

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 140

Introduced by Council Members Powers, Rivera, Hudson, Brewer, Stevens, Yeger, Ayala, Farías, Restler, Abreu, Krishnan, Marte, Nurse, Hanif, Brannan, Velázquez, Avilés, Schulman, Bottcher, Moya, Williams, Cabán, Dinowitz, Riley, Gutiérrez, Brooks-Powers, Hanks, Narcisse, De La Rosa, Menin, Sanchez, Feliz, Joseph, Won, Ossé, Salamanca, Gennaro, Richardson Jordan, Holden and Louis (in conjunction with the Manhattan Borough President).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the purchase of zero emission vehicles by the city

Be it enacted by the Council as follows:

Section 1. Section 6-121 of the administrative code of the city of New York, subdivisions c, d, and e as amended by local law number 59 for the year 1996, is amended to read as follows:

§ 6-121 Purchase of low-emission motor vehicles. a. As used in this section, the terms “as defined” and “as specified” shall mean as defined and as specified from time to time in the relevant regulations of the administrator of the United States environmental protection agency *or the California air resources board*.

b. As used in this section, the term “low-emission motor vehicle” shall mean a self-propelling light duty vehicle, as defined which is certified in accordance with the terms of subdivision d of this section.

c. Low-emission motor vehicles which meet the standards prescribed by subdivision e of this section, and which have been determined by the department of citywide administrative services to be suitable for use as a substitute for a class or model of motor vehicles presently in use by the city

of New York, shall be purchased by the city for use by the city government in lieu of other vehicles, provided that the commissioner of citywide administrative services shall first determine that such low-emission motor vehicles have procurement and maintenance costs not substantially greater than those of the class or model of motor vehicles for which they are to be substituted.

d. The commissioner of [environmental protection] *citywide administrative services* of the city of New York shall, upon request of the commissioner of [citywide administrative services] *environmental protection of the city of New York*, and after such tests as he or she may deem appropriate, certify as a low-emission motor vehicle any particular class or model of motor vehicles that:

1. *meets the California Low-Emission Vehicle (LEV) III or successor standards; or*

2. *meets either (i) the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for nineteen hundred seventy-five model year vehicles and the oxides of nitrogen exhaust emission standard as defined and as specified for the then current model year or (ii) the oxides of nitrogen exhaust emission standard as defined and as specified for nineteen hundred seventy-six model year vehicles and the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for the then current model year; and*

[2.] *3. meets the crankcase emission standard as defined and as specified and the fuel evaporative emission standard as defined and as specified; and*

[3.] *4. will not emit an air contaminant not emitted by the class or model of motor vehicle presently in use in the city of New York unless the commissioner of environmental protection determines that such air contaminant will not cause significant detriment to the health, safety,*

welfare or comfort of any person, or injury to plant and animal life, or damage to property or business.

[4.] 5. After conducting such tests the commissioner of [environmental protection] *citywide administrative services* shall advise the commissioner of [citywide administrative services] *environmental protection of the city of New York* whether such class or model of motor vehicles has been so certified. Any such certification shall be valid until the end of the then current model year unless sooner revoked by the commissioner of [environmental protection] *citywide administrative services*.

e. The commissioner of [environmental protection] *citywide administrative services* of the city of New York shall, upon request of the commissioner of [citywide administrative services] *environmental protection of the city of New York*, and after such tests as he or she may deem appropriate, advise the commissioner of [citywide administrative services] *environmental protection of the city of New York*, as to any class or model of low-emission motor vehicle, with respect to:

- (1) the safety of the vehicle;
- (2) its performance characteristics;
- (3) its reliability potential; and
- (4) its fuel availability.

§ 2. Section 24-163.1 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-163.1 Purchase of cleaner [light-duty and medium-duty] vehicles. a. Definitions. When used in this section or in section 24-163.2 of this chapter:

"Alternative fuel" means natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether.

"Alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

"Average fuel economy" means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group.

"Bi-fuel motor vehicle" means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels.

"Equivalent carbon dioxide" means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency.

"Fuel economy" means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to section 32908(b) of title 49 of the United States code.

"Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

"Heavy-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 14,000 pounds.

“Hybrid Electric Vehicle” or “HEV” means a motor vehicle that is designed with an electric battery pack which can be recharged by an on-board internal combustion engine-powered generator.

"Light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

"Medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

"Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, or office of the chief medical examiner.

“Motorcycle” or “on-road motorcycle” means any two-wheeled or three-wheeled motor vehicle having a curb weight of 1,749 pounds or less.

“Plug in Hybrid Electric Vehicle” or “PHEV” means a motor vehicle that is designed with an electric battery pack which can be recharged by plugging a charging cable into an external electric power source, but that is not a zero emission vehicle.

"Purchase" means purchase, lease, borrow, obtain by gift or otherwise acquire.

"Specialized motor vehicle" means a motor vehicle that is equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance,

police department, fire department, department of correction, department of investigation, or office of the chief medical examiner.

"Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

"Zero emission vehicle" or "ZEV" means a motor vehicle that produces zero exhaust emission of any criteria pollutant, or precursor pollutant, or greenhouse gas, under any possible operational modes or conditions.

b. (1) Except as provided for in paragraphs two and three of this subdivision, beginning July 1, 2006, each light-duty vehicle and medium-duty vehicle that the city purchases shall achieve the highest of the following ratings, with subparagraph one of this paragraph being the highest vehicle rating, applicable to motor vehicles certified to California LEV II *standards or successor standards* and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle:

- (i) zero emission vehicle (ZEV)
- (ii) advanced technology partial zero emission vehicle (ATPZEV)
- (iii) partial zero emission vehicle (PZEV)
- (iv) super ultra low emission vehicle (SULEV)
- (v) ultra low emission vehicle (ULEV)
- (vi) low emission vehicle (LEV)

(2) The city shall not be required to purchase a zero emission vehicle or advanced technology partial zero emission vehicle in accordance with paragraph one of this subdivision if the only

available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, provided that the next highest rating category that meets the requirements for the intended use by the city of such vehicle shall be selected.

(3) Notwithstanding the requirements of paragraph one of this subdivision, such requirements need not apply to a maximum of five percent of the light-duty vehicles and medium-duty vehicles purchased within each fiscal year.

(4) For the fiscal year beginning July 1, 2005, at least eighty percent of the light-duty vehicles the city purchases in such fiscal year shall be alternative fuel motor vehicles.

c. (1) Except as provided for in paragraph three of this subdivision, beginning July 1, 2025, each light-duty vehicle and medium-duty vehicle that the city purchases shall achieve the ZEV emission standard applicable to motor vehicles certified to California LEV III standards, or successor standards, and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle, such that by July 1, 2035 all light-duty vehicles and medium-duty vehicles in active operation shall be zero emission vehicles subject to the commercial availability and reliability of zero emission light-duty vehicles and medium-duty vehicles, and the technical and physical availability of

related planned infrastructure, including but not limited to charging stations and depots for zero emission light-duty vehicles and medium-duty vehicles.

(2) Except as provided for in paragraph four of this subdivision and subject to the commercial availability and reliability of the motorcycles described in subparagraphs (i) and (ii) of this paragraph and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for such motorcycles:

(i) beginning July 1, 2025, each motorcycle that the city purchases, other than a zero emission vehicle, shall achieve the evaporative and exhaust emissions standards for on-road motorcycles established by the California air resources board, or successor standards, and available within the applicable model year for a motorcycle that meets the requirements for the intended use by the city of such motorcycle; and

(ii) beginning July 1, 2035, all motorcycles in active operation shall produce zero exhaust emission of any criteria pollutant, or precursor pollutant, or greenhouse gas, under any operational mode or condition.

(3) The city shall not be required to purchase a zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, and provides

substantiating documentation to the speaker of the council of best efforts to obtain and install such charging and fueling infrastructure, provided that the next highest rating category as exists under the California LEV III standards or any successor standard, that meets the requirements for the intended use by the city of such vehicle shall be selected.

(4) The city shall not be required to purchase a motorcycle in accordance with subparagraph (ii) of paragraph two of this subdivision if, by July 1, 2035, the only available motorcycle that produces zero exhaust emission of any criteria pollutant, or precursor pollutant, or greenhouse gas, under any operational mode or condition costs greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a motorcycle that meets the evaporative and exhaust emissions standards for on-road motorcycles, or any successor standard, as set by the California air resources board, and that meets the requirements for the intended use by the city of such motorcycle or if, after consultation with the affected agency, the commissioner determines that the use of such motorcycle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a motorcycle, and provides substantiating documentation, to the speaker of the council, of best efforts to obtain and install such charging and fueling infrastructure, provided that the motorcycles selected meet the evaporative and exhaust emissions standards for on-road motorcycles, or any successor standards, as set by the California air resources board and meet the requirements for the intended use by the city of such motorcycles.

(5) Any contract entered into by the city for the purchase of light-duty or medium-duty vehicles pursuant to this subdivision, for which the affected agency has the capacity to conduct routine and

standard servicing and does so as part of its regular operations at such time, shall require that the city be provided access to the technical service information required to give the city the ability to safely perform routine and standard servicing including to brakes, transmissions, electric motors, batteries, charging systems, tires, and related components as well as to conduct preventive maintenance and state inspections, fluid changes, and replacement of basic body components, including but not limited to, mirrors and lenses. Nothing in the preceding sentence shall be construed to require the manufacturer of such vehicles to divulge any trade secret to any third party. For purposes of this paragraph, the term “trade secret” has the same meaning as set forth in section 1839 of title 18 of the United States code.

d. (1) Except as provided for in paragraph two of this subdivision, beginning July 1, 2028, each heavy-duty vehicle and specialized motor vehicle that the city purchases shall be a zero emission vehicle, such that by July 1, 2038 all heavy-duty and specialized motor vehicles shall be replaced with zero emission vehicles subject to the commercial availability and reliability of zero emission heavy-duty and specialized motor vehicles, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for zero emission heavy-duty and specialized motor vehicles

(2) The city shall not be required to purchase a zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if the commissioner of an affected agency determines that the use of such vehicle would be impractical or would unduly hinder the

operations of such city agency, or if the commissioner determines that the city lacks the charging infrastructure, fueling infrastructure, and emergency backup power to support use of such a vehicle, and provides substantiating documentation, to the speaker of the council, of best efforts to obtain and install such charging and fueling infrastructure, and emergency backup power, provided that, for any such vehicle, the city shall select a vehicle of the next highest category of: (i) a PHEV with a minimum all-electric range of no less than 20 miles; (ii) a PHEV; (iii) an HEV; or (iv) the next highest rating category as exists under the California LEV III standards, or any successor or equivalent standard as determined by the commissioner, that meets the requirements for the intended use by the city of such vehicle.

(3) Any contract entered into by the city for the purchase of heavy-duty or specialized motor vehicles pursuant to this subdivision shall require that the city be provided access to the technical service information required to give the city the ability to safely perform routine and standard servicing including to brakes, transmissions, electric motors, batteries, charging systems, tires, and related components as well as to conduct preventive maintenance and state inspections, fluid changes, and replacement of basic body components, including but not limited to, mirrors and lenses. Nothing in the preceding sentence shall be construed to require the manufacturer of such vehicles to divulge any trade secret to any third party. For purposes of this paragraph, the term “trade secret” has the same meaning as set forth in section 1839 of title 18 of the United States code.

e. (1) The city shall not purchase additional bi-fuel motor vehicles.

(2) Any bi-fuel motor vehicle that is owned or operated by the city shall be powered on the alternative fuel on which it is capable of operating, except that such vehicle may be operated on

gasoline or diesel fuel (i) where, as of the date of enactment of this section, such vehicle is no longer mechanically able to operate on such alternative fuel and cannot be repaired, or (ii) solely for the period of time recommended by the vehicle manufacturer.

[d.] *f.* (1) Not later than October 1, 2005, the city shall complete an inventory of the fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, and shall calculate the average fuel economy of all such light-duty vehicles.

(2) The city shall achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of this subdivision:

- (i) For the fiscal year beginning July 1, 2006, five percent;
- (ii) For the fiscal year beginning July 1, 2007, eight percent;
- (iii) For the fiscal year beginning July 1, 2008, ten percent;
- (iv) For the fiscal year beginning July 1, 2009, twelve percent;
- (v) For the fiscal years beginning July 1, 2010 and July 1, 2011, fifteen percent;
- (vi) For the fiscal years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent;
- (vii) For the fiscal year beginning July 1, 2015, twenty percent;
- (viii) For the fiscal year beginning July 1, 2016, twenty percent;
- (ix) For the fiscal year beginning July 1, 2017, twenty-five percent;
- (x) For the fiscal year beginning July 1, 2018, twenty-five percent;
- (xi) For the fiscal year beginning July 1, 2019, thirty percent;

(xii) For the fiscal year beginning July 1, 2020, thirty percent;

(xiii) For the fiscal year beginning July 1, 2021, thirty-five percent; and

(xiv) For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty percent.

[e.] g. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city's purchase of [light-duty vehicles and medium-duty] vehicles during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to, for each city agency: (i) the total number of light-duty vehicles and medium-duty vehicles and all other motor vehicles, respectively, purchased by such agency; (ii) the total number of light-duty vehicles and medium-duty vehicles, respectively, purchased by such agency that are certified to California LEV II standards, *or successor standards*, in each of the six rating categories listed in subdivision b of this section, disaggregated according to vehicle model; (iii) *the total number of zero emission vehicles purchased pursuant to subdivision c of this section*; (iv) the reason as to why each vehicle model was purchased, rather than a vehicle model rated in a higher category listed in subdivision b of this section; [(iv)] (v) if an available zero emission vehicle or advanced technology partial zero emission vehicle is not purchased, in accordance with paragraph two of subdivision b, *c, or d* of this section, specific information regarding the cost analysis or other basis for such decision; [(v)] *and* (vi) the percentage of [light-duty vehicles and medium-duty] vehicles purchased within each fiscal year in accordance with paragraphs one and two of subdivision b, *c, or d* of this section[; and (vi) for the

report required not later than January 1, 2007, the percentage of light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2005 that were alternative fuel motor vehicles].

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the fuel economy of light-duty vehicles purchased by the city during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the average fuel economy of all light-duty vehicles purchased by the city during the preceding fiscal year; and (ii) the percentage increase in the average fuel economy of all such light-duty vehicles, relative to the average fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of subdivision d of this section, that this total amount represents.

(3) Not later than January 1, 2016, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy for the immediately preceding fiscal year. The information contained in such report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.

[f.] *h.* (1) Beginning July 1, 2006, for each fiscal year, the city shall measure the amount of fuel consumed by the city's fleet of motor vehicles and the equivalent carbon dioxide emitted by such vehicles, for each type of fuel consumed by such vehicles.

(2) For the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, the department shall publish on its website by October 1 following the close of each fiscal year and the

mayor shall include in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year the estimated total amount of fuel consumed by the city's fleet of motor vehicles and the estimated total amount of equivalent carbon dioxide emitted by such vehicles, disaggregated according to fuel type. For the purposes of this subdivision, the city's fleet of motor vehicles shall include vehicles specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, or office of the chief medical examiner.

[g.] *i.* This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter; or

(3) except for subdivision [f] *h* of this section, to diesel fuel-powered motor vehicles subject to paragraph two of subdivision b of section 24-163.4 of this chapter.

[h.] *j.* To the extent not prohibited by law, [alternative fuel] motor vehicles *that meet the ZEV standards* may be purchased by the city in concert with any public or private entity.

k. *The city shall develop and implement a program to train relevant city employees with the information or skills necessary for such city employees to maintain or repair zero emission motor vehicles purchased pursuant to this section for ordinary operation. Such training may be provided in combination with other trainings provided to city employees.*

§ 3. Section 24-163.2 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivision e of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 120 for the year 2021, is amended to read as follows:

e. [School] *Notwithstanding the requirements of section 24-163.1, school buses shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency, provided that by September 1, 2035 such school buses shall be replaced with all-electric zero emission school buses, such that all school buses in use by that date shall be all-electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.*

§ 5. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.13 to read as follows:

§ 24-163.13 Electrification of city fleet workforce development report. a. On July 1, 2025, and on July 1 of each year thereafter, the department of citywide administrative services shall prepare a report summarizing purchase orders for vehicles and charging infrastructure made pursuant to section 24-163.1. Such report shall describe the effect, if any, of the purchase of vehicles and charging infrastructure required pursuant to section 24-163.1 on city employees, including but not limited to, summarizing any needs relating to training for city employees, any programs being

planned to meet those needs, and any changes in the functions or duties of city employees as a result of such purchase.

b. The report required pursuant to this section shall include the following information regarding any planned purchase of vehicles and charging infrastructure, pursuant to section 24-163.1, to the extent available, for the subsequent reporting period:

(1) an estimate of the number of funded agency positions that would be eliminated or substantially changed as a result of any such planned purchase;

(2) a description of any loss of projected position or partial displacement, such as a reduction in hours of non-overtime work or reduction in wages anticipated as a result of any such planned purchase;

(3) the number of agency positions expected to be created by any such planned purchase; and

(4) plans, if any, to transition, train, or retrain city employees as a result of the purchase of vehicles and charging infrastructure required pursuant to section 24-163.1.

§ 6. Nothing in this law shall be construed to alter the rights or benefits and privileges, including, but not limited to, any otherwise applicable right to bargain with respect to terms and conditions of employment, as well as civil service status, and collective bargaining unit membership, of any current city employee nor supersede any provision of civil service law or of a collective bargaining agreement affecting city employees.

§ 7. This local law takes effect 180 days after it becomes law except that section three of this local law takes effect on July 1, 2028.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 28, 2023 and approved by the Mayor on October 23, 2023.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 140 of 2023, Council Int. No. 279-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.