

This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see <https://lpdd.org>

Be it enacted by the Legislature of the State of ___ :

Note: This Model Legislation has been drafted from the perspective of a State legislature. It can be adapted with minimal changes for enactment by a municipal legislative body.

Section 1. Findings.

The legislature finds and declares that: the transportation sector accounts for a substantial percentage of the emissions of greenhouse gases and other air pollutants in the State; increased use of alternative fuel vehicles would offer a wide range of benefits, including the reduction of such emissions and improved air quality; the State owns or leases a fleet of light-duty vehicles that are used in the course of governmental activities, and expends more than \$ ___ in operating and maintaining that vehicle fleet annually; the State can reduce greenhouse gas emissions and air pollution that endanger the public health and welfare in the State, and can reduce costs incurred in the operation and maintenance of the State’s vehicle fleet by replacing its internal combustion engine vehicles with plug-in electric vehicles over time. Accordingly, it is in the public interest to transform the State’s vehicle fleet from one that relies primarily on internal combustion engine vehicles to one that utilizes increasing numbers of AFVs in accordance with a well-considered plan.

Section 2. Definitions.

- (a) “Alternative Fuel Vehicle” or “AFV” means a light-duty vehicle that is a plug-in electric vehicle, plug-in hybrid electric vehicle or hydrogen fuel cell vehicle.
- (b) “Department” means the *[insert name of agency responsible for the procurement of vehicles for the State]*
- (c) “Green Fleet Transition Plan” or the “Plan” means a plan developed in accordance with Section 3 and implemented in accordance with Section 4 of this Act.
- (d) “Government Fleet” means the light-duty vehicles that are owned or leased by the State and are used or useful for the performance of governmental activities.
- (e) “Hydrogen Fuel Cell Vehicle” means a light-duty vehicle that uses hydrogen fuel for motive power.
- (f) “Light-duty vehicle” means any two-axle, four-wheel vehicle, designed primarily for passenger travel or light-duty, governmental or institutional use, and approved for travel on public roads. “Light-duty vehicle” includes, but is not limited to, any vehicle commonly referred to as a car, minivan, sport utility vehicle, cross-over, or pick-up truck.

- (g) “Plug-in electric vehicle” means a vehicle that has a battery or equivalent energy storage device that can be charged from an electricity supply external to the vehicle with an electric plug.
- (h) “Plug-in hybrid vehicle” means a vehicle that can be charged from a source of electricity external to the vehicle through an electric plug, but is not exclusively powered by electricity.
- (i) “Unit” means an individual light-duty vehicle that is owned or leased by the State.
- (j) “Whole-life cost” means the total cost of owning or leasing and operating a vehicle over its useful life, including its initial price and any lease payments, costs of fuel or electricity, costs of scheduled maintenance and incidental repairs, insurance premiums and other costs as determined by the Department, which other costs shall not, for the purpose of this Act, include the social or environmental costs or benefits of vehicle operation.

Section 3. Green Fleet Transition Plan

- (a) The Department shall prepare a “Green Fleet Transition Plan” for transforming the government fleet from one that consists primarily of vehicles powered by internal combustion engines to one that consists primarily of AFVs in accordance with the milestone dates set forth in subsection (3)(b) of this Act.¹
- (b) The Plan shall [*Alternative 1: provide that at least 10 percent of the government fleet shall be AFVs by January 1, 2022; at least 25 percent of the government fleet shall be AFVs by January 1, 2026, and at least 40 percent of the government fleet shall be AFVs by January 1, 2030. The Plan shall include additional interim milestone goals set at the discretion of the Department at levels that will achieve a government fleet consisting of at least 95 percent AFVs by 2050. Alternative 2: provide for the procurement of AFVs as soon as is feasible and economically practicable, and in accordance with a schedule that shall require that at least 40 percent of all vehicles in the government fleet are AFVs by no later than the year 2030, and at least 95 percent of all vehicles in the government fleet are AFVs by no later than the year 2050.*]
- (c) The Plan shall be prepared by the Department in consultation with the State Police, other affected agencies and electric utilities with service territories within the State.
- (d) The Plan shall include, among other things:
 - (i) an inventory of all units owned or leased by the State, which inventory shall set forth the make, model-year and vehicle identification number of each unit, the State agency or

¹ In states (or municipalities) where multiple agencies are responsible for procurement, this paragraph will be tailored with language such as “Each department shall prepare and implement a ‘Green Fleet Transition Plan’ for transforming its government fleet from one that consists primarily of internal combustion engine vehicles to one that consists primarily of AFVs in accordance with the milestone dates set forth in Section 3 of this Act.” Subsequent paragraphs will be modified accordingly.

entity to which it is assigned, its expected date of retirement and the primary function served by each such unit;

(ii) a schedule for procurement of AFVs to replace existing units or to add units to the State fleet, which schedule shall meet or exceed the goals set forth in section 3 of this Act;

(iii) a methodology for procurement of AFVs that adheres to lawful and fiscally responsible procedures, which may, at the Department's discretion include participation in the collective procurement of AFVs with other governmental entities;² and

(iv) provision for the development of specifications for the procurement of State vehicles that assure that vehicles acquired meet the functional needs of the State operating agencies, including but not limited to the special performance requirements of the State Police and any other agency responsible for protecting public health and safety.

- (e) The Plan shall provide for the procurement and installation of the infrastructure needed for the convenient and reliable recharging of the plug-in electric vehicles and plug-in hybrid electric vehicles to be acquired in accordance with such Plan.
- (f) In preparing the Plan, the Department shall consider the benefits provided by telematics and other technology useful for integrating vehicle charging with management of the electric grid, and for identifying underutilized vehicles and adjusting fleet size to match the needs of the State's operating agencies. In the event the Department determines that such technology would be useful and cost-effective in the administration of the State's vehicle fleet, it may include provisions for the installation and operation of such fleet management technology in the Plan.
- (g) The Department shall issue the Green Fleet Transition Plan by no later than June 1, 2021.
- (h) The Plan shall be updated, and adjusted as necessary by the Department, on an annual basis.
- (i) The Department shall submit to the Governor, within one year after the effective date of this Act and annually thereafter, a report on the progress made in achieving the goals set forth in section 3 of this Act, and an assessment of the fiscal impacts of the Green Fleet Transition Plan during the reporting period, taking into account, among other things, the whole-life costs of the vehicles comprising the fleet.

Section 4. Implementation of the Green Fleet Transition Plan.

On and after June 1, 2021, procurement of all light-duty vehicles by or for the State shall be in accordance with the Green Fleet Transition Plan developed by the Department in accordance with Section 3 of this Act.

² See, e.g., Climate Mayors' Electric Vehicle Purchasing Collaborative at <https://driveevfleets.org/>.

Section 5. Subsidies, Incentives, and Cooperative Purchasing Discounts.

In the course of its development and annual review of the Green Fleet Transition Plan, the Department shall consult with State and Federal officials to identify any financial incentives that may be available from one or more federal agencies to assist the State in the procurement of AFVs. The Department shall also review and consider participating in cooperative purchasing or leasing programs in collaboration with other states, municipalities, or entities. The Department shall apply for such incentives and participate in such programs as and to the extent it deems appropriate and shall include a discussion of any incentives or programs providing such assistance during the reporting period in the annual report required by Section 3(i) of this Act.

Section 6. Effective Date.

This Act shall take effect immediately.