

Inter-County Association of Western New York

% Steuben County Legislature, 3 East Pulteney Square, Bath, New York 14810

Phone (607) 664-2247

Email: achapman@steubencountyny.gov or bscotchmer@steubencountyny.gov

Carol Ferratella, President – Steuben
Mark Rondinaro, 1st Vice President – Schuyler
L. Thomas Sweet, 2nd Vice President – Chemung
Amanda L. Chapman, Secretary – Steuben
Brenda K. Scotchmer, Treasurer – Steuben

RESOLUTIONS COMMITTEE:
Brenda Rigby Riehle, Allegany
Chad Klotzbach, Genesee
Sarah Purdy, Yates

NOMINATING COMMITTEE:
Rochelle Stein, Genesee
John Fitzak, Orleans
James W. D. Howell, Schuyler

Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates

RESOLUTION NO. 002-25

CONCERNING THE IMPACTS OF EFFORTS TO ELECTRIFY HIGHWAY DEPARTMENT VEHICLES BY ADOPTION OF THE ADVANCED CLEAN TRUCK RULE.

WHEREAS, in 2019, the Climate Leadership and Community Protection Act (CLCPA) was signed into law to require New York State to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels; and

WHEREAS, the CLCPA directs the development of performance-based standards for sources of greenhouse gas emissions, including for the transportation sector, by reducing greenhouse gas emissions from motor vehicles; and

WHEREAS, New York State adopted California's Advanced Clean Trucks (ACT) Rule in December 2021 that requires applicable medium and heavy-duty vehicle manufacturers to sell an increasing percentage of their sales in New York State as zero-emission vehicles starting in model year 2025 with increasing zero-emission vehicle sales through model year 2035; and

WHEREAS, the cost of transitioning the State and local highway departments' utility and construction vehicles, snowplows, and equipment to run on battery power as mandated by ACT and other State strategies at this juncture is incalculable, but is expected to exceed the ability to be financed without substantial sources of new revenues directed strictly for the retrofit or procurement of such zero-emission vehicles and equipment; and

WHEREAS, as commercial production of medium and heavy-duty large scale, electric construction vehicles today is a new industry, the ability of local highway departments to plan for this transitions, with its concomitant mandates that fuel and electricity charging sources be carbon-free, is of tremendous concern considering that the transportation system at all levels of New York State government is significantly underfunded; and

WHEREAS, while ACT regulations do not require medium and heavy-duty fleets, owners, operators, or dealerships to produce zero-emission vehicles, the sales mandate on vehicle manufacturers are expected to lead to shortages in supply of not only complying electric vehicles but of traditional gasoline and diesel vehicles as well; and

WHEREAS, alarmingly, some medium and heavy-duty vehicle dealerships had notified highway departments that, due to manufacturers' need to plan for the sales mandates adopted by New York State and some other states, many orders for trucks are being delayed or cancelled; and

WHEREAS, notably, Maine, North Carolina, and Connecticut, among other states, recently stepped back from adopting ACT regulations citing concerns over the availability of heavy-duty vehicle charging stations and the high cost of zero-emission trucks; and

WHEREAS, in July 2024, the New York State Comptroller released an audit on the State's progress in meeting Climate Act goals and noted several deficiencies, including the need to increase communication with stakeholders and provide more accurate cost estimates. The audit goes on to add that the lack of cost estimates jeopardizes the chances of success in meeting the climates goals, and the Comptroller urges the State to clarify for key stakeholders, especially energy ratepayers, the extent to which ratepayers will be responsible for Climate Act implementation costs; and

WHEREAS, New York State’s climate goals must be implemented in a way that is affordable while assuring adequate supplies of these specialized vehicles and functional highway construction equipment that meet State specifications, and are estimated to increase the cost of a new truck by approximately one-third; and

WHEREAS, the rush to introduce electric vehicles in New York State can be counterproductive to the environment as the bulk of the power generation used to charge new vehicle batteries is produced by fossil fuels, and is a reason to move more slowly to sync with the pace of the transition to a zero-emission grid by 2040; and

WHEREAS, recognizing these potential impacts on the ability of local governments to continue to deliver necessary transportation services and facilities to the traveling public it is vital that State elected representatives and agencies assist county highway departments in developing strategies, funding sources, and realistic timelines for achieving these aggressive greenhouse gas emissions reduction goals in the face of market and fiscal barriers to the transition; and

WHEREAS, all levels of government need to work together throughout the regulatory process to ensure strategies and mandates put in place to meet the CLCPA goals for the transportation sector are realistic, achievable, and will benefit the environment.

NOW THEREFORE, BE IT

RESOLVED, the Inter-County Association of Western New York, representing 2.9 million citizens in the State of New York, calls on Governor Kathy C. Hochul, the New York State Department of Transportation (NYSDOT), the New York State Department of Conservation (NYSDEC), the New York State Energy Research and Development Authority (NYSERDA), the New York State Public Service Commission (PSC), its Commissioners, and its legislative leaders to commit to providing support for addressing these concerns in the regulatory and implementation process, and to dedicate the funding necessary to fully cover the counties’ costs of complying with the State mandates under the Climate Leadership and Community Protection Act (CLCPA); and be it further

RESOLVED, that Governor Kathy C. Hochul consider a pause or suspension of the implementation of the Advanced Clean Truck (ACT) Rule until there is strong evidence that the State has in place the necessary direct financial assistance, incentives, and charging infrastructure, and can definitely determine that vehicle manufacturers are prepared to effectively supply the New York State market without disruption to the critical work needed to maintain the State’s vast and aging infrastructure; and be it further

RESOLVED, that the State recognize that highway construction, maintenance vehicles, and equipment are critical to governments’ mission to maintain a safe and functional transportation system by designating these municipally owned vehicles and equipment as a category among “transit buses, motor coaches, and emergency vehicles,” and thus exempt from ACT regulation; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to Honorable Kathy Hochul, New York State Governor; all members of the NYS Senate; all members of the NYS Assembly; and the New York State Association of Counties.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Inter-County Association of Western New York while in session in Genesee County on the 21st day of March 2025.

Dated: April 2, 2025
Bath, New York



Amanda L. Chapman, Secretary
Inter-County Association of Western New York