

2022 -- S 2448

=====
LC004631
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

—————
A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRIC TRANSPORTATION ACT

Introduced By: Senators DiMario, Euer, Seveney, Anderson, Lawson, Cano, Zurier,
Burke, Miller, and DiPalma

Date Introduced: March 01, 2022

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 3.4

4 ELECTRIC TRANSPORTATION ACT

5 **31-3.4-1. Short title.**

6 This chapter shall be known as and may be cited as the "Electric Transportation Act."

7 **31-3.4-2. Legislative findings.**

8 (1) Rhode Island is bound to reducing economy-wide greenhouse gas emissions to forty-
9 five percent (45%) under 1990 levels by 2030 and reaching net-zero emissions by 2050;

10 (2) Transportation is now the largest source of greenhouse gas emissions in Rhode Island;

11 (3) Electrifying all modes of transportation that currently rely on fossil fuels, in addition to
12 reducing vehicle-miles traveled via investments in walking, biking, and transit, represents the best
13 strategy for reducing transportation emissions as required by law;

14 (4) Electrifying transportation is in the public interest economically, environmentally, and
15 in terms of public health; and

16 (5) Lower-income households, people of color and other disadvantaged communities are
17 disproportionately exposed to air pollution from mobile sources. Higher exposures to air pollution
18 and other contaminants contribute to adverse health effects that negatively impact public health.

19 **31-3.4-3. Definitions.**

1 As used in this chapter"

2 (1) "2030 mandate" refers to the economy-wide enforceable target for greenhouse gas
3 emissions reduction of forty-five percent (45%) below 1990 levels by 2030, as listed in chapter 6.2
4 of title 42.

5 (2) "2030 target" refers to the target that:

6 (i) One hundred percent (100%) of all public fleet vehicle procurements and vehicles in
7 fleets that serve a public purpose of model year 2030 or later be electric vehicles, with one hundred
8 percent (100%) of passenger and light duty vehicle acquisitions being electric by 2027;

9 (ii) One hundred percent (100%) of school buses be electric vehicles by 2030;

10 (iii) Thirty percent (30%) of all new medium- and heavy-duty vehicle sales in the state be
11 electric vehicles (as per the Multi-State Zero Emission Medium- and Heavy-Duty Vehicle Initiative
12 Memorandum of Understanding signed by Governor Gina Raimondo on July 10, 2020);

13 (iv) One hundred percent (100%) of all privately and commercially owned passenger and
14 light-duty vehicles of model year 2030 or later registered in Rhode Island be electric vehicles.

15 (3) "Department" means to the state department of environmental management.

16 (4) "Electric vehicles" or "EVs" means vehicles that use energy stored in rechargeable
17 battery packs and which have an electric range of at least twenty-five (25) miles.

18 (5) "Electric vehicle supply equipment" or "EVSE" means a device or system designed and
19 used to specifically transfer electrical energy to a plug-in electric vehicle either as a charge
20 transferred via a physical or wireless connection, by loading a fully charged battery or by other
21 means.

22 (6) "Emergency services vehicle" means any publicly-owned vehicle operated by a police
23 officer in performance of their duties, any authorized emergency vehicle used for fighting fires or
24 responding to emergency fire calls, any publicly owned authorized emergency vehicle used by an
25 emergency medical technician or paramedic, or used for towing or servicing other vehicles, or
26 repairing damaged lighting or electrical equipment, any motor vehicle of mosquito abatement,
27 vector control, or pest abatement agencies and used for those purposes, or any ambulance used by
28 a private entity under contract with a public agency.

29 (7) "Medium- and heavy-duty vehicles" or "MHDVs" means on-road motor vehicles with
30 a scale weight of over ten thousand pounds (10,000 lbs.).

31 (8) "Motor vehicle fleet serving a public purpose" means a motor vehicle fleet of which a
32 portion is leased, rented, or contracted by the State of Rhode Island or a municipality or any political
33 subdivision thereof from a person or entity other than the State of Rhode Island or a municipality
34 to provide a public service or for its own use, including school buses and paratransit vehicles.

1 (9) "Passenger and light duty vehicles" means on-road motor vehicles with a scale weight
2 of up to nine thousand nine hundred ninety-nine pounds (9,999 lbs) and three (3) or more wheels.
3 Emergency services vehicles are not "passenger and light duty vehicles" for the purposes of this
4 act.

5 (10) "Public fleet vehicles" means vehicles in a motor vehicle fleet owned by the State of
6 Rhode Island, a transportation authority, a school district, a public university, a quasi-public
7 agency, or a municipality or in the shared ownership of multiple municipalities, or any political
8 subdivision thereof. Public fleet vehicles include vehicles under the same ownership of the State of
9 Rhode Island or a municipality, even if a portion of the motor vehicle fleet is under the management
10 or control of separate secretariats, departments, agencies, or offices.

11 (11) "Transition period" means the period beginning January 1, 2023, and ending
12 December 31, 2040.

13 **31-3.4-4. Advanced fuel economy standards.**

14 (a) The department shall adopt motor vehicle emissions standards based on California's
15 duly promulgated motor vehicle emissions standards, unless, after a public hearing, the department
16 establishes, based on substantial evidence, emissions standards and a compliance program similar
17 to the state of California's will not achieve, in the aggregate, greater motor vehicle pollution
18 reductions than the federal standards and compliance program for any such model year. The
19 department shall publicly issue detailed written findings before and after holding a public hearing
20 pursuant to this section and said hearing shall be subject to the provisions for public meetings
21 contained in chapter 46 of title 42 ("open meetings"). A decision not to adopt said standards shall
22 apply as long as the federal standards and the standards of the state of California do not change.

23 (b) The department shall promulgate regulations to ensure maximum motor vehicle
24 pollution reductions pursuant to the provisions of this section within one calendar year of the
25 adoption of the advanced emission standards of the state of California.

26 (c) The provisions of this section are intended as minimum requirements of the state's
27 motor vehicle emissions program and shall not limit the department's authority to adopt and
28 implement the stricter air quality regulations allowed under any other federal and state law.

29 **31-3.4-5. Established goals of electric vehicle purchases.**

30 (a) It shall be a goal of the state that one hundred percent (100%) of new passenger cars
31 and trucks model year 2030 or later offered for sale or lease, or sold or leased for registration in the
32 state shall be zero emissions by 2030.

33 (b) On or before January 1, 2025, the department shall develop and propose regulations,
34 consistent with relevant federal law, to achieve the 2030 target. Regulations adopted pursuant to

1 this law shall not include emissions regulations that differ from California emissions regulations
2 for the same vehicles or regulations that are otherwise preempted by federal law.

3 (c) To advance the transition to electric vehicles, the state must immediately:

4 (1) Direct the electric utilities to offer rate discounts for off-peak charging relative to on-
5 peak charging that incorporate values for avoided energy and capacity costs, avoided transmission
6 costs, avoided distribution costs, improved grid reliability, capacity benefits in the form demand
7 induced price reduction effects (DRIPE), avoided greenhouse gas emissions, and public health
8 benefits. Such discounts should be approved by the public utilities commission no later than June
9 30, 2023.

10 (2) Set interim sales targets to ramp up EV sales annually to reach one hundred percent
11 (100%) by 2030;

12 (3) Establish incentives for the purchase of electric vehicles to replace the sale of new gas-
13 powered cars;

14 (4) Establish incentives for the purchase of electric bikes to replace the sale of new gas-
15 powered cars;

16 (5) Establish public fleet electrification requirements;

17 (6) Establish a goal to reduce VMT in 2030 by at least four percent (4%) compared to 2019
18 through investments in public transit and active mobility.

19 (d) In furtherance of achieving the 2030 target, the department shall:

20 (1) Design the policies in a manner that maximizes equity and the total benefits to the state
21 and to those workers who participate in the EV transition, and provides for the just transition of
22 workers (if any) negatively impacted by achievement of the 2030 target and minimizes costs and
23 risks;

24 (2) Minimize the administrative burden of implementing and complying with these
25 policies;

26 (3) Rely upon the best available economic and scientific information and its assessment of
27 existing and projected technological capabilities when adopting the policies required by this
28 section;

29 (4) Coordinate achievement of the 2030 target across state and federal programs and
30 regulations;

31 (5) Consult with the office of energy resources, the department of transportation, investor-
32 owned utilities, and quasi-municipal utilities in the development of the regulations insofar as they
33 affect electricity providers in order to minimize duplicative or inconsistent regulatory requirements;
34 and

1 (6) Revise rules adopted pursuant to this section and adopt additional rules to accelerate or
2 otherwise facilitate the intent of this chapter.

3 **31-3.4-6. Greenhouse gas emissions.**

4 (a) Concurrently with the immediate actions described in § 31-3.4-5, the state must include
5 the following in the 2025 update to the greenhouse gas emissions reduction plan.

6 (b) The update to the 2025 plan must include, without limitation, the following elements
7 with regard to the achievement of the 2030 target:

8 (1) The needed number of new and used electric and internal combustion engine vehicles
9 registered in the state each year during the transition period to meet the 2030 target;

10 (2) The predicted number of new and used electric and internal combustion engine vehicles
11 registered in the state each year during the transition period under existing state policy;

12 (3) Electric vehicle charging infrastructure requirements;

13 (4) Electric grid upgrades/modifications where necessary;

14 (5) An analysis of the distribution of burdens and benefits of this transition, including, but
15 not limited to: an analysis of yearly job gains and losses during the transition period that would
16 result from achievement of the 2030 target; an analysis of the effect of the achievement of the 2030
17 target during the transition period on state transportation revenues, and recommendations as to
18 alternative sources of revenues to replace gas tax revenues; analysis of impacts of the 2030 target
19 on equity, especially including disadvantaged and low-income communities, communities of color,
20 and rural communities, and strategies for maximizing equity in implementation of the 2030 target;

21 (6) A just transition strategy for those at risk of being negatively impacted by achievement
22 of the 2030 target;

23 (7) A strategy for ensuring that jobs created from the transition are well-compensated and
24 accessible to all;

25 (8) An analysis of the 2030 target on costs of mitigating and cleaning up petroleum
26 pollution of our water, air, and land;

27 (9) A strategy for harmonizing the achievement of the 2030 target with adoption of federal
28 or state passenger or light duty vehicle emissions standards pursuant to the federal Clean Air Act,
29 while aiming to achieve vehicle electrification targets at the earliest feasible date;

30 (c) In developing its plan, the department may rely on reasonable assumptions regarding
31 the cost of implementing electric vehicle technology based on anticipated economies of scale,
32 technology learning curves, and other generally accepted cost estimating techniques.

33 (d) The department shall conduct a series of public workshops to provide interested parties
34 an opportunity to comment on the scoping plan, especially including disadvantaged and low-

1 income communities, and communities of color.

2 **31-3.4-7. Equity and environmental justice advisory board.**

3 (a) There shall be an equity and environmental justice advisory board to ensure that
4 overburdened and underserved communities are able to provide meaningful input into decision-
5 making processes relating to investment in clean transportation, including, but not limited to,
6 electric vehicle infrastructure, public transit, and active mobility paths for walking and biking. The
7 department shall establish an equity advisory board composed of diverse stakeholder groups to
8 include one member of each of the state's health equity zones (HEZ), one member representing
9 labor, one member representing environmental advocates, with a majority of the remaining
10 members being representatives of overburdened and underserved communities or populations, to
11 advise on decision making and equitable outcomes. The roles of the equity advisory board shall
12 include:

13 (1) Developing criteria for defining overburdened and underserved communities, building
14 on existing criteria and definitions, including, but not limited to, cumulative impacts on an affected
15 geographical area and the criteria set forth in chapter 6.2 of title 42, where applicable;

16 (2) Providing recommendations for policies that would ensure overburdened and
17 underserved communities are not left behind in the transition to electric transportation, including,
18 but not limited to: access to electric vehicle charging infrastructure; operation of electric transit
19 buses in environmental justice areas; electrification of the commuter rail; incentive support for
20 transition away from gas-powered cars to other low-carbon forms of mobility, including transit,
21 electric bikes, and electric vehicles;

22 (3) Developing metrics for evaluating how transportation investments included in the
23 statewide transportation improvement plan, the 2022 update to the 2016 greenhouse gas emissions
24 reduction plan, and the 2025 plan discussed in § 31-3.4-6 contribute to reduction of greenhouse gas
25 emissions and health-harming emissions in overburdened and underserved communities;

26 (4) Reviewing and revising strategies related to transportation by the Climate Change
27 Coordinating Council (EC4); and

28 (5) Providing recommendations for proposed investments from any dedicated funding
29 source that specifically has the intention of reducing climate-warming and health-harming
30 emissions from transportation.

31 SECTION 2. Section 42-11-2.4 of the General Laws in Chapter 42-11 entitled "Department
32 of Administration" is hereby amended to read as follows:

33 **42-11-2.4. State Fleet Replacement Revolving Loan Fund.**

34 (a) There is hereby created as a separate fund within the treasury to be known as the state

1 fleet replacement revolving loan fund which shall be administered by the general treasurer in
2 accordance with the same laws and fiscal procedures as the general funds of the state. This fund,
3 hereafter referred to as the "revolving loan fund," shall consist of such sums as the state may from
4 time to time appropriate, as well as money received from the disposal of used vehicles, loan, interest
5 and service charge payments from benefiting state agencies, as well as interest earnings, money
6 received from the federal government, gifts, bequests, donations, or otherwise from any public or
7 private source.

8 (b) This fund shall be used for the purpose of acquiring motor vehicles, both new and used,
9 and vehicle-related equipment and attachments for state departments and agencies.

10 (c) The proceeds from the repayment of any loans made for the purposes authorized under
11 this chapter shall be deposited in and returned to the revolving loan fund in order to constitute a
12 continuing revolving fund for the purposes listed above.

13 (d) The office of state fleet operations of the Rhode Island department of administration
14 shall adopt rules and regulations consistent with the purposes of this chapter and chapter 35 of title
15 42, in order to provide for the orderly and equitable disbursement and repayment of funds from the
16 revolving loan fund.

17 (e) Provided; however, a total of four million two hundred thousand dollars (\$4,200,000)
18 shall be made available as a direct grant from the revolving loan fund for the required twenty
19 percent (20%) match for the Rhode Island Public Transit Authority to obtain federal funds to
20 purchase buses through FY 2017. Any such sums need not be repaid to the revolving loan fund.

21 (f) Beginning in fiscal year 2023, the department of administration shall purchase or lease
22 an increasing number of zero-emission vehicles to replace existing fleet vehicles serving a public
23 purpose due for replacement until 2027, by which one hundred percent (100%) of light-duty vehicle
24 procurements are zero-emission vehicles, and 2035, by which one hundred percent (100%) of
25 vehicle acquisitions are zero-emission vehicles.

26 (g) It shall further be a goal of the state that thirty percent (30%) of medium- and heavy-
27 duty vehicle procurements, including, but not limited to, vehicles serving a public purpose and
28 emergency services vehicles must be zero-emissions vehicles by 2030.

29 (h) On or before September 1, 2023, the department of administration shall complete a
30 scoping plan for achieving the 2030 target. In developing the scoping plan, the department of
31 administration shall consult with appropriate state agencies.

32 (i) The scoping plan must include, without limitation, the following elements with regard
33 to the achievement of the 2030 target:

34 (1) Fleet assessment considering market availability, total cost of ownership, and

1 anticipated retirement of all public vehicles to create a timeline for the number of EVs to be
2 electrified from now until 2030 for both state and municipal-operated public fleets;

3 (2) The amount, type, and general location of EVSE needed to provide fueling of state-
4 owned EVs during each year of the transition period, and predicted yearly investments required to
5 build out such charging infrastructure;

6 (3) An analysis of the electrical generation, transmission, and distribution upgrades
7 (including, but not limited to, distributed generation, storage, and bidirectional power flow) and
8 build-out required to provide fueling of EVs in the state during the transition period, and predicted
9 yearly and aggregate investment required to implement said upgrades;

10 (4) An analysis of how the grid resources can be optimized through utilization of control
11 strategies and/or rate structures to encourage smart charging and discharging of electric vehicles
12 during the transition period;

13 (5) Technical support to provide the analyses listed above for all motor vehicle fleets
14 serving a public purpose, including municipal vehicles.

15 SECTION 3. This act shall take effect upon passage.

=====
LC004631
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRIC TRANSPORTATION ACT

1 This act would provide for a plan and structure to transition to green energy in motor and
2 other vehicles.

3 This act would take effect upon passage.

=====
LC004631
=====