

ASSEMBLY BILL

No. 1225

Introduced by Assembly Members DeSaulnier and Huffman

February 23, 2007

An act to amend, repeal, and add Section 25722.5 of, to add Section 25722.6 to, and to add and repeal Section 25722.8 of, the Public Resources Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1225, as introduced, DeSaulnier. Vehicles: state and local government motor vehicle fleet.

(1) Existing law requires the Department of General Services, in consultation with the State Energy Resources and Conservation and Development Commission (Energy Commission) and the State Air Resources Board, to develop and adopt specifications and standards for all passenger cars and light-duty trucks that are purchased or leased on behalf of, or by, state offices, agencies, and departments. These specifications and standards are required to include certain elements.

This bill instead would, require the Energy Commission, in conjunction with the State Air Resources Board and the Department of General Services, on or before July 1, 2008, to develop a method, criteria, and procedures to evaluate the environmental and energy benefits, and costs of motor vehicles for potential procurement by state and local governments based on specific criteria. The bill would require the Department of General Services, on January 1, 2009, to revise its procedures for the procurement of state and local government vehicles based upon the necessary performance specifications of the vehicles to perform the required work and tasks of the vehicles in the fleet based on classes established by that department. The bill would require the

Director of General Services to compile and maintain certain additional information regarding the nature of vehicles that are owned or leased by the state.

This bill also would require a local governmental agency with a vehicle fleet of 100 vehicles or more to evaluate and utilize the evaluation methodology described above in its consideration of its motor vehicle procurement procedure, but a local agency would not be bound by that methodology until January 1, 2011. Because this bill would increase the level of services imposed on local governmental agencies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares the
2 following:

3 (a) California has established aggressive goals to reduce
4 greenhouse gas emissions in the following manner: by 2010, to
5 reduce emissions to those of the year 2000; by 2020, to reduce
6 emissions to those of the year 1990; and by 2050, to reduce
7 emissions to 80 percent below those of the year 1990. These goals
8 equate to a reduction of 59 million tons of emission reductions, or
9 a reduction of 11 percent below business as usual by 2010; and a
10 reduction of 145 million tons of emission reductions, or a reduction
11 of 25 percent below business as usual. Over 40 percent of
12 California’s greenhouse gas emissions come from transportation
13 sources.

14 (b) The transportation sector is more than 95 percent dependent
15 upon a single fuel source, that being petroleum; and over 60 percent
16 of our national petroleum consumption comes from foreign sources,
17 making California extremely vulnerable to petroleum price and
18 supply disruptions.

1 (c) California has established aggressive goals for increasing
2 the use of nonpetroleum fuels, including electricity, biofuels, and
3 hydrogen, to 20 percent of on-road fuel consumption by 2020, and
4 30 percent by 2030.

5 (d) California has still not met federal or state standards for
6 clean and healthy air. Ninety-five percent of California citizens
7 live in areas that do not meet these air quality standards. Two-thirds
8 of California’s urban smog comes from mobile sources, primarily
9 cars and trucks.

10 (e) The State of California’s vehicle fleet is one of the largest
11 public fleets in the world. State agencies, including the campuses
12 of the University of California and the California State University,
13 operate nearly 73,000 vehicles, using approximately 46 million
14 gallons of gasoline and nine million gallons of diesel fuel per year.
15 The state purchases more than 5,000 vehicles per year on average.

16 (f) The State of California sets specifications on each class of
17 vehicles in the state motor vehicle fleet, except for law
18 enforcement vehicles. Specifications for law enforcement vehicles
19 are set by the Department of the California Highway Patrol.
20 Eventually, all specifications are put on the state bid. Through a
21 competitive process, the Department of General Services awards
22 vehicles per class, usually at the lowest bid price.

23 (g) A July 2003 report, jointly authored by the California Energy
24 Commission, the California Air Resources Board, and the
25 Department of General Services, recommended reform of the state
26 fleet vehicle procurement procedures, including “how to evaluate
27 and score bids to procure best-in-class vehicles for fuel economy,
28 emissions improvement, and lowest vehicle capital cost. This
29 procedure should include an annual evaluation of these
30 characteristics, which the Director of the Department of General
31 Services will oversee in consultation with the Energy Commission,
32 and the California Air Resources Board. This new procedure will
33 result in fuel economy and emissions improvement for state
34 vehicles and other public agencies who procure vehicles through
35 the state contract annually.”

36 (h) The State of California has an opportunity to demonstrate
37 its leadership and commitment to the reduction of greenhouse
38 gases, air pollution, and petroleum dependence in vehicles, by
39 reforming its vehicle procurement process to evaluate and select
40 state fleet vehicles which are the best-in-class for these attributes,

1 and others, for each category of vehicle the state needs to perform
 2 its responsibilities. Not only can California be a showcase for the
 3 use of clean, low-carbon, advanced technology vehicles and fuels,
 4 but it can use its purchasing power to demonstrate to automakers
 5 and fuel providers that there is a strong and growing market and
 6 demand for cleaner vehicles and fuels.

7 SEC. 2. Section 25722.5 of the Public Resources Code is
 8 amended to read:

9 ~~25722.5. (a) On or before January 1, 2005, in (1)~~ In order to
 10 achieve the policy objectives set forth in Sections 25000.5 and
 11 25722, the Department of General Services, in consultation with
 12 the commission and the State Air Resources Board, shall develop
 13 and adopt specifications and standards for all passenger cars and
 14 light-duty trucks that are purchased or leased on behalf of, or by,
 15 state offices, agencies, and departments. Authorized emergency
 16 vehicles, as defined in Section 165 of the Vehicle Code, that are
 17 equipped with emergency lamps or lights described in Section
 18 25252 of the Vehicle Code are exempt from the requirements of
 19 this section. ~~The~~

20 (2) The specifications and standards *specified in paragraph (1)*
 21 shall include the following:

22 ~~(1)~~
 23 (A) Minimum air pollution emission specifications that meet or
 24 exceed California’s Ultra-Low Emission Vehicle II (ULEV II)
 25 standards for exhaust emissions (13 Cal. Code Regs. 1961). These
 26 specifications shall apply on January 1, 2006, for passenger cars
 27 and on January 1, 2010, for light-duty trucks.

28 ~~(2)~~
 29 (B) Notwithstanding any other provision of law, the utilization
 30 of procurement policies that enable the Department of General
 31 Services to accomplish the following:

32 ~~(A)~~
 33 (i) Evaluate and score emissions and fuel economy in addition
 34 to capital cost to enable the Department of General Services to
 35 choose the vehicle with the lowest life-cycle cost when awarding
 36 a state vehicle procurement contract.

37 ~~(B)~~
 38 (ii) Maximize the purchase or lease of hybrid or “Best in Class”
 39 vehicles that are substantially more fuel efficient than the class
 40 average.

1 (E)

2 (iii) Maximize the purchase or lease of available vehicles that
3 meet or exceed California's Super Ultra-Low Emission Vehicle
4 (SULEV) passenger car standards for exhaust emissions.

5 (C) *The specifications and standards described in this paragraph*
6 *do not apply if the method, criteria, and procedure described in*
7 *Section 25722.8 are developed, in which case that criteria.*

8 (F)

9 (D) In order to discourage the unnecessary purchase or leasing
10 of a sport utility vehicle and a four-wheel drive truck, a requirement
11 that each state office, agency, or department seeking to purchase
12 or lease that vehicle, demonstrate to the satisfaction of the Director
13 of General Services or to the entity that purchases or leases vehicles
14 for that office, agency, or department, that the vehicle is required
15 to perform an essential function of the office, agency, or
16 department. If it is so demonstrated, priority consideration shall
17 be given to the purchase or lease of an alternatively fueled or hybrid
18 sports utility vehicle or four-wheel drive vehicle.

19 (b) ~~On or before December 31, 2005, each~~ *Each* state office,
20 agency, and department shall review its vehicle fleet and, upon
21 finding that it is fiscally prudent, cost-effective, or otherwise in
22 the public interest to do so, shall dispose of nonessential sport
23 utility vehicles and four-wheel drive trucks from its fleet and
24 replace these vehicles with more fuel efficient front-wheel drive
25 passenger cars and trucks.

26 (c) To the maximum extent practicable, each state office, agency,
27 and department that has bifuel natural gas and bifuel propane
28 vehicles in its vehicle fleet shall use the respective alternative fuel
29 in those vehicles.

30 (d) ~~Commencing no later than January 1, 2005, the~~ *The* Director
31 of General Services shall compile and maintain information on
32 the nature of vehicles that are owned or leased by the state,
33 including, but not limited to, all of the following:

34 (1) The number of passenger-type motor vehicles purchased or
35 leased during the year, and the number owned or leased as of
36 December 31 of each year.

37 (2) The number of sport utility vehicles and four-wheel drive
38 trucks purchased or leased by the state during the year, and the
39 number owned or leased as of December 31 of each year.

1 (3) The number of alternatively fueled vehicles and hybrid
2 vehicles purchased or leased by the state during the year, and the
3 total number owned or leased as of December 31 of each year.

4 (4) The justification provided for all sport utility vehicles and
5 four-wheel drive trucks purchased or leased by the state and the
6 specific office, department, or agency responsible for the purchase
7 or lease.

8 (5) The number of sport utility vehicles and four-wheel drive
9 trucks purchased or leased by the state during the year, and the
10 number owned or leased as of December 31 of each year that are
11 alternative fuel or hybrid vehicles.

12 (6) The number of light-duty trucks disposed under subdivision
13 (b).

14 (7) The total dollars spent by the state on passenger-type vehicle
15 purchases and leases, categorized by sport utility vehicle and
16 nonsport utility vehicle, and within each of those categories, by
17 alternative fuel, hybrid and other.

18 (e) Each state office, agency, and department shall cooperate
19 with the Department of General Services data requests in order
20 that the department may compile and maintain the information
21 required in subdivision (d).

22 (f) As soon as practicable, the information compiled and
23 maintained under subdivision (d) and a list of those state offices,
24 agencies, and departments that are not in compliance with
25 subdivision (e) shall be made available to the public on the
26 Department of General Services' Web site.

27 (g) *This section shall remain in effect only until January 1, 2009,*
28 *and as of that date is repealed, unless a later enacted statute, that*
29 *is enacted before January 1, 2009, deletes or extends that date.*

30 SEC. 3. Section 25722.5 is added to the Public Resources Code,
31 to read:

32 25722.5. (a) The commission, in conjunction with the State
33 Air Resources Board and the Department of General Services,
34 shall develop a method, criteria, and procedures to evaluate the
35 environmental and energy benefits, and costs of motor vehicles
36 for potential procurement by state and local governments. Vehicles
37 shall be evaluated based upon the following criteria:

38 (1) The reduction in greenhouse gas emissions on a full
39 fuel-cycle basis in comparison to the average conventional vehicle
40 in a particular class.

1 (2) The reduction in criteria air pollutants on a full-cycle basis
2 in comparison to the average conventional vehicle in a particular
3 class.

4 (3) The reduction in air toxins on a full fuel-cycle basis in
5 comparison to the average conventional vehicle in a particular
6 class.

7 (4) The reduction in petroleum consumption on a full fuel-cycle
8 basis in comparison to the average conventional vehicle in a
9 particular class.

10 (5) The availability of refueling infrastructure where the vehicle
11 will be operated.

12 (6) The benefit of the acquisition toward technology or fuel
13 advancement, demonstration, and fleet or public education.

14 (7) The life-cycle cost of the vehicle and fuel, including
15 maintenance, and the additional cost of needed infrastructure to
16 refuel the vehicle with alternative fuel, if any.

17 (b) The Department of General Services shall revise its
18 procedures for the procurement of state and local government
19 vehicles based upon the necessary performance specifications of
20 the vehicles to perform the required work or tasks of the vehicles
21 in the fleet. The Department of General Services shall establish
22 vehicle “classes” depending upon the required work or tasks and
23 the necessary performance specifications.

24 (c) For the purpose of state fleet procurement, available vehicles
25 in individual classes shall be evaluated using the method and
26 criteria developed in subdivision (a).

27 (d) The Department of General Services shall only procure
28 vehicles for use in the state fleet that meet all requirements
29 established by the federal government, including, but not limited
30 to, the federal Energy Policy Act of 1990, if applicable, and which
31 have been determined to be the best in their class as determined
32 by the evaluation in subdivision (a).

33 (e) Following the evaluation described in subdivisions (a) and
34 (d), if the Department of General Services determines that it is not
35 able to procure the best-in-class vehicles due to requirements of
36 the federal Energy Policy Act of 1990, or other federal
37 requirements, the Department of General Services shall
38 immediately pursue a waiver from those federal requirements.

39 (f) Notwithstanding any other provision of law, a minimum of
40 20 percent of annual state fleet vehicle procurement shall be with

1 Advanced Technology Partial Zero Emission Vehicles (AT-PZEV)
2 or Zero-Emission Vehicles (ZEVs), as defined in regulation by
3 the California Air Resources Board.

4 (g) A vehicle capable of using alternative fuel that is procured
5 by the Department of General Services for use in the state fleet
6 shall have fueling infrastructure for that fuel readily available
7 where the vehicle is operated. If that infrastructure is not available,
8 the Department of General Services shall procure that infrastructure
9 as part of the vehicle procurement process. A vehicle capable of
10 using alternative fuels shall be operated on those fuels unless it is
11 impossible to do so.

12 (h) The Department of General Services shall conduct the
13 evaluation of vehicles for potential addition to the state and local
14 fleets, as described in this section, on an annual basis, reflecting
15 annual new vehicle availability.

16 (i) Authorized emergency vehicles as defined in Section 165 of
17 the Vehicle Code, that are equipped with emergency lamps or
18 lights described in Section 25252 of the Vehicle Code, are exempt
19 from the requirements of this section.

20 (j) In order to discourage the unnecessary purchase or leasing
21 of a sport utility vehicle and a four-wheel drive truck, a requirement
22 that each state office, agency, or department seeking to purchase
23 or lease that vehicle, demonstrate to the satisfaction of the Director
24 of General Services or to the entity that purchases or leases vehicles
25 for that office, agency, or department, that the vehicle is required
26 to perform an essential function of the office, agency, or
27 department. If it is so demonstrated, priority consideration shall
28 be given to the purchase or lease of an alternatively fueled or hybrid
29 sports utility vehicle or four-wheel drive vehicle.

30 (k) A state office, agency, and department shall review its
31 vehicle fleet and, upon finding that it is fiscally prudent,
32 cost-effective, or otherwise in the public interest to do so, shall
33 dispose of nonessential sport utility vehicles and four-wheel drive
34 trucks from its fleet and replace these vehicles with more fuel
35 efficient front-wheel drive passenger cars and trucks.

36 (l) To the maximum extent practicable, each state office, agency,
37 and department that has bifuel natural gas and bifuel propane
38 vehicles in its vehicle fleet shall use the respective alternative fuel
39 in those vehicles.

1 (m) The Director of General Services shall compile and maintain
2 information on the nature of vehicles that are owned or leased by
3 the state, including, but not limited to, all of the following:

4 (1) The number of passenger-type motor vehicles purchased or
5 leased during the year, and the number owned or leased as of
6 December 31 of each year.

7 (2) The number of sport utility vehicles and four-wheel drive
8 trucks purchased or leased by the state during the year, and the
9 number owned or leased as of December 31 of each year.

10 (3) The number of alternatively fueled vehicles and hybrid
11 vehicles purchased or leased by the state during the year, and the
12 total number owned or leased as of December 31 of each year.

13 (4) The justification provided for all sport utility vehicles and
14 four-wheel drive trucks purchased or leased by the state and the
15 specific office, department, or agency responsible for the purchase
16 or lease.

17 (5) The number of sport utility vehicles and four-wheel drive
18 trucks purchased or leased by the state during the year, and the
19 number owned or leased as of December 31 of each year that are
20 alternative fuel or hybrid vehicles.

21 (6) The number of light-duty trucks disposed under subdivision
22 (b).

23 (7) The total dollars spent by the state on passenger-type vehicle
24 purchases and leases, categorized by sport utility vehicle and
25 nonsport utility vehicle, and within each of those categories, by
26 alternative fuel, hybrid, and other.

27 (8) The total annual consumption of gasoline and diesel fuel
28 used by the state fleet.

29 (9) The total annual consumption of alternative fuels, by fuel
30 type, used by the state fleet.

31 (10) The total alternative fuel capacity of the tanks of all the
32 alternative fueled vehicles in the state fleet that are capable of
33 using each of those alternative fuels, by fuel type, including
34 bifueled or flex-fueled vehicles.

35 (11) The total annual vehicle miles traveled by vehicles in the
36 state fleet.

37 (n) Each state office, agency, and department shall cooperate
38 with the Department of General Services data requests in order
39 that the department may compile and maintain the information
40 required in subdivision (m).

1 (o) As soon as practicable, the information compiled and
2 maintained under subdivision (m) and a list of those state offices,
3 agencies, and departments that are not in compliance with
4 subdivision (n) shall be made available to the public on the
5 Department of General Services' Web site.

6 (p) This section shall become operative on January 1, 2009.

7 SEC. 4. Section 25722.6 is added to the Public Resources Code,
8 to read:

9 25722.6. (a) A local governmental agency with a vehicle fleet
10 of 100 vehicles or more shall utilize the evaluation methodology
11 in Section 25722.5 for its consideration of its vehicle procurement
12 procedure, but is not bound by that methodology.

13 (b) On and after January 1, 2011, a local governmental agency
14 described in subdivision (a) shall procure best-in-class vehicles
15 using the evaluation methodology in Section 25722.5.

16 (c) This section shall become operative on January 1, 2009.

17 SEC. 5. Section 25722.8 is added to the Public Resources Code,
18 to read:

19 25722.8. (a) On or before July 1, 2008, the commission, in
20 conjunction with the State Air Resources Board and the Department
21 of General Services, shall develop a method, criteria, and
22 procedures to evaluate the environmental and energy benefits, and
23 costs of motor vehicles for potential procurement by state and local
24 governments. Vehicles shall be evaluated based upon the following
25 criteria:

26 (1) The reduction in greenhouse gas emissions on a full
27 fuel-cycle basis in comparison to the average conventional vehicle
28 in a particular class.

29 (2) The reduction in criteria air pollutants on a full-cycle basis
30 in comparison to the average conventional vehicle in a particular
31 class.

32 (3) The reduction in air toxins on a full fuel-cycle basis in
33 comparison to the average conventional vehicle in a particular
34 class.

35 (4) The reduction in petroleum consumption on a full fuel-cycle
36 basis in comparison to the average conventional vehicle in a
37 particular class.

38 (5) The availability of refueling infrastructure where the vehicle
39 will be operated.

1 (6) The benefit of the acquisition toward technology or fuel
2 advancement, demonstration, and fleet or public education.

3 (7) The life-cycle cost of the vehicle and fuel, including
4 maintenance, and the additional cost of needed infrastructure to
5 refuel the vehicle with alternative fuel, if any.

6 (b) This section shall remain in effect only until January 1, 2009,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2009, deletes or extends that date.

9 SEC. 6. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.