

Proposed Local Law No. 3 Of 2015

County Of Ulster

A Local Law Establishing A Sustainable Green Fleet Policy

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

The Ulster County Legislature finds that government must be innovative, efficient, and cost effective.

~~Energy costs represent a significant amount of spending for Ulster County government and Ulster County desires to continue in its leadership role in environmental stewardship. The County's energy costs totaled X in Y fiscal year[s]~~

Ulster County recognizes that energy use associated with the operation of its motor vehicle fleets exacerbates local air quality problems and results in greenhouse gas emissions that contribute to global climate change. While the operation and maintenance of the County vehicle fleet is essential to the ability to provide a wide range of services to the public, the fleet represents a significant environmental and financial cost to Ulster County.

In 2012, the County's baseline year for its Greenhouse Gas (GHG) Inventory, the fleet consumed 201,000 gallons of gasoline and over 306,000 gallons of diesel fuel and was responsible for the emission of approximately 4,899 metric tons of CO2 equivalent or approximately 35% of the County's total GHG emissions.

~~Energy costs represent a significant amount of spending for Ulster County government and Ulster County desires to continue in its leadership role in environmental stewardship. The County's energy costs totaled X in Y fiscal year[s]~~

Comment [UC1]: Information to be provided by DOE

Ulster County recognizes that its agencies and/or departments have a significant role to play in improving local air quality and reducing greenhouse gas emissions by improving the energy efficiency of its Fleet and reducing emissions from fleet operations.

Ulster County recognizes that improving the energy efficiency of its fleet can lead to significant long-term monetary savings.

Ulster County wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy of improving local air quality and reducing greenhouse gas emissions.

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Ulster County wishes to establish a "Green Fleet" policy addressing the vehicles of the fleet under the control of the County in order to improve vehicle fuel efficiency and reduce greenhouse gas emissions.

A Green Fleet Policy involves a number of different steps to reduce emissions, decrease costs, and increase efficiency. These steps include:

- a. the downsizing of vehicles
- b. the optimization of vehicle use
- c. incorporate efficiency into bid specifications
- d. maximize vehicle efficiency through maintenance and operation
- e. the elimination of vehicles
- f. where possible encourage the use of transit systems, bike riding, walking, & telecommuting

Ulster County is committed to using electric, hybrid-electric, hybrid, and sustainable ~~alternative fuel vehicles~~green vehicles across the fleet. Any initiative to introduce alternative fuel technologies will consider the sustainability of the fuel including lifecycle energy and emissions, as well as the renewability of the fuel source.

Additionally Ulster County seeks to move toward zero emission vehicles by promoting the use of electric, hybrid-electric, hybrid, and sustainable ~~alternative fuel vehicles~~green vehicles by residents and will do so by:

1. Giving priority to purchasing hybrid, hybrid-electric, hybrid and sustainable ~~alternative fuel vehicles~~green vehicles; and
2. Installing electric vehicle charging stations at County-owned facilities.
3. Supporting initiatives and research which will lead to the further deployment of electric, hybrid-electric, hybrid, and sustainable ~~alternative fuel vehicles~~green vehicles across the community.

SECTION 2. DEFINITIONS.

~~1. "Alternative Fuel" means any fuel that is substantially non-petroleum in nature and is defined as an alternative fuel by the U.S. Department of Energy. (<http://www.afdc.energy.gov>)~~

Comment [UC2]: Removed with concession that it remains a local law and keeps review committee

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21. “**Green Vehicle**” refers to any vehicle that employs technology that reduces fuel consumption or emissions and shall include, but is not limited to, vehicles that have electric drive trains (EVs), hybrid, hybrid-electric, and hybrid vehicles that use both a rechargeable energy storage system and combustible fuel (HVs).

32. “**Passenger Vehicle**” means any motor vehicle designed primarily for the transportation of persons and having a design capacity of twelve persons or less.

43. “**Light Duty Truck**” means any motor vehicle, with a manufacturer’s gross vehicle weight rating of 6,000 pounds or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

54. “**Medium Duty Vehicle**” means any vehicle having a manufacturer’s gross vehicle weight rating of 14,000 pounds or less and which is not a light-duty truck or passenger vehicle.

65. “**Heavy Duty Vehicle**” means any motor vehicle, licensed for use on roadways, having a manufacturer’s gross vehicle weight rating greater than 14,000 pounds.

SECTION 3. FLEET INVENTORY.

1. In order to establish a baseline of data so that the "Green Fleet" policy can be established, implemented, and monitored, the Fleet Manager, in conjunction with the Coordinator of the Department of the Environment, shall develop an inventory and ~~analysis-assessment~~ of the fleet vehicles within each department or agency. This inventory shall include:
 - a. Number of vehicles classified by the model year, make, model, engine size, vehicle identification number (VIN), drivetrain type (2-wheel drive or 4-wheel
 - b. drive), and the rated vehicle weight and classification (light-duty, medium-duty, heavy-duty);
 - c. Miles per gallon (or gallon equivalent) per vehicle;

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- d. Type of fuel (or power source, e.g., electricity) used;
- e. Average cost per gallon (or gallon equivalent) of fuel;
- f. Average fuel cost per mile;
- g. Annual miles driven per vehicle;
- h. Total fuel (or power) consumption per vehicle;
- i. Vehicle function (i.e., the tasks associated with the vehicle's use);
- j. Estimated emissions per mile for each pollutant by vehicle type/class based on EPA tailpipe standards for the following: Carbon Monoxide (CO), Nitrogen Oxides (NOx), and Particulate Matter (PM).
- k. Carbon Dioxide (CO₂) calculations based on gallons (or gallon equivalent) of fuel consumed.

2. Once the Fleet Inventory from each department is submitted, an ~~analysis-assessment~~ on vehicular use will be performed by the Fleet Manager, in conjunction with the Coordinator of the Department of the Environment. The ~~analysis-assessment~~ will examine;

- a. ~~Is vehicular use necessary~~vehicle needs;
- b. ~~Is the smallest, most efficient vehicle being used to carry out tasks~~the use of the smallest, most efficient vehicle to carry out necessary tasks; and
- c. ~~Can adequately replace existing vehicles and accomplish substantially the same tasks, replacing existing vehicles with alternative fuel~~ [Green] vehicles that will accomplish substantially the same tasks.

Comment [UC3]: Possibly change alternative fuel to green vehicles to remain consistent with changes made in first two sections?

SECTION 4. THE ULSTER COUNTY GREEN FLEET POLICY.

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It is the policy of Ulster County:

1. to purchase, lease, or otherwise obtain the most energy efficient and cost effective vehicles possible that meet the operational needs of the County.
2. to purchase vehicles that are appropriately sized for the purposes to which they are intended.
3. to manage and operate its fleet in a manner that is energy efficient and minimizes emissions.
4. that all County employees in Ulster County owned vehicles at any time, or in personal vehicles while on County property during work shifts, shall not allow a vehicle to be left to idle for any period of time greater than ~~three~~-five minutes. This policy shall not apply during times of emergency response or for vehicles which require longer idling periods for equipment operations needs.

SECTION 5. GREEN FLEET POLICY STRATEGIES.

In order to accomplish the goals stated in Section 4 above, the following policies shall be implemented:

1. Include a minimum efficiency standard in miles per gallon (or gallon equivalent) for each vehicle class for which the County has a procurement specification for and include such a standard in any new vehicle procurement specification.
2. Include a minimum emissions standard for each vehicle class for which the County has a procurement specification for and include such a standard in any new vehicle procurement specifications.
3. Ensure that a minimum of five percent of the fleet by 2020 are Green vehicles. ~~Beginning in 2016, 2% of new passenger~~ vehicles purchased, leased, or otherwise obtained will be Green vehicles and Green vehicles that quantify in another vehicle weight class may, for the purposes of this requirement, qualify as a passenger vehicle on a one vehicle for one vehicle basis.

Comment [UC4]: MJG: Add language to ensure green review/full payback of vehicles purchases.

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4. Review all vehicle procurement specifications and modify them as necessary to ensure that the specifications are written in a manner flexible enough to allow the purchase or lease of green vehicles.

5. Review every new vehicle purchase request and modify them as necessary to ensure that the vehicle class to which the requesting vehicle belongs is appropriate for the duty requirements that the vehicle will be called upon to perform.

6. Review the fleet inventory taken in Section 3 above to identify older vehicles that are used infrequently (or not at all), as well as those vehicles that are disproportionately inefficient, and schedule their elimination or replacement.

~~87~~. Implement a program that will train County employees to drive efficiently and utilize efficient operating techniques such as route optimization.

~~98~~. Reduce motor vehicle use by the utilization of fleet-management software, optimizing vehicle use, the selection of the right vehicle for the employees' tasks, and encourage transit use, bicycle riding, walking, and ride sharing and telecommuting where feasible.

~~109~~. Maximize efficiency of the vehicles by having them regularly maintained and checking tire pressure and keeping them aerodynamic (putting racks, ladders and tools on vehicle roofs only when necessary).

~~110~~. Procure and utilize Green vehicles when their use is appropriate to the application and a life-cycle cost analysis demonstrates the procurement and utilization of the vehicle to be economically feasible.

~~121~~. Purchase the right size vehicle for the job.

~~1312~~. Keep apprised of the technological advances and product innovations for fleet vehicles ~~which includes such as~~, but is not limited to, the use of low rolling resistance tires and using nitrogen to inflate tires.

SECTION 6. MONITORING OF THE GREEN FLEET POLICY.

1. In order to ensure compliance with the goals outlined in Section 4 above, as well as to monitor the actions outlined in Section 5 above, a "Green Fleet" Review

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Committee is to be formed. The County Executive will appoint the members of this review committee, with one representative from each of the following Departments and/or Agencies:

- a. Department of Finance
- b. Department of the Environment
- c. Department of Public Works
- d. Fleet Manager
- e. Department of Planning, Economic Development & Transportation
- f. Department of Health
- g. Department of Purchasing
- h. Department of Environment
- i. Safety Office

Comment [UC5]: Held for future discussion – one representative selected from these choices

Comment [UC6]: Held for future discussion - swap with DSS?

Comment [UC7]: Request Erica Guerin/Bea Havranek's attendance at next meeting to discuss legal concerns.

- 2. The Sheriff or Sheriff's designee shall serve as a member of the "Green Fleet" Review Committee.

Comment [UC8]: Change to a non-voting member?

~~The "Green Fleet" Review Committee shall also include the Chairman of the Legislature or the Chairman's designee, the Chairman of the Environmental Committee or the Chairman's designee, the Minority Leader or designee. The legislative appointments will be non-voting members of the Review Committee.~~

- 3. On an annual basis, ~~Department or Agency fleet~~ Fleet managers/Manager shall submit a draft "Green Fleet" plan to the Green Fleets Review Committee detailing how vehicle procurement, fleet operations, and employee travel activity are intended to conform to the "Green Fleet" policy and the "Green Fleet" strategies outlined in Section 5. The "Green Fleet" plan will also include, as an appendix or addendum, an updated fleet vehicle inventory list in the same format as the fleet vehicle inventory completed in Section 3.

Comment [UC9]: Held for future discussion - From Ulster County Green Fleet Policy - (a) The Fleet Manager in conjunction with the Coordinator of the Department of the Environment will develop a standardized vehicle request form. The Vehicle Request form will be completed for all County vehicle requests for new or used purchases for replacement of or addition to the existing fleet.

- 4. Each "Green Fleet" plan shall be reviewed by the Review Committee for overall conformity with the "Green Fleet" policy and for completeness in addressing the "Green Fleet" strategies outlined in Section 5. Inadequate plans shall be returned to the submitting Department or Agency for revisal and discussion with the Review Committee.

Comment [UC10]: Held for future discussion – From Ulster County Green Fleet Policy - (b) The Fleet Manager in conjunction with the Coordinator of the Department of the Environment will review departmental requests for the purchase of a new, or replacement of an old vehicle, utilizing the following principle guidelines;

- 1. Justification for the vehicle;
- 2. Frequency of use (vehicle utilization);
- 3. Sustainability for the intended job;
- 4. Fuel efficiency;
- 5. Vehicle size;
- 6. Environmental impact;
- 7. Initial cost as well as long term cost;
- 8. Safety and repair record;
- 9. Impact on technician workload; and
- 10. Electric, hybrid-electric, hybrid, or sustainable fuel vehicle availability or preference.

- ~~5. Any appeal of the Review Committee's decisions must be made in writing to the Committee accompanied by appropriate documentation. Valid reasons for an appeal include unavailability of appropriate fleet vehicles, incremental costs in excess of the full life cycle savings that would accrue from the acquisition of a given vehicle,~~

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~~and the primacy of a given vehicle's mission to public safety or a similar area judged to be applicable by the Review Committee.~~

~~6. Approval of vehicle procurement requests for each Department or Agency is contingent upon a satisfactory recommendation from the "Green Fleet" committee as to the merit of the Department's or Agency's "Green Fleet" plan.~~

~~7.5. The most innovative "Green Fleet" plan implemented shall receive recognition in an annual award to the Department or Agency submitting the winning plan. The "Green Fleet" review committee shall determine the recipient of the award during the annual "Green Fleet" plan review process.~~

~~8.6. Each fiscal year, a Green Fleet plan shall be implemented provided that it does not put in the County in jeopardy of exceeding the New York State two-percent tax cap. In the event such plan would cause the County to exceed the two-percent tax cap, the Review Committee shall decide how to best proceed to balance the goals and strategies of the Green Fleet policy with the requisite to keep the County budget within the confines of the tax cap.~~

Comment [UC11]: Held for future discussion – From the Ulster County Green Fleet Policy - After the request has been reviewed, the Fleet Manager in conjunction with the Coordinator of the Department of the Environment will issue a recommendation for vehicle procurement and will forward the recommendation to the requesting department and the County Executive.
(c) The Fleet Manager, in conjunction with the Coordinator of the Department of the Environment will review the fleet inventory taken in Section II above to identify older vehicles that are used infrequently (or not at all), as well as those vehicles that are disproportionately inefficient, and schedule their elimination or replacement.

Comment [UC12]: Held for future discussion and possible removal

Comment [UC13]: Held for future discussion

Comment [UC14]: From the Ulster County Green Fleet Policy - VII. Applicability
(a) New emergency vehicles purchased under this policy must provide comparable performance, safety, and fuel availability during emergencies as conventionally powered emergency vehicles.
(b) The additional cost of purchasing a lower emission vehicle that complies with the requirement of this Policy will be analyzed against the reduction of fuel, maintenance requirement, and other costs incurred during the operating life of such vehicle.
(c) Wherever possible, grant funding will be used to help pay for the purchase of vehicles or equipment that complies with this policy, or that supports the deployment of appropriate sustainable technologies across the County fleet.

SECTION 7. REPORTING

~~1. Annually the Ulster County Fleet Manager, in conjunction with the coordinator of the department of the environment, will provide a report to the county executive and county legislature documenting the fuel use and emissions associated with the ulster county fleet and will include measured performance against stated goals.~~

~~1-2. The report will also summarize any activities related to the implementation of this policy.~~

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this regulation, or its application to the person, individual,

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corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

SECTION 9. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the New York State Secretary of State.