

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 302 Session of 2013

INTRODUCED BY MOUL, AUMENT, BAKER, CAUSER, COHEN, CUTLER, DENLINGER, EVANKOVICH, GRELL, GROVE, C. HARRIS, HICKERNELL, KAUFFMAN, F. KELLER, M. K. KELLER, KORTZ, LONGIETTI, MARSHALL, MATZIE, MICOZZIE, MILLER, PICKETT, QUINN, ROCK, SAYLOR, SIMMONS, SWANGER, WATSON, GINGRICH, GABLER, PEIFER, MURT, GIBBONS AND BARBIN, FEBRUARY 5, 2013

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 10, 2013

AN ACT

1 Establishing the Keystone Transit Program; and providing a <--
2 transfer of funds from the Oil and Gas Lease Fund FOR AN <--
3 INTERFUND TRANSFER to the Department of Environmental
4 Protection for a competitive grant program for the transition
5 of small mass transit bus fleets to compressed natural gas <--
6 ALTERNATIVE FUELS. <--

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Keystone
11 Transit Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "ALTERNATIVE FUELS." MOTOR VEHICLE FUELS WHICH WHEN COMPARED <--
17 TO CONVENTIONAL GASOLINE OR REFORMULATED GASOLINE, DIESEL FUEL,

1 OIL OR COAL WILL RESULT IN LOWER EMISSIONS OF OXIDES OF
2 NITROGEN, VOLATILE ORGANIC COMPOUNDS, CARBON MONOXIDE OR
3 PARTICULATES, TOXIC AIR POLLUTANTS, GREENHOUSE GASES OR ANY
4 COMBINATION THEREOF. THESE SHALL INCLUDE, BUT ARE NOT LIMITED
5 TO, COMPRESSED NATURAL GAS (CNG), LIQUEFIED NATURAL GAS (LNG),
6 LIQUID PROPANE GAS (LPG), ALCOHOLS (ETHANOL - E85 AND METHANOL -
7 M85), HYDROGEN, HYTHANE (ANY COMBINATION OF CNG AND HYDROGEN),
8 BIOFUELS, ELECTRICITY AND FUEL SYSTEMS WHICH COMBINE
9 CONVENTIONAL INTERNAL COMBUSTION ENGINE PROPULSION SYSTEMS WITH
10 ELECTRIC PROPULSION SYSTEMS.

11 "Department." The Department of Environmental Protection of
12 the Commonwealth.

13 "Mass transit authority." An operator of regularly scheduled
14 transportation that is available to the general public and is
15 provided according to published schedules along designated
16 published routes with specified stopping points for the taking
17 on and discharging of passengers. The term does not include
18 exclusive ride taxi services, charter or sightseeing services,
19 nonpublic transportation or school bus or limousine services.

20 "Program." The Keystone Transit Program.

21 "Small mass transit authority." A mass transit authority
22 located in this Commonwealth that does not exceed 245,000
23 revenue vehicle hours for two consecutive years.

24 Section 3. Keystone Transit Program.

25 (a) Establishment.--The department shall establish and
26 administer the Keystone Transit Program.

27 (b) Purpose.--The program is established in order to
28 decrease emissions from mass transit buses by utilizing ~~natural~~ <--
29 ~~gas~~ ALTERNATIVE FUELS as a vehicle fuel. <--

30 (c) Transfer of funds.--The State Treasurer shall transfer

1 ~~from the Oil and Gas Lease Fund to the department the sum of~~ <--
2 ~~\$5,000,000~~ \$5,000,000 OF THE UTILITIES' GROSS RECEIPTS TAX <--
3 COLLECTED DURING THE 2014-2015 FISCAL YEAR UNDER ARTICLE XI OF
4 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM
5 CODE OF 1971, FROM THE GENERAL FUND TO THE DEPARTMENT to fund
6 the program.

7 (d) Use of funds.--The sum of \$5,000,000 shall be used to
8 fund competitive grants available to small mass transit
9 authorities for the conversion of buses to run on solely
10 ~~compressed natural gas~~ ALTERNATIVE FUELS as a fuel source or to <--
11 purchase buses which use solely ~~compressed natural gas~~ <--
12 ALTERNATIVE FUELS as a fuel source. <--

13 (e) Application process.--

14 (1) A mass transit authority must complete and submit to
15 the department a keystone transit grant application.

16 (2) Approved applications must obligate the mass transit
17 authority to contract with a private company:

- 18 (i) to build exclusively with private funds; and
- 19 (ii) to maintain and operate any new ~~compressed~~ <--
20 ~~natural gas~~ ALTERNATIVE FUELS fueling facility necessary <--
21 to support ~~compressed natural gas~~ ALTERNATIVE FUELS buses <--
22 purchased with funds received under this act.

23 (3) The term "operate" as used in this subsection shall
24 not include the actual act of fueling buses.

25 (f) Eligible costs.--

26 (1) Grant funds received under this act shall be
27 eligible for:

- 28 (i) Federally assisted bus purchases and CONVERSIONS <--
29 AND shall be limited to the total percentage of the State
30 and local match portion applied only to the incremental

1 cost of a new ~~compressed natural gas~~ ALTERNATIVE FUELS <--
2 bus or ~~compressed natural gas~~ ALTERNATIVE FUELS bus <--
3 conversion.

4 (ii) Nonfederally assisted bus purchases and
5 CONVERSIONS AND shall be limited to 50% of the total <--
6 incremental cost of a new ~~compressed natural gas~~ <--
7 ALTERNATIVE FUELS bus or ~~compressed natural gas~~ <--
8 ALTERNATIVE FUELS bus conversion. <--

9 (2) The incremental cost shall be capped at \$50,000 for
10 buses which have a gross vehicle weight rating over 26,000
11 pounds and \$25,000 for buses with a gross vehicle weight
12 rating of 26,000 pounds and under.

13 (3) Buses with a gross vehicle weight rating of 14,000
14 pounds or less shall be ineligible.

15 (4) Priority shall be given to those applications which
16 provide for public access to ~~compressed natural gas~~ <--
17 ALTERNATIVE FUELS vehicle fueling dispensers. <--

18 (g) Grant program.--The department shall establish a formula
19 and method for awarding of grants under the program consistent
20 with this act.

21 (h) Appeal process.--Applicants that are not awarded grants
22 under this act shall not have the right to a hearing or the
23 issuance of an adjudication under section 4 of the act of July
24 13, 1988 (P.L.530, No.94), known as the Environmental Hearing
25 Board Act, regarding the department's decision.
26 Section 20. Effective date.

27 This act shall take effect in 60 days.