
SENATE BILL 5931

State of Washington

65th Legislature

2017 Regular Session

By Senator Palumbo

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1 AN ACT Relating to public agency acquisition of electric and
2 alternative fuel vehicles; and amending RCW 43.19.648, 43.325.080,
3 28A.160.195, 47.66.070, 46.68.320, and 46.68.325.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.19.648 and 2013 c 328 s 1 are each amended to
6 read as follows:

7 (1) (~~Effective June 1, 2015,~~) All state agencies, to the extent
8 determined practicable by the rules adopted by the department of
9 commerce pursuant to RCW 43.325.080, are required to satisfy (~~one~~
10 hundred percent) the following for the percentage of their fuel
11 usage for operating publicly owned vessels, vehicles, and
12 construction equipment from electricity or biofuel:

13 (a) Fifty percent by June 1, 2020;

14 (b) Seventy-five percent by June 1, 2023; and

15 (c) One hundred percent by June 1, 2025. Compressed natural gas,
16 liquefied natural gas, or propane may be substituted for electricity
17 or biofuel if the department of commerce determines that electricity
18 and biofuel are not reasonably available.

19 (2)(a) (~~Effective June 1, 2018,~~) All local government
20 subdivisions of the state, to the extent determined practicable by
21 the rules adopted by the department of commerce pursuant to RCW

1 43.325.080, are required to satisfy (~~one hundred percent~~) the
2 following for the percentage of their fuel usage for operating
3 publicly owned vessels, vehicles, and construction equipment from
4 electricity or biofuel:

5 (i) Fifty percent by June 1, 2020;

6 (ii) Seventy-five percent by June 1, 2023; and

7 (iii) One hundred percent by June 1, 2025.

8 (b) The department of commerce shall convene an advisory
9 committee of representatives of local government subdivisions,
10 representatives from organizations representing each local government
11 subdivision, and either (i) an electric utility or (ii) a natural gas
12 utility, or both, to work with the department to develop the rules.
13 The department may invite additional stakeholders to participate in
14 the advisory committee as needed and determined by the department.

15 (~~(b)~~) (c) The following are exempt from this requirement: (i)
16 Transit agencies using compressed natural gas on June 1, 2018, and
17 (ii) engine retrofits that would void warranties. Nothing in this
18 section is intended to require the replacement of equipment before
19 the end of its useful life. Compressed natural gas, liquefied natural
20 gas, or propane may be substituted for electricity or biofuel if the
21 department of commerce determines that electricity and biofuel are
22 not reasonably available.

23 (~~(c)~~) (d)(i) Rules adopted pursuant to RCW 43.325.080 must
24 provide the authority for local government subdivisions to elect to
25 exempt police, fire, and other emergency response vehicles, including
26 utility vehicles frequently used for emergency response, from the
27 fuel usage requirement in (a) of this subsection.

28 (ii) Prior to executing its authority under (~~(c)~~) (d)(i) of
29 this subsection, a local government subdivision must provide notice
30 to the department of commerce of the exemption. The notice must
31 include the rationale for the exemption and an explanation of how the
32 exemption is consistent with rules adopted by the department of
33 commerce.

34 (~~(d)~~) (e) Before June 1, 2018, local government subdivisions
35 purchasing vessels, vehicles, and construction equipment capable of
36 using biodiesel must request warranty protection for the highest
37 level of biodiesel the vessel, vehicle, or construction equipment is
38 capable of using, up to one hundred percent biodiesel, as long as the
39 costs are reasonably equal to a vessel, vehicle, or construction

1 equipment that is not warranted to use up to one hundred percent
2 biodiesel.

3 (3) In order to phase in this transition for the state, all state
4 agencies, to the extent determined practicable by the department of
5 commerce by rules adopted pursuant to RCW 43.325.080, are required to
6 achieve forty percent fuel usage for operating publicly owned
7 vessels, vehicles, and construction equipment from electricity or
8 biofuel by June 1, 2013. Compressed natural gas, liquefied natural
9 gas, or propane may be substituted for electricity or biofuel if the
10 department of commerce determines that electricity and biofuel are
11 not reasonably available. The department of enterprise services, in
12 consultation with the department of commerce, shall report to the
13 governor and the legislature by December 1, 2013, on what percentage
14 of the state's fuel usage is from electricity or biofuel.

15 (4) Except for cars owned or operated by the Washington state
16 patrol, when tires on vehicles in the state's motor vehicle fleet are
17 replaced, they must be replaced with tires that have the same or
18 better rolling resistance as the original tires.

19 (5) By December 31, 2015, the state must, to the extent
20 practicable, install electrical outlets capable of charging electric
21 vehicles in each of the state's fleet parking and maintenance
22 facilities.

23 (6) The department of transportation's obligations under
24 subsection (3) of this section are subject to the availability of
25 amounts appropriated for the specific purpose identified in
26 subsection (3) of this section.

27 (7) The department of transportation's obligations under
28 subsection (5) of this section are subject to the availability of
29 amounts appropriated for the specific purpose identified in
30 subsection (5) of this section unless the department receives federal
31 or private funds for the specific purpose identified in subsection
32 (5) of this section.

33 (8) By December 1, 2020, December 1, 2022, and December 1, 2024,
34 the department must provide a report to the appropriate committees of
35 the legislature on the progress toward meeting the goals of
36 subsections (1) and (2) of this section and recommendations for
37 administrative, legislative, or budgetary actions to ensure the goals
38 are met.

39 (9) The definitions in this subsection apply throughout this
40 section unless the context clearly requires otherwise.

1 (a) "Battery charging station" means an electrical component
2 assembly or cluster of component assemblies designed specifically to
3 charge batteries within electric vehicles, which meet or exceed any
4 standards, codes, and regulations set forth by chapter 19.28 RCW and
5 consistent with rules adopted under RCW 19.27.540.

6 (b) "Battery exchange station" means a fully automated facility
7 that will enable an electric vehicle with a swappable battery to
8 enter a drive lane and exchange the depleted battery with a fully
9 charged battery through a fully automated process, which meets or
10 exceeds any standards, codes, and regulations set forth by chapter
11 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

12 **Sec. 2.** RCW 43.325.080 and 2011 c 353 s 5 are each amended to
13 read as follows:

14 (1) By June 1, (~~(2010)~~) 2018, the department shall adopt rules to
15 define practicability and clarify how state agencies will be
16 evaluated in determining whether they have met the goals set out in
17 RCW 43.19.648(1). At a minimum, the rules must address:

18 (a) Criteria for determining how the goal in RCW 43.19.648(1)
19 will be met (~~(by June 1, 2015)~~);

20 (b) Factors considered to determine compliance with the goal in
21 RCW 43.19.648(1), including but not limited to: The regional
22 availability of fuels; vehicle costs; differences between types of
23 vehicles, vessels, or equipment; the cost of program implementation;
24 and cost differentials in different parts of the state; and

25 (c) A schedule for phased-in progress towards meeting the goal in
26 RCW 43.19.648(1) that may include different schedules for different
27 fuel applications or different quantities of biofuels.

28 (2) By June 1, (~~(2015)~~) 2018, the department shall adopt rules to
29 define practicability and clarify how local government subdivisions
30 of the state will be evaluated in determining whether they have met
31 the goals set out in RCW 43.19.648(2). At a minimum, the rules must
32 address:

33 (a) Criteria for determining how the goal in RCW 43.19.648(2)
34 will be met (~~(by June 1, 2018)~~);

35 (b) Factors considered to determine compliance with the goal in
36 RCW 43.19.648(2), including but not limited to: The regional
37 availability of fuels; vehicle costs; differences between types of
38 vehicles, vessels, or equipment; the cost of program implementation;
39 and cost differentials in different parts of the state; and

1 (c) A schedule for phased-in progress towards meeting the goal in
2 RCW 43.19.648(2) that may include different schedules for different
3 fuel applications or different quantities of biofuels.

4 (3) A purchase by a state agency or local government is
5 practicable when:

6 (a) A vehicle fueled by gasoline or diesel may be replaced by a
7 vehicle fueled by a lower emitting fuel or electricity;

8 (b) The replacement vehicle meets the agency's or local
9 government's duty standards;

10 (c) The replacement vehicle is comparable in lifecycle cost to a
11 vehicle fueled by gasoline or diesel;

12 (d) The cost to purchase the replacement vehicle exceeds the cost
13 to acquire a comparable vehicle fueled by gasoline or diesel by not
14 more than twenty-five percent; and

15 (e) State funding is made available for the amount of the
16 additional cost to purchase the vehicle.

17 (4) By July 1, 2019, and by July 1st of each year thereafter,
18 each state agency and each local government must submit a report to
19 the department documenting its progress in meeting the fuel usage
20 goals of RCW 43.19.648 (1) and (2). The department of commerce may
21 reduce the frequency of reporting for any agency or local governments
22 using less than fifty thousand gallons of fuel per year. The reports
23 must describe the vehicles purchased and the reasons for purchasing
24 gasoline or diesel fuel vehicles when it was determined that
25 purchasing an alternative fuel or electric vehicle was not
26 practicable.

27 **Sec. 3.** RCW 28A.160.195 and 2005 c 492 s 1 are each amended to
28 read as follows:

29 (1) The superintendent of public instruction, in consultation
30 with the regional transportation coordinators of the educational
31 service districts, shall establish a minimum number of school bus
32 categories considering the capacity and type of vehicles required by
33 school districts in Washington. The superintendent, in consultation
34 with the regional transportation coordinators of the educational
35 service districts, shall establish competitive specifications for
36 each category of school bus. The categories shall be developed to
37 produce minimum long-range operating costs, including costs of
38 equipment and all costs in operating the vehicles. The competitive
39 specifications shall meet federal motor vehicle safety standards,

1 minimum state specifications as established by rule by the
2 superintendent, (~~and~~) supported options as determined by the
3 superintendent in consultation with the regional transportation
4 coordinators of the educational service districts, and incorporate
5 the goals for replacing gasoline and diesel fuel vehicles under RCW
6 43.19.648(2). The superintendent may solicit and accept price quotes
7 for a rear-engine category school bus that shall be reimbursed at the
8 price of the corresponding front engine category.

9 (2) After establishing school bus categories and competitive
10 specifications, the superintendent of public instruction shall
11 solicit competitive price quotes for base buses from school bus
12 dealers to be in effect for one year and shall establish a list of
13 all accepted price quotes in each category obtained under this
14 subsection. The superintendent shall also solicit price quotes for
15 optional features and equipment.

16 (3) The superintendent shall base the level of reimbursement to
17 school districts and educational service districts for school buses
18 on the lowest quote for the base bus in each category. School
19 districts and educational service districts shall be reimbursed for
20 buses purchased only through a lowest-price competitive bid process
21 conducted under RCW 28A.335.190 or through the state bid process
22 established by this section. School districts and educational service
23 districts shall be reimbursed for any additional costs to replace a
24 diesel or gasoline bus with a bus powered by an alternative fuel,
25 where the replacement contributes toward the district's compliance
26 with the goals of RCW 43.19.648(2). If Senate Bill No. . . .
27 (S-2510/17) becomes law in 2017, reimbursement of such costs must be
28 provided from funds appropriated from the carbon reduction solutions
29 account created in section 601, chapter . . . (Senate Bill No. . . .
30 (S-2510/17)), Laws of 2017.

31 (4) Notwithstanding RCW 28A.335.190, school districts and
32 educational service districts may purchase at the quoted price
33 directly from any dealer who is on the list established under
34 subsection (2) of this section. School districts and educational
35 service districts may make their own selections for school buses, but
36 shall be reimbursed at the rates determined under subsection (3) of
37 this section and RCW 28A.160.200. District-selected options shall not
38 be reimbursed by the state.

1 (5) This section does not prohibit school districts or
2 educational service districts from conducting their own competitive
3 bid process.

4 (6) The superintendent of public instruction may adopt rules
5 under chapter 34.05 RCW to implement this section.

6 **Sec. 4.** RCW 47.66.070 and 2000 2nd sp.s. c 4 s 2 are each
7 amended to read as follows:

8 (1) The multimodal transportation account is created in the state
9 treasury. Moneys in the account may be spent only after
10 appropriation. Expenditures from the account may be used only for
11 transportation purposes.

12 (2) A grant of funds from the account may only be made to a
13 transit agency operating buses when the agency has demonstrated
14 substantial progress toward meeting the goals of replacing gasoline
15 and diesel vehicles with alternative fuel vehicles as provided under
16 RCW 43.19.648.

17 **Sec. 5.** RCW 46.68.320 and 2010 c 247 s 702 are each amended to
18 read as follows:

19 (1) The regional mobility grant program account is hereby created
20 in the state treasury. Moneys in the account may be spent only after
21 appropriation. Expenditures from the account may be used only for the
22 grants provided under RCW 47.66.030.

23 (2) Beginning with September 2007, by the last day of September,
24 December, March, and June of each year, the state treasurer shall
25 transfer from the multimodal transportation account to the regional
26 mobility grant program account five million dollars.

27 (3) Beginning with September 2015, by the last day of September,
28 December, March, and June of each year, the state treasurer shall
29 transfer from the multimodal transportation account to the regional
30 mobility grant program account six million two hundred fifty thousand
31 dollars.

32 (4) (~~During the 2009-2011 fiscal biennium, the legislature may~~
33 ~~transfer from the regional mobility grant program account to the~~
34 ~~multimodal transportation account such amounts as reflect the excess~~
35 ~~fund balance of the regional mobility grant program account.)) A
36 grant of funds from the account may only be made to a transit agency
37 operating buses when the agency has demonstrated substantial progress~~

1 toward meeting the goals of replacing gasoline and diesel vehicles
2 with alternative fuel vehicles as provided under RCW 43.19.648.

3 **Sec. 6.** RCW 46.68.325 and 2015 1st sp.s. c 10 s 703 are each
4 amended to read as follows:

5 (1) The rural mobility grant program account is created in the
6 state treasury. Moneys in the account may be spent only after
7 appropriation. Expenditures from the account may be used only for the
8 grants provided under RCW 47.66.100.

9 (2) Beginning September 2011, by the last day of September,
10 December, March, and June of each year, the state treasurer shall
11 transfer from the multimodal transportation account to the rural
12 mobility grant program account two million five hundred thousand
13 dollars.

14 (3) A grant of funds from the account may only be made to a
15 transit agency operating buses when the agency has demonstrated
16 substantial progress toward meeting the goals of replacing gasoline
17 and diesel vehicles with alternative fuel vehicles as provided under
18 RCW 43.19.648.

19 (4) During the 2013-2015 and 2015-2017 fiscal biennia, the
20 legislature may transfer from the rural mobility grant program
21 account to the multimodal transportation account such amounts as
22 reflect the excess fund balance of the rural mobility grant program
23 account.

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