
35 whether such fleet is primarily fueled at such home
36 base;

34 (c) whether such storage facility is owned or
35 leased by the fleet
36 operator;

36 (d) whether such storage facility contains
37 refueling infrastructure
38 and the type of such infrastructure;

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

39 (f) how many vehicles in the operator's fleet are
40 zero emission vehi-
41 cles or near zero emission vehicles compared to
42 non-zero emission or

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

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1 (o) how many years after purchase or lease a
vehicle in the operator's
2 fleet is typically kept;
3 (p) whether the fleet operator is the
owner of the fleet or is
4 dispatching vehicles as a broker of such fleet; and
5 (q) any other information the department deems
necessary in order to
6 enforce the provisions of this section.
7 4. (a) Commencing in the year two thousand
twenty-nine, no fleet oper-
8 ator shall newly purchase or lease a drayage truck
in this state unless
9 such truck is a zero emission or near zero emission
vehicle.

10 (b) Commencing in the year two thousand thirty-
11 seven, no fleet opera-
12 tor shall maintain or drive a drayage truck in this
13 state unless it is a
14 zero emission or near zero emission vehicle.

15 (c) Commencing in the year two thousand forty-
16 two, no fleet operator
17 shall maintain or drive a medium- or heavy-duty
18 vehicle in this state
19 unless it is a zero emission or near zero emission
20 vehicle.

21 (d) Commencing in the year two thousand twenty-
22 nine, no high priority
23 fleet operator may newly purchase or lease a truck
24 in this state unless
25 such truck is a zero emission or near zero
26 emission vehicle. Also
27 commencing in the year two thousand twenty-nine,
28 all high priority fleet
29 operators must replace a non-zero emission or
30 non-near zero emission
31 truck that has reached the end of its useful life,
32 defined as occurring
33 when either (i) the model year for the engine of
34 such truck has exceeded
35 eighteen years, or (ii) such truck has been
36 driven more than eight
37 hundred thousand miles, whichever is sooner,
38 with a zero emission or
39 near zero emission truck. High priority fleet
40 operators shall not be
41 required to replace a non-zero emission or non-
42 near zero emission truck
43 that has reached the end of its useful life,
44 however, if such operator
45 has determined that a replacement for such truck
46 is unnecessary because
47 of a reduction in the size of such operator's
48 fleet.

49 (e) (i) The commissioner may, in their
50 discretion, exempt fleet oper-
51 ators from the zero emission or near zero emission
52 fleet requirements

32 described in this subdivision if no such zero
33 emission or near zero
34 emission vehicle model is available for purchase or
35 lease which meets
36 the needs of such fleet operator, in which case the
37 fleet operator shall
38 be able to purchase or lease an alternative
39 vehicle model, including
40 models with an internal combustion engine,
41 where necessary. The
42 commissioner shall promulgate rules and/or
43 regulations to effectuate the
44 provisions of this paragraph.
45 (ii) The department shall maintain, on a publicly
46 accessible website,
47 a list of vehicle models, sortable by manufacturer
48 and model year, which
49 are not yet available as a zero emission or near
50 zero emission vehicle.
51 5. (a) The department shall establish a
52 navigation program to provide
53 information and assistance to fleet operators
54 relating to the provisions
55 of this section. Such program shall include
56 assistance by a natural
57 person by phone and email as well as the
58 posting of information on a
59 publicly accessible website.
60 (b) The navigation program shall provide the
61 following:
62 (i) information about available zero emission and
63 near zero emission
64 models of vehicles for fleet operators covered
65 under this section;
66 (ii) information about available programs to
67 assist fleet operators in
68 the purchasing or lease of zero emission and
69 near zero emission vehi-
70 cles, such as but not limited to, vouchers,
71 rebates, competitive grants,
72 low-cost financing, or any other program offered
73 by any public or
74 private entity; and

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

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1 (c) The department shall conduct an outreach and
education campaign to
2 inform fleet operators of the provisions of this
section.

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

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

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

6 section. Such report shall include:

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

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

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

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

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

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

13 non-near zero emission vehicles;

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

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

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

17 emission vehicles;

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

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

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

21 sion vehicles due to such vehicle model's
22 unavailability, as well as
23 such model's anticipated date, if any, of
24 availability by any vehicle
25 manufacturer;
26 (e) the estimated aggregate annual mileage of
27 fleet operators covered
28 by this section;
29 (f) the estimated aggregate annual tailpipe
30 emissions of fleet opera-
31 tors covered by this section, based on the mileage
32 reported in paragraph
33 (e) of this subdivision;
34 (g) recommendations for any legislative changes
35 to this section; and
36 (h) any other information the department deems
37 necessary to include as
38 a description of the trucking industry's compliance
39 with this act.
40 Such report shall be delivered on an annual
41 basis to the temporary
42 president of the senate, the speaker of the
43 assembly, and the governor.
44 Such report shall also be posted for public
45 review in a clear and
46 conspicuous manner on the department's website.
47 7. (a) Any fleet operator who violates the
48 provisions of subdivision
49 four of this section shall be liable, in the case
50 of a first violation,
51 for a penalty not less than five hundred dollars
52 nor more than eighteen
53 thousand dollars for said violation; provided,
54 however, that the commis-
55 sioner may in their discretion suspend such penalty
56 for a period of one
57 calendar year. If at the end of such calendar
58 year, such fleet operator
59 remains noncompliant with subdivision four of this
60 section, such penalty
61 shall be reinstated and become immediately due
62 and payable to the
63 commissioner.

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

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