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Title: 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

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Attachments: 1. Summary of Int. No. 279, 2. Int. No. 279, 3. April 28, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 4-28-22, 5. Minutes of the Stated Meeting - April 28, 2022, 6. Committee Report 12/15/22, 7. Hearing Testimony 12/15/22, 8. Hearing Transcript 12/15/22

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Int. No. 279

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 and Richardson Jordan (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 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 of the city of New York shall, upon request of the commissioner of citywide administrative services, 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 shall advise the commissioner of citywide administrative services 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.

e. The commissioner of environmental protection of the city of New York shall, upon request of the commissioner of citywide administrative services, and after such tests as he or she may deem appropriate, advise the commissioner of citywide administrative services, 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 49 U.S.C. § 32908(b).

"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.

"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.

"Heavy-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 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.

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

"Specialized 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. The term "specialized motor vehicle" includes, but is not limited to, 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.

"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.

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 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 two of this subdivision, beginning July 1, 2025, each light-duty vehicle and medium-duty vehicle that the city purchases shall meet 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 and medium-duty vehicles shall be replaced with zero emission vehicles subject to the commercial availability and reliability of zero emission light 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 and medium-duty 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, 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 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.

d. (1) Except as provided for in paragraph two of this subdivision, beginning July 1, 2030, each heavy-duty vehicle and specialized motor vehicle that the city purchases shall meet 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 vehicle that meets the requirements for the intended use by the city of such vehicle, such that by July 1, 2035 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 and fueling infrastructure to support use of such a vehicle, 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.

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 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] subdivisions b, c, or d of this section, specific information regarding the cost analysis or other basis for such decision; [(v)] (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] subdivisions b, c, or d of this section; and [(vi)] (vii) 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.

§ 3. Section 24-163.2 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:

§ 24-163.2 Alternative fuel buses and sanitation vehicles. a. Definitions. When used in this section:

“Alternative fuel bus” means a bus 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.

“Alternative fuel sanitation vehicle” means a sanitation 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.

“Alternative fuel street sweeping vehicle” means a vehicle used by the department of sanitation for street cleaning purposes 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.

“Bus” means a motor vehicle that is designed to transport more than twenty individuals.

“Recyclable materials” means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to types of metal, glass, paper, plastic, food waste, tires and yard waste.

“Sanitation vehicle” means a vehicle used by the department of sanitation for street cleaning purposes or for the collection of solid waste or recyclable materials.

“Solid waste” means all materials or substances discarded or rejected as being spent, useless, or

worthless, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous forms.

b. For the fiscal year commencing July 1, 2005, and for each fiscal year thereafter, at least twenty percent of the buses the city purchases in such fiscal year shall be alternative fuel buses.

c. For the fiscal year commencing July 1, 2030, and for each fiscal year thereafter, all buses and sanitation vehicles purchased by the city shall meet the requirements for vehicles purchased pursuant to section 24.163.1.

d. (1) Beginning no later than March 1, 2006, the commissioner of sanitation shall implement a program for testing the mechanical reliability and operational feasibility of alternative fuel street sweeping vehicles. Such program shall include a pilot project regarding the exclusive utilization of alternative fuel street sweeping vehicles in at least four sanitation districts, to be identified at the discretion of the commissioner of sanitation. At least one such district shall be located in an area where high rates of asthma are found and the commissioner shall consider asthma rates in his or her determination of where such other districts will be located.

(2) The department of sanitation shall collect and analyze data to further develop its initiatives for and assess the feasibility of incorporating new alternative fuel sanitation vehicles and technology into its fleet.

d. (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 alternative fuel buses during the immediately preceding fiscal year. This report shall be included in the mayor's preliminary management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the total number of buses purchased by the city in the preceding fiscal year; and (ii) the number of such buses that are alternative fuel buses, disaggregated according to agency, bus model and type of alternative fuel used.

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the commissioner of sanitation shall report to the mayor, the comptroller and the speaker of the council on the department of sanitation's alternative fuel street sweeping vehicle pilot project and all testing, analyses and assessments completed pursuant to subdivision c of this section. Such report shall include, but not be limited to: (i) a description of all testing, analyses and assessments, respectively, completed pursuant to that subdivision and all conclusions based upon such testing, analyses and assessments, including specific information regarding efforts made by the department of sanitation to further develop initiatives for the incorporation of alternative fuel sanitation vehicles into its fleet, in addition to specific information regarding the feasibility of incorporating such vehicles into such fleet; (ii) the number of alternative fuel street sweeping vehicles included in the pilot project required pursuant to paragraph one of that subdivision, the districts where such vehicles are located and the type of alternative fuel used by such vehicles; and, (iii) the total number of alternative fuel sanitation vehicles owned or operated by the department of sanitation, disaggregated according to vehicle model and type of alternative fuel used.

e. [Purchases] Subject to the requirements of section 24-261.1, purchases of alternative fuel buses that exceed the minimum mandatory purchase requirements of subdivision b of this section for a particular fiscal year may be used to satisfy such applicable requirements for the immediately succeeding fiscal year.

f. [To the extent not prohibited by law, alternative fuel buses and alternative fuel sanitation vehicles may be purchased by the city in concert with any public or private entity.

g.] 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) to the purchase of buses for use by any city agency where the commissioner of such agency has

made a written determination that there are no alternative fuel buses available that meet the needs of such agency with respect to bus size, passenger capacity or other special requirement, and has within ten business days thereafter submitted the determination to the speaker of the council accompanied by the detailed analysis that formed the basis for such determination; provided, however, that the purchase of buses for use by the agency shall become subject to the provisions of this section immediately after a determination by the commissioner, after consultation with the department of citywide administrative services, that an alternative fuel bus that meets such needs has become available; and provided, further, however, that the city shall not be required to purchase an alternative fuel bus for use by the agency if the only available alternative fuel bus that meets the needs of such agency with respect to bus size, passenger capacity or other special requirement costs more than fifty percent more than other buses that meet such needs of such agency.

[h.] g. The commissioner may by rule require periodic testing of alternative fuel buses and the submission of information concerning the operation and maintenance of such buses purchased or newly operated in the city to ensure compliance with this section and to collect information for reports required by this section.

[i.] h. The commissioner may order a city agency that owns or operates a bus to which this section applies to conduct such tests, or the department may conduct such tests, as are necessary in the opinion of the commissioner to determine whether such bus is in compliance with this section.

[j.] i. The department may inspect at a reasonable time and in a reasonable manner any equipment, apparatus, fuel, matter or thing that affects or may affect the proper maintenance or operation of an alternative fuel bus to which this section applies.

§ 4. 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:

§ 24-163.9 Retrofitting, age limitations, fuel use of diesel-powered school buses and use of all-electric zero emission school buses. a. Definitions. For the purposes of this section only, the following terms shall have

the following meanings:

“Department of education” means the New York city department of education, formerly known as the New York city board of education, and any successor agency or entity thereto, the expenses of which are paid in whole or in part from the city treasury.

“School bus” means any vehicle of the designation “Type A bus,” “Type B bus,” “Type C bus,” or “Type D bus,” as set forth in subdivisions x, y, z, and aa of section 720.1 of title seventeen of New York codes, rules and regulations, that is operated pursuant to a school bus contract and is used to transport children to or from any school located in the city of New York.

“School bus contract” means any agreement between any person and the department of education to transport children on a school bus.

b. Diesel fuel-powered school buses shall utilize a closed crankcase ventilation system, selected from among the mobile sources devices identified and approved as part of the diesel retrofit verified technologies list by the United States environmental protection agency or the list of currently verified diesel emission control strategies by the California air resources board, to reduce engine emissions to the school bus cabin, in accordance with the following schedule:

(1) fifty percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2010;

(2) one hundred percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2011;

c. Notwithstanding subdivision b of this section, any diesel fuel-powered school bus of the designation “Type A bus” or “Type B bus,” as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall utilize a closed crankcase ventilation system within six months of a finding by the United States environmental protection agency or the California air resources board that such technology is available for use in such bus and is available from the

manufacturer, provided however, that such technology shall not be required to be installed if such bus is scheduled to be retired within twelve months of such finding pursuant to the schedule set forth in paragraph two of subdivision d of this section.

d. (1) No diesel fuel-powered school bus of the designation “Type A bus” or “Type B bus,” as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with an engine model year of 2007 or later or that is utilizing a closed crankcase ventilation system pursuant to subdivision c of this section and no diesel fuel-powered school bus of the designation “Type C bus” or “Type D bus,” as set forth in subdivisions z and aa of section 720.1 of title seventeen of New York codes, rules and regulations, shall be used to fulfill any school bus contract beyond the end of the sixteenth year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.

(2) Except for any “Type A bus” or “Type B bus” utilizing a closed crankcase ventilation system pursuant to subdivision c of this section, no diesel fuel-powered school bus of the designation “Type A bus” or “Type B bus,” as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall be used to fulfill any school bus contract entered into pursuant to a request for proposals or request for bids issued after July 1, 2014 beyond the dates set forth in the following schedule:

- i. All 1997 engine model years, September 1, 2014;
- ii. All 1998 engine model years, September 1, 2015;
- iii. All 1999 engine model years, September 1, 2016;
- iv. All 2000 engine model years, September 1, 2017, and provided, further, that five percent of any contractor's “Type A buses” or “Type B buses” with 2001 through 2004 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2017;

v. All 2001 engine model years, September 1, 2018, and provided, further, that twenty percent of any contractor's "Type A buses" or "Type B buses" with 2002 through 2005 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2018;

vi. All 2002 engine model years, September 1, 2019, and provided, further, that twenty percent of any contractor's "Type A buses" or "Type B buses" with 2003 through 2006 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2019;

vii. All 2003 through 2006 engine model years, September 1, 2020.

e. School buses replaced on or before June 30, 2025 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.

f. School buses replaced on or after July 1, 2025 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.

g. Reporting requirements. (1) No later than December 31, 2011 and no later than December 31 of every

year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

(2) Before the end of the fiscal year commencing on July 1, 2023, July 1, 2028, and July 1, 2033, the department of education shall submit a report to the mayor and the speaker of the council on:

i. actions taken to achieve the [requirement] requirements provided by [subdivision] subdivisions e and f to replace school buses with all-electric zero emission school buses by September 1, 2035;

ii. barriers, if any, to achieving such replacement by such date;

iii. plans to address the barriers described in subparagraph ii;

iv. a date by which such replacement will be complete;

v. the safety and reliability of the all-electric zero emission school buses in use pursuant to a school bus contract;

vi. the percentage of routes served by all-electric zero emission school buses where the origin or destination is located in an environmental justice area as defined in section 3-1001;

vii. a description of each model of all-electric zero emission school bus that is in use pursuant to a school bus contract, including but not limited to the name of the manufacturer and the number of buses of each such model in use;

viii. applications that have been submitted by the department for federal, state, private or other funding for the purpose of achieving such replacement; and

ix. progress that vendors have made in developing charging infrastructure, including the proportion of such charging infrastructure that has been installed in an environmental justice area as defined in section 3-1001.

(3) The first report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 75 all-electric zero emission school buses. The second report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 20 percent of school buses in use being all-electric zero emission school buses, and whether there are, or the status of achieving by September 1, 2030, 100 percent of New York city school bus umbrella corporation, or its successor entity, school buses in use being all-electric zero emissions school buses. The third report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving, 66 percent of school buses in use being all-electric zero emission school buses.

[g.] h. This section shall not apply:

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

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

(3) where federal or state law prohibits the application of the requirements of this section.

[h.] i. Any person who violates any provision of this section shall be liable for a civil penalty in accordance with section 24-178 of the code.

[i.] j. Where a person has been found to have made a false claim with respect to the provisions of this section, such person shall be subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

[j.] k. Nothing in this section shall be construed to limit the authority of the department of education or of the city of New York to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification as a vendor, or otherwise deny a person or entity city business.

[k.] l. (i) Diesel fuel-powered school buses shall be powered by fuel that is ultra low sulfur diesel fuel.

(ii) The chancellor of the New York city department of education and the commissioner of citywide administrative services shall conduct a study to determine the feasibility of utilizing at least five percent biodiesel (B5) and up to twenty percent biodiesel (B20) by volume in city contracted diesel fuel-powered buses used for pupil and school transportation. The study shall include a review of the types and models of buses that are used pursuant to existing school bus contracts and their compatibility with biodiesel blends; the mode of fueling by school bus contractors including in-house, retail or fuel truck; supply availability of biodiesel for each mode of fueling for the use of biodiesel in school buses; and other relevant issues including barriers, opportunities, and regulatory requirements related to the use of biodiesel in buses used pursuant to school bus contracts. No later than June 30, 2019, the chancellor of the department of education and the commissioner of citywide administrative services shall submit a report to the mayor and the speaker of the council detailing the findings of this study with recommendations relating to the use of biodiesel blends of at least five percent (B5) and up to twenty percent (B20) by volume in city contracted diesel fuel-powered buses used for pupil and school transportation.

§ 5. This local law takes effect 180 days after it becomes law.

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