
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 722 Session of
2017

INTRODUCED BY BARTOLOTTA, RAFFERTY, SCARNATI, WARD AND
HUTCHINSON, MAY 19, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 19, 2017

AN ACT

1 Providing for clean vehicles investment.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Clean
6 Vehicles Investment Plan Act.

7 Section 2. Definitions.

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

11 "CARB." The California Air Resources Board.

12 "Federal NOx emissions standard." The Federal NOx emissions
13 standard of 0.2 g/bhp-hr.

14 "NOx." Nitrogen oxides.

15 "Optional low NOx standards." The NOx emissions standards of
16 0.10, 0.05 or 0.02 g/bhp-hr developed by CARB.

17 "Settlement." The partial settlement regarding turbocharged

1 direct injection (TDI) 2.0-liter diesel engines approved by the
2 United States District Court, Northern District of California,
3 ordered and entered at 3:15-md-02672-CRB on October 25, 2016,
4 *United States of America vs. Volkswagen A.G.*, Case No. 16-CV-295
5 (N.D. Cal.).

6 "Trust." The Environmental Mitigation Trust established by
7 Volkswagen A.G. under the settlement and the related consent
8 decree.

9 Section 3. Intent.

10 The United States District Court, Northern District of
11 California approved a settlement on October 25, 2016, and
12 entered an order affirming a partial consent decree requiring
13 the defendant, Volkswagen A.G., to establish and fund a
14 \$2,700,000,000 Environmental Mitigation Trust. The trust will be
15 administered by an independent trustee and provides a broad
16 array of mitigation actions that beneficiaries can implement. It
17 is the intent of this act to further define and provide for the
18 use of funds by the Commonwealth of Pennsylvania as a
19 beneficiary of this settlement to ensure the highest and best
20 use of the funds in reducing NOx emissions and other pollutants
21 in Pennsylvania.

22 Section 4. Use of funds.

23 Funds available to, paid through or planned for use by the
24 Commonwealth of Pennsylvania as a beneficiary of the trust shall
25 not conflict with the terms of the settlement nor the following
26 provisions:

27 (1) The majority of funds shall be used to deploy
28 vehicles that are certified to one of CARB's optional low-NOx
29 standards and vehicles which have zero tailpipe emissions
30 because the trust was established due to NOx pollution

1 associated with noncompliant diesel vehicles.

2 (2) Vehicle grant funding for a nongovernment fleet
3 vehicle shall provide for 25% of the total vehicle cost up to
4 \$50,000 regardless of fuel type.

5 (3) A grantee which is required to scrap a vehicle shall
6 be permitted to purchase a vehicle to scrap provided the
7 vehicle meets the following requirements:

8 (i) The vehicle has been registered in Pennsylvania
9 for the previous 24 months.

10 (ii) The vehicle has at least 24 months of useful
11 life remaining.

12 (4) In order to establish incentives for the broad
13 deployment of clean burning alternative fueled vehicles in
14 Pennsylvania, no more than 20% of the funds may be used for
15 government fleets.

16 (5) To the extent funds are made available for
17 government fleets, mass transit, paratransit and waste
18 disposal fleets shall be considered a priority use.

19 (6) The Commonwealth shall consider and prioritize uses
20 of funds which support leveraging of private matching funds
21 or investment.

22 Section 5. Effective date.

23 This act shall take effect immediately.