



September 29, 2023

To: Honorable David Cohen and Members of the Transportation and Environment Committee

Re: 10-2-23 T&E Committee Agenda Item (d)1; Climate Smart Update: Public comment - The City's 2007 Green Fleet Policy needs to be updated

We are San Jose Community Energy Advocates, a volunteer community group that advocates for renewable energy and reducing GHGs. Although the City of San Jose's 2007 Green Fleet Policy, which covers City-owned vehicles, is not part of the Climate Smart Plan, the City is transitioning its fleet with an "electrification first" strategy to meet the Climate Smart targets. In January 2020, the City Council directed staff to update the now extremely outdated 2007 Green Fleet Policy, as well as to complete a life-cycle cost analysis of replacing all non-electric vehicles with EVs within the next 5 years, and the charging infrastructure required to support it. We recommend that

- The City Council direct the Departments of Transportation and Public Works to prioritize the January 2020 City Council green fleet directives.
- Furthermore, the updated policy should adapt the process for purchasing City-owned vehicles to maximize the purchase of electric vehicles. This is not only climate smart but also fiscally prudent, considering that the federal 2022 Inflation Reduction Act allows municipalities to receive the \$7,500 EV tax credit in direct pay, given that municipalities do not pay taxes.¹
- The Green Fleet Policy needs to include its compliance process with the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) regulation that CARB adopted in April 2023 (link [Advanced Clean Fleets Regulation Summary | California Air Resources Board](#)) for medium and heavy-duty trucks. San Jose will be required to ensure 50 percent of vehicle purchases are zero-emission beginning in 2024 and 100 percent of vehicle purchases are zero-emission by 2027, with exceptions for non-availability. Alternatively, San Jose can elect to use the ZEV option which requires the purchase of a fewer percentage of ZEVs. The rule takes effect October 1, 2023 and compliance begins on January 1, 2024.² San Jose must elect the alternative chosen, as well as a prepare a compliance plan and submit to CARB in April 2024.³ Public safety vehicles are exempt.
- Ideally, the green fleet policy would require directives similar to the Zero-Emissions Vehicles for New York City Act (ZEV4NYC) approved yesterday, 9.28.2023, which requires NYC to begin purchasing only light and medium duty ZEVs in beginning in July 2025, and heavy-duty ZEVs in July 2028, both with certain exceptions.^{4 5}

¹ [Direct Pay | Clean Energy | The White House](#)

² [Advanced Clean Fleets Regulation Updates \(govdelivery.com\)](#)

³ [17 Things to Know About CARB'S Advanced Clean Fleets Rule - Green Fleet - Government Fleet \(government-fleet.com\)](#)

⁴ [The New York City Council - File #: T2023-3458 \(nyc.gov\)](#) and [Sierra Club-UCS Advocacy Letter to Mayor Adams re ZEV for NYC Act, June 22, 2023](#)

⁵ [Leading Groups React to Passage of ZEV4NYC Bill | Sierra Club](#)

The Climate Smart Plan semi-annual update reports on San Jose's key activities related to its reduction of greenhouse gas emissions goals and milestones that align with the 2016 Paris Agreement. As noted in the September 2023 Climate Smart Update:

*In November 2021, City Council adopted a resolution to work towards communitywide carbon neutrality by 2030, accelerating the City's Climate Smart goals. In June 2022, City Council approved the Pathway to Carbon Neutrality by 2030 to focus staffs' efforts on four key strategies to accelerate movement toward the achievement of this new carbon neutrality goal: **move to zero emission vehicles**;... [emphasis added]*

The January 2020 Council green fleet directive was not completed by June 2020, undoubtedly because of the pandemic shutdown. The Department of Transportation's January 2021 Electric Mobility Roadmap Implementation Report memorandum to the T&E Committee.⁶ included a Green Fleet status report and stated that they would update the Vehicle Replacement Policy and the Green Fleet Policy in early 2021 as follows:

Fleet Replacement Policy and Green Fleet Policy: ...The Public Works Fleet Management Division continues to transition the City's fleet assets to realize Climate Smart San José's greenhouse gas emission targets. As part of its approach, Public Works has already adopted an "electrification first" strategy for vehicle replacement when there are viable options. An updated Vehicle Replacement Policy and Green Fleet Policy will be completed in early 2021 that clearly supports and provides strategic direction to meet San José's electrification goals. To date in FY20-21, Public Works added 22 battery electric vehicles to the fleet as direct replacements for traditional fossil fuel powered vehicles. Additionally, 30 plug-in hybrid vehicles were purchased as direct replacements for other traditionally-powered vehicles in the City fleet to further reduce emission totals. ...

We note that the results of life-cycle cost analyses have changed significantly since 2007 given the lower maintenance and fueling costs of electric vehicles, which did not exist in 2007.

Neither the Green Fleet Policy or the January 2020 green fleet council directive included emergency vehicles.⁷ Fortunately, the City recently ordered three electric Ford Mustang Mach-E police cars. (Based on the Department of Transportation webpage, we assume the San Jose used a California Energy Commission Grant.) What has changed to allow for these is that in 2007, there were no electric vehicles for purchase, and now there are over 80 models of EVs. Many of these can reach as much as 300 miles per charge, at similar prices as gas-powered cars when the IRA direct pay incentive is used. At Direct Current Fast Charging stations, some EVs can charge to 80% in less than 20 minutes and many within 30 minutes. These new developments mean that San Jose's new Mach-E police cars can fully charge at the beginning of a shift, and if necessary, charge during a shift.

The City of New York has purchased 200 Ford Mustang Mach-E patrol cars and has reached its goal of 4,000 EVs City-wide three years early.⁸

On December 4, 2023, the Departments of Transportation, Public Works and Community Energy will provide a status report on the following to the T & E Committee per its workplan:

2. Electric Vehicle Fleet and Charging Infrastructure Status Report. Purpose: Provide a status report on integrated planning, funding, and implementation efforts for electric vehicle fleet and charging infrastructure development. (Community Energy/Public Works/Transportation)

⁶ [COUNCIL REPORT WRITING FORMAT \(legistar.com\)](#)

⁷ [CPM 5 1 11 Green Fleet Policy \(sanioseca.gov\)](#) page 3

⁸ [New all-electric Ford Lightning pickups mark significant milestone in expansion of City's electric f | City of New York \(nyc.gov\)](#)

Given San Jose's goals to achieve net zero by 2030, **we recommend that when staff presents its EV fleet status report to the Transportation & Environment Committee in December 2023, that it update the City's Green Fleet Policy which has not been updated since 2007. It should include the 5-year analysis requested by the City Council in January 2020 as well as the CARB ACF rule compliance process.**

Compliance with the CARB rule helps ensure that zero-emission vehicles are brought to market. The CARB fact sheet referenced on page 1 indicates that in regards to **zero-emission truck availability** (as of July 2022): 148 models in North America are available for order or pre-order; 135 models are actively being produced and delivered to customers and at least 35 manufacturers are producing vehicle Class 2b through 8 ZEVs.

We recognize that the City of San Jose faces budget constraints. Other constraints are EV availability especially for specialized vehicles. However, prices for EVs have declined and in many cases are less expensive than gas-powered cars in total cost of ownership due to much lower maintenance and fuel costs. Furthermore, we reiterate that the Inflation Reduction Act allows municipalities to use the direct pay EV tax credit.

It's past time to update the Green Fleet policy. San Jose needs to continue to be a leader in the climate crisis fight. Just last week San Jose experienced days of unhealthy air quality from the wildfires in Northern California and Oregon. Globally, just this month, Spain, Greece and Libya experienced catastrophic flooding, which killed thousands of people. And just today, NYC received 2 inches of rain in one hour, during rush hour between 8 and 9 am, with a drainage system built for 1.75 inches per hour, resulting in widespread flooding.

Just as San Jose Community Energy Advocates successfully advocated for and continues to support San Jose Clean Energy, we look forward to supporting a Green Fleet Policy update and 5-year plan at the December T & E Committee meeting.

Sincerely,



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