

**PUBLIC WORKS COMMITTEE  
DPW AGENDA  
October 23, 2024**

Committee Members: CONOVER, Strainer, Bruno, Bean, Merlino, Magowan and Maday

- I. Committee meeting called to order by Chair**
- II. Approval of minutes of prior Committee Meeting**
- III. Privilege of the floor and public comment**
- IV. Action Agenda/New Business Items**
  - 1. Request: Miscellaneous  
Rationale: County to adopt the NYSAC resolution as it relates to efforts to electrify highway department vehicles as it relates to the Advanced Clean Truck Rule
- V. Discussion Items**
  - 1. Project Updates
  - 2. Budget
  - 3. FEMA – DR4480 COVID Funding.
- VI. Referrals/Pending Items**
- VII. Privilege of the floor and public comment**
- VIII. Motion to Adjourn**

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Attachments:

- 1. Resolution Request No. 20 – Miscellaneous

# ***RESOLUTION REQUEST FORM NO. 20***

## ***MISCELLANEOUS***

***\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.***

**DEPARTMENT NAME: DPW - Public Works**

**DATE: 10/23/24**

- (a) Purpose of Request: Creating a County resolution using the language from the NYSAC resolution Concerning the Impacts of Efforts to Electrify Highway Department Vehicles by Adoption of the Advanced Clean Truck (ACT) Rule
  
- (b) Details: New Yorks States adoption of the Advanced Clean Truck Rule has had a significant impact on truck manufacturers which has in-turn been passed on to Municipalities throughout the state. NYSAC passed a resolution brought forward by the Transportation and Public Works committee to request funding for implementation, pause the implementation of the ACT until the state have in place the financial assitance and infrastructure in place, and exempt highway construction vehicles.
  
- (c) Previous Resolution Number: na
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS

~~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**

7  
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

12  
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

34  
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

8  
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.

37  
38 **THEREFORE, BE IT RESOLVED**, that ~~Warren County the New York State~~  
39 ~~Association of Counties~~ calls on the Governor, the NYS Department of Transportation  
40 (NYSDOT) and NYS Department of Environmental Conservation (NYSDEC),  
41 NYSERDA, PSC, 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

4  
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.

17  
18 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the **New York**  
19 **State County Highway Superintendents Association** ~~counties of New York State~~  
20 encouraging member counties to enact similar resolutions; and

21  
22 **BE IT FURTHER RESOLVED**, that **Warren County** NYSAC shall forward copies of  
23 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.