

1 **2024 NYSAC Fall Seminar**
2 **Standing Committee on Transportation and Public Works**
3 **Resolution #4**

4
5 **Resolution Concerning the Impacts of Efforts to Electrify Highway**
6 **Department Vehicles by Adoption of the Advanced Clean Truck Rule**

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8 **WHEREAS**, in 2019, the Climate Leadership and Community Protection Act (CLCPA)
9 was signed into law to require New York to reduce economy-wide greenhouse gas
10 emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels;
11 and

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13 **WHEREAS**, the CLCPA directs the development of performance-based standards for
14 sources of greenhouse gas (GHG) emissions including for the transportation sector by
15 reducing GHG emissions from motor vehicles; and

16
17 **WHEREAS**, New York State adopted California's Advanced Clean Trucks (ACT) Rule
18 in December 2021 that requires applicable medium and heavy-duty (M/HD) vehicle
19 manufacturers to sell a percentage of their total sales in New York as zero-emission
20 vehicles (ZEVs) starting in model year (MY) 2025 with increasing ZEV sales through MY
21 2035; and

22
23 **WHEREAS**, the cost of transitioning the state and local highway departments' utility
24 and construction vehicles, snowplows and equipment to run on battery power as
25 mandated by ACT and other state strategies is at this juncture incalculable, but expected
26 to exceed the ability to be financed without substantial sources of new revenues directed
27 strictly for the retrofit or procurement of such ZEVs and equipment; and

28
29 **WHEREAS**, as commercial production of M/HD large-scale, electric construction
30 vehicles is today a nascent industry, the ability of local highway departments to plan for
31 this transition, with its concomitant mandates that fuel and electricity charging sources
32 be carbon-free, is of tremendous concern considering that the transportation system at
33 all levels of New York government is significantly underfunded; and

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35 **WHEREAS**, while ACT regulations do not require M/HD fleets, owners, operators, or
36 dealerships to purchase ZEVs, the sales mandates on vehicle manufacturers are
37 expected to lead to shortages in supply of not only complying electric vehicles but of
38 traditional gasoline and diesel vehicles as well; and

39
40 **WHEREAS**, alarmingly, some M/HD vehicle dealerships have notified highway
41 departments that, due to manufacturers' need to plan for the sales mandates adopted by

1 New York and some other states, many orders for trucks are being delayed or canceled;
2 and

3
4 **WHEREAS**, notably, Maine, North Carolina and Connecticut among other states
5 recently stepped back from adopting ACT regulations citing concerns over the
6 availability of heavy-duty vehicle charging stations and the high cost of zero-emission
7 trucks; and

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9 **WHEREAS**, in July 2024, the New York State Comptroller released an audit on the
10 State’s progress in meeting Climate Act goals and noted several deficiencies including
11 the need to increase communication with stakeholders and provide more accurate cost
12 estimates. The audit goes on to add that the lack of cost estimates jeopardizes the
13 chances of success in meeting climate goals. The comptroller urges the state to clarify
14 for key stakeholders, especially energy ratepayers, the extent to which ratepayers will be
15 responsible for Climate Act implementation costs; and

16
17 **WHEREAS**, New York’s climate goals must be implemented in a way that is affordable
18 while assuring adequate supplies of these specialized vehicles and functional highway
19 construction equipment that meet state specifications, estimated to increase the cost of
20 a new truck by about one-third; and

21
22 **WHEREAS**, the rush to introduce electric vehicles in New York can be counter-
23 productive to the environment as the bulk of the power generation used to charge new
24 vehicle batteries is produced by fossil fuels, and is a reason to move more slowly to sync
25 with the pace of the transition to a zero-emission electric grid by 2040; and

26
27 **WHEREAS**, recognizing these potential impacts on the ability of local governments to
28 continue to deliver necessary transportation services and facilities to the traveling public
29 it is vital that state elected representatives and agencies assist county highway
30 departments in developing strategies, funding sources and realistic timelines for
31 achieving these aggressive GHG emissions reduction goals in the face of market and
32 fiscal barriers to the transition; and

33
34 **WHEREAS**, all levels of government need to work together throughout the regulatory
35 process to assure strategies and mandates put in place to meet the CLCPA goals for the
36 transportation sector are realistic and achievable and will benefit the environment.

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38 **THEREFORE, BE IT RESOLVED**, that the New York State Association of Counties
39 calls on the Governor, the NYS Department of Transportation (NYSDOT) and NYS
40 Department of Environmental Conservation (NYSDEC), NYSERDA, PSC,
41 Commissioners and legislative leaders to commit to providing support for addressing

1 these concerns in the regulatory and implementation process and to dedicate the
2 funding necessary to fully cover the counties' costs of complying with the state mandates
3 under the CLCPA; and

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5 **BE IT FURTHER RESOLVED**, that the Governor consider a pause or suspension of
6 the implementation of ACT until there is strong evidence that the state has in place the
7 necessary direct financial assistance and incentives and charging infrastructure
8 necessary, and can definitively determine that vehicle manufacturers are prepared to
9 effectively supply the New York market without disruption to the critical work needed to
10 maintain the state's vast and aging infrastructure; and

11
12 **BE IT FURTHER RESOLVED**, that the state recognize that highway construction,
13 maintenance vehicles, and equipment are critical to governments' mission to maintain a
14 safe and functional transportation system by designating these municipally owned
15 vehicle and equipment as a category among "transit buses, motor coaches, and
16 emergency vehicles," and thus exempt from ACT regulation.

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18 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
19 of New York State encouraging member counties to enact similar resolutions; and

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21 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
22 Governor Kathy Hochul, the New York State Legislature; and the commissioners of
23 NYSDOT, NYSDEC, NYSERDA, PSC and all others deemed necessary and proper.