

Warren County Board of Supervisors

RESOLUTION NO. 412 OF 2024

RESOLUTION INTRODUCED BY SUPERVISORS CONOVER, STRAINER, BRUNO, BEAN, MERLINO, MAGOWAN AND MADAY

RESOLUTION CONCERNING THE IMPACTS OF EFFORTS TO ELECTRIFY HIGHWAY DEPARTMENT VEHICLES BY ADOPTION OF THE ADVANCE CLEAN TRUCK RULE

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

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

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

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

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

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

WHEREAS, alarmingly, some M/HD vehicle dealerships have notified highway departments that, due to manufacturers' need to plan for the sales mandates adopted by New York and some other states, many orders for trucks are being delayed or canceled, and

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

WHEREAS, in July 2024, the New York State Comptroller released an audit on the State's progress in meeting Climate Act goals and noted several deficiencies including the need to increase communication with stakeholders and provide more accurate cost estimates. The audit goes on to add that the lack of cost estimates jeopardizes the chances of success in meeting climate goals. The comptroller urges the state to

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clarify for key stakeholders, especially energy ratepayers, the extent to which ratepayers will be responsible for Climate Act implementation costs, and

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

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

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

WHEREAS, all levels of government need to work together throughout the regulatory process to assure strategies and mandates put in place to meet the CLCPA goals for the transportation sector are realistic and achievable and will benefit the environment, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors calls on the Governor of the State of New York, the New York State Department of Transportation (NYSDOT), the New York State Department of Environmental Conservation (NYSDEC), NYSERDA, PSC, Commissioners and Legislative Leaders to commit to providing support for addressing these concerns in the regulatory and implementation process and to dedicate the funding necessary to fully cover the counties' cost of complying with the state mandates under the CLCPA, and be it further

RESOLVED, that the Governor of the State of New York consider a pause or suspension of the implementation of ACT until there is strong evidence that the state has in place the necessary direct financial assistance and incentives and charging infrastructure necessary and can definitively determine that vehicle manufacturers are prepared to effectively supply the New York market without disruption to the critical work needed to maintain the state's vast and aging infrastructure, and be it further

RESOLVED, that New York State recognize that highway construction, maintenance vehicles, and equipment are critical to governments' mission to maintain a safe and functional transportation system by designating these municipally owned vehicle and equipment as a category among "transit buses, motor coaches, and emergency vehicles," and thus exempt from ACT regulation, and be it further

RESOLVED, that copies of this resolution be sent to the New York State County Highway Superintendents Association encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and the commissioners of NYSDOT, NYSDEC, NYSERDA, PSC and all others deemed necessary and proper.