

SUBJECT: Revising low-emission vehicle and alternative fuel program requirements

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Chisum, Bonnen, Kuempel, Uher, Bosse, Howard, Zbranek

0 nays

2 absent — Dukes, Geren

WITNESSES: For — None

Against — None

On — Robert Huston, Texas Natural Resource Conservation Commission; Karen Rae, Capital Metropolitan Transportation Authority; Tom “Smitty” Smith, Public Citizen

BACKGROUND: The Texas Natural Resource Conservation Commission (TNRCC) is responsible for implementing the Texas Clean Fleet Program, aimed at increasing the use of low-emission vehicles (LEVs). The program covers private fleets with more than 25 vehicles, local government fleets with more than 15 vehicles, and mass transit authority (MTA) fleets in the Dallas-Fort Worth, Houston-Galveston, and El Paso nonattainment areas (Health and Safety Code, chapter 382). The General Services Commission is responsible for implementing alternative fuel requirements for state fleets with more than 15 vehicles (Government Code, chapter 2158).

In its *Biennial Report to the 77th Legislature*, TNRCC recommended the following in regard to LEV and alternative fuel programs:

- ! consolidating the emissions and alternative fuel requirements for state, local government, MTA, and private fleets into a single clean fleet program;
- ! updating clean-vehicle purchase requirements to use the structure of federal Tier 2 emissions standards and eliminating outdated language in state law;

- ! limiting exemptions from vehicle purchase requirements to law enforcement only and allowing waivers only for nonavailability of LEVs; and
- ! designing the program so that the state could claim credit for it in the State Implementation Plan submitted to the U.S. Environmental Protection Agency

DIGEST:

CSHB 3284 would establish the Texas Clean Fleet Program for state agencies with fleets of more than 15 vehicles and for local governments, MTAs, and any other person with a fleet of more than 25 vehicles in certain areas. Those areas would include Dallas-Fort Worth, Austin, San Antonio, and Corpus Christi metropolitan areas and the region — encompassing Houston — to the east of a line connecting those cities, as well as El Paso.

The following percentages of vehicles purchased or leased by a state agency, local government, MTA, or other person in an affected area would have to meet Tier 2 exhaust emission standards by the dates noted:

- ! 25 percent of vehicles purchased or leased on or after September 1, 2003;
- ! 50 percent on or after September 1, 2004;
- ! 65 percent on or after September 1, 2005;
- ! 80 percent on or after September 1, 2006;
- ! 90 percent on or after September 1, 2007; and
- ! 100 percent on or after September 1, 2008.

TNRCC could waive or reduce the percentage requirements if the state agency, local government, MTA, or other person showed that vehicles meeting the Tier 2 requirements were not available for purchase or lease in Texas or if an MTA showed that compliance would compromise a public transportation alternative.

TNRCC would have to examine the feasibility and effectiveness of fleet program requirements for vehicles with a gross vehicle weight rating of more than 10,000 pounds and report its findings to the Legislature by December 1, 2002.

The bill would repeal sections of current law establishing alternative fuel programs and percentage requirements for the purchase or lease of LEVs.

The provisions establishing the new Texas Clean Fleet Program would take effect September 1, 2001. The bill's other requirements would take effect September 1, 2003.

NOTES: The committee substitute made minor changes to the filed version, such as by modifying the definition of "motor vehicle."