

ACT# 2009- 650

1 HB185
2 106771-4
3 By Representatives Jackson and McDaniel
4 RFD: Commerce
5 First Read: 03-FEB-09
6 PFD: 01/28/2009



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ENROLLED, An Act,

To adopt a procedure for implementing and administering a green fleets program of procuring state motor vehicles based on criteria that include fuel economy and life cycle costing; to require fleet managers of state motor vehicles to classify their vehicle inventory for compliance with this act; to establish goals for fuel efficiency for state motor vehicles; to establish procurement policies; to create the Green Fleets Review Committee to ensure compliance; to provide for advisory subcommittees; and to provide that fleet managers submit annual plans for procuring fuel-efficient vehicles.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature of Alabama makes the following findings and statements:

(1) Energy use associated with the operation of state motor vehicle fleets exacerbates local air quality problems and results in greenhouse gas emissions that contribute to global climate change.

(2) Agencies and departments of state government have a significant role to play in improving local air quality and reducing greenhouse gas emissions by improving the energy efficiency of its fleets and reducing emissions from fleet operations.

1 (3) Improving the energy efficiency of state fleets
2 will result in a significant monetary savings in the long
3 term.

4 (b) The Legislature expresses its intent as follows:

5 (1) To express its power as a participant in the
6 marketplace to ensure that purchases and expenditures of
7 public monies are made in a manner consistent with the
8 policies of improving local air quality, reducing Alabama's
9 water pollution of hazardous waste oil, reducing the state's
10 petroleum dependency, and reducing greenhouse gas emissions.

11 (2) To establish a Green Fleets Policy in
12 conjunction with establishing life cycle costing as a method
13 of addressing the management, operation, and procurement of
14 fleet vehicles under the control of the State of Alabama in
15 order to improve the energy efficiency of its fleets and
16 reduce emissions from its fleets.

17 Section 2. As used in this act the following terms
18 shall have the following meanings:

19 (1) FUEL ECONOMY. The applicable model year combined
20 highway/city fuel economy with respect to a vehicle as
21 determined on a gasoline gallon equivalent basis as determined
22 by the Administrator of the U.S. Environmental Protection
23 Agency with respect to the vehicle. If such data is not
24 available from the Administrator, the fuel economy shall be

1 the total in-use fuel consumed divided by the total miles
2 driven for the most recent fiscal year.

3 (2) HEAVY DUTY VEHICLE. Any motor vehicle, licensed
4 for use on roadways, having a manufacturer's gross vehicle
5 weight rating greater than 14,000 pounds.

6 (3) LIGHT DUTY VEHICLE. Any motor vehicle designed
7 primarily for the transportation of persons and with a
8 manufacturer's gross vehicle weight rating of 8,500 pounds or
9 less.

10 (4) MEDIUM DUTY VEHICLE. Any vehicle having a
11 manufacturer's gross vehicle weight rating of 14,000 pounds or
12 less and which is not a light-duty truck or passenger vehicle.

13 Section 3. (a) In order to establish a baseline of
14 data so that a state Green Fleets Policy may be established,
15 implemented, and monitored, each state department and agency
16 fleet manager shall develop an inventory and analysis of the
17 fleet vehicles within that department or agency as of the
18 close of fiscal year ~~2009~~ 2010. This inventory shall include
19 the following specific information:

20 (1) Number of vehicles classified by the model year,
21 make, model, engine size, vehicle identification number (VIN),
22 and drivetrain type (2-wheel drive or 4-wheel drive), and the
23 rated vehicle weight and classification as either light-duty,
24 medium-duty, or heavy-duty.

1 (2) Miles per gallon, or gallon equivalent, per
2 vehicle.

3 (3) Average fuel economy of all light-duty vehicles
4 in the fleet.

5 (4) Average fuel economy of all medium-duty vehicles
6 in the fleet.

7 (5) Average fuel economy of all heavy-duty vehicles
8 in the fleet.

9 (6) Type of fuel or power source, including, but not
10 limited to, electricity used.

11 (7) Average cost per gallon, or gallon equivalent of
12 fuel.

13 (8) Average fuel cost per mile.

14 (9) Annual miles driven per vehicle.

15 (10) Total fuel or power consumption per vehicle.

16 (11) Vehicle function, such as the tasks associated
17 with the vehicle's use.

18 (b) Fleet managers from state departments and
19 agencies shall be responsible for providing baseline data in a
20 reliable and verifiable manner. The data shall be submitted to
21 the Green Fleets Review Committee established in Section 6 for
22 use in measuring progress toward the goals outlined in Section
23 4.

24 Section 4. (a) Except as otherwise provided under
25 this section, the average fleet fuel economy for light-duty

1 vehicles, shall be increased by four percent per fiscal year,
2 rounded to the nearest 1/10 mile per gallon, beginning six
3 months after the date of enactment.

4 (b) Except as otherwise provided under this section,
5 the average fleet fuel economy for medium-duty vehicles, shall
6 be increased by three percent per fiscal year, rounded to the
7 nearest 1/10 mile per gallon, beginning six months after the
8 date of enactment.

9 (c) Except as otherwise provided under this section,
10 the average fleet fuel economy for heavy-duty vehicles, shall
11 be increased by two percent per fiscal year, rounded to the
12 nearest 1/10 mile per gallon, beginning six months after the
13 date of enactment.

14 (d) Notwithstanding the requirements of subsections
15 (a), (b), and (c), the Green Fleet Review Committee may
16 prescribe a lower average fuel economy percentage improvement
17 for a specific fiscal year, if the committee determines that
18 the standards prescribed pursuant to subsections (a), (b), or
19 (c) are neither of the following:

20 (1) Technologically achievable.

21 (2) Cost effective, as demonstrated by clear
22 evidence.

23 (e) If a lower percentage fuel economy improvement
24 is prescribed for a specific fiscal year under subsection (d),

1 that percentage increase shall be the maximum increase that is
2 both of the following:

3 (1) Technologically achievable.

4 (2) Cost effective.

5 (f) In determining cost effectiveness under this
6 section, the committee shall take into account the total value
7 to the nation of reduced petroleum use, including the value of
8 reducing external costs of petroleum use, using a value for
9 such costs equal to 25 percent of the value of a gallon of
10 gasoline saved.

11 (g) In addition to determining cost effectiveness
12 under this section, reducing harmful emissions and green house
13 gases created by the production and use of a fuel source shall
14 be the second primary criteria taken into account by the
15 committee. Whenever a fleet is taking into consideration a new
16 fuel, the fuel provider shall submit US Department of Energy
17 statistics showing the life cycle emissions per gallon
18 gasoline ~~equivalent~~ equivalent for the green fleet manager to
19 submit to the committee.

20 Section 5. (a) In order to accomplish the goals
21 stated in Section 4, the State of Alabama shall modify
22 procurement procedures, implement policies, conduct reviews,
23 and take other actions as provided in this section.

24 (b) The following shall be the official policies of
25 the State of Alabama pursuant to this act:

1 (1) To purchase, lease, or otherwise obtain or
 2 procure the most energy efficient vehicles possible that meet
 3 the operational needs of the department or agency for which
 4 the vehicles are intended by using life cycle costing as a
 5 method of determining the most cost efficient vehicles for the
 6 departments or agencies.

7 (2) To manage and operate its fleets in a manner
 8 that is energy efficient, that minimizes emissions, and that
 9 reduces petroleum dependency by utilizing specified proven
 10 technology identified by the Green Fleet Review Committee.

11 (3) To review every new vehicle purchase request and
 12 modify as necessary to ensure that the vehicle class to which
 13 the requesting vehicle belongs is appropriate for the duty
 14 requirements that the vehicle will be called upon to perform.

15 (4) To review the fleet inventory data required by
 16 Section 3 to identify older vehicles that are not used or used
 17 infrequently, as well as those vehicles that are
 18 disproportionately inefficient, and schedule their elimination
 19 or replacement by determining the most cost effective
 20 methodology of establishing surplus inventory within all
 21 departments and agencies.

22 (5) To implement an anti-idling policy prohibiting
 23 state employees from idling all state-owned or operated
 24 vehicles for an excessive period of time.

1 (6) To implement educational programs for state
 2 employees to drive efficiently and utilize efficient vehicle
 3 operating techniques.

4 (7) To maintain vehicles at optimal efficiency by
 5 reviewing current maintenance ~~schedule~~ schedules for all fleet
 6 vehicles and increasing or decreasing maintenance wherever
 7 cost-effective benefits will accrue as a result.

8 (8) To encourage carpooling and vanpooling by state
 9 employees by allowing commuter fees to be paid out of pretax
 10 income withholding as allowed by federal tax laws to help
 11 reduce fuel consumption, pollution, traffic, and parking
 12 congestion.

13 Section 6. (a) In order to ensure compliance with
 14 the goals outlined in Section 4, as well as to monitor the
 15 actions outlined in Section 5, a Green Fleets Review Committee
 16 is hereby created. The Permanent Joint Legislative Committee
 17 on Energy will appoint the members of the Green Fleet Review
 18 Committee. The membership of the committee shall reflect the
 19 racial, gender, geographic, urban/rural and economic diversity
 20 of the state. The chair of the Green Fleets Review Committee
 21 may create advisory subcommittees and appointment members
 22 thereto, which may include members of the Green Fleets Review
 23 Committee, representatives from governmental agencies, and
 24 members of the public with interest and expertise in the
 25 objectives of the committee. The Green Fleets Review Committee

1 shall create no more than two active advisory subcommittees at
2 any given time unless the committee votes unanimously for
3 additional subcommittees.

4 (b) The committee, shall thereafter meet at the call
5 of the chair or any majority of the members thereof; provided,
6 that the committee shall meet at least once each four months.
7 The committee shall have a continuing existence and may meet,
8 act, and conduct its business at any place within this state
9 during the sessions of the Legislature or any recess thereof,
10 and in the interim period between sessions.

11 (c) Each legislative member of the committee or any
12 subcommittee, if created, shall be entitled to his or her
13 regular legislative compensation, his or her per diem, and
14 travel expenses for each day he or she attends a meeting of
15 the committee. Upon requisitions signed by the chair of the
16 committee or subcommittees, these payments shall be paid out
17 of any funds appropriated to the use of the Legislature by
18 means of warrants drawn by the Comptroller on the State
19 Treasury. Notwithstanding the foregoing, no member shall
20 receive additional legislative compensation or per diem when
21 the Legislature is in session or if a member is being paid any
22 other payments on the same dates for attendance on other state
23 business. The total legislative expenditures of the committee
24 shall not exceed five thousand dollars (\$5,000) per fiscal
25 year.

1 (d) On an annual basis, all state department and
2 agency fleet managers shall submit a draft of their Green
3 Fleets plan to the State Equipment Management Coordinator, or
4 the Department of Finance designee for this position, and the
5 Green Fleets Review Committee detailing how vehicle
6 procurement, fleet operations, and employee travel activity
7 are intended to conform to the Green Fleet policies and
8 strategies outlined in Section 5. Each Green Fleets plan
9 submitted shall also include, as an appendix or addendum, an
10 updated fleet vehicle inventory list in the same format as the
11 fleet vehicle inventory required by Section 3.

12 (e) Each Green Fleets plan shall be reviewed by the
13 State Equipment Management Coordinator, or the Department of
14 Finance designee for this position, and the committee for
15 overall conformity with the policies and for completeness in
16 addressing the Green Fleets strategies. Inadequate plans shall
17 be returned to the submitting department or agency for
18 revision and discussion with the committee.

19 (f) Any appeal of the committee's decisions must be
20 made in writing to the committee accompanied by appropriate
21 documentation. Valid reasons for an appeal include
22 unavailability of appropriate fleet vehicles, incremental
23 costs in excess of the full life-cycle savings that would
24 accrue from the acquisition of a given vehicle, and the

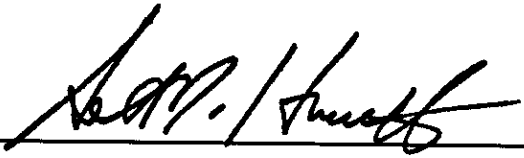
1 primacy of a given vehicle's mission to public safety or a
2 similar area judged to be applicable by the committee.

3 (g) Approval of vehicle procurement requests for
4 each department or agency is contingent upon a satisfactory
5 recommendation from the ~~committee~~ State Fleet Manager as to
6 the merit of the department or agency's Green Fleets plan.

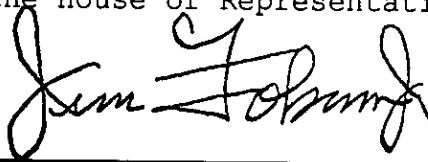
7 (h) The most innovative Green Fleets plan
8 implemented shall receive recognition in an annual award to
9 the department or agency submitting the most innovative plan.
10 The committee shall determine the recipient of the award
11 during the annual Green Fleets Review meeting.

12 Section 7. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 10-FEB-09, as amended.

Greg Pappas
Clerk

Senate	14-MAY-09	Amended and Passed
House	14-MAY-09	Concurred in Senate Amendment

APPROVED May 21, 2009

TIME 8:40 a.m.
Bob Riley
GOVERNOR

Alabama Secretary Of State

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Bill Num...: H-185