

Bill No. 29-07
Concerning: Environmental Sustainability
- Climate Protection - Motor Vehicles
Revised: 4/24/2008 Draft No. 11
Introduced: November 20, 2007
Enacted: April 22, 2008
Executive: May 5, 2008
Effective: August 4, 2008
Sunset Date: None
Ch. 6, Laws of Mont. Co. 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berliner, Ervin, Elrich, Floreen, Leventhal, and Council Vice President
Knapp

AN ACT to:

- (1) require certain County vehicles to use biodiesel fuel;
- (2) require the [[Director of the Department of Public Works and Transportation]] Sustainability Working Group to conduct an annual inventory of sport utility vehicles in the County fleet and set criteria to identify which positions in County government should be assigned a sport utility vehicle;
- (3) [[require the Director of the Department of Public Works and Transportation to ensure that the County fleet meets certain fuel efficiency standards by a certain date]] require the Sustainability Working Group to develop a strategy to achieve a significant improvement in average County fleet fuel economy standards;
- (4) require the [[Director of the Department of Public Works and Transportation]] Sustainability Working Group to evaluate the costs and benefits of creating a car share program;
- (5) [[require certain fuel retailers to sell low carbon fuel within a certain time after the Director of the Department of Environmental Protection finds that the fuel is widely available in the County;
- (6)]] require the [[Director of the Department of Human Resources]] Sustainability Working Group to prepare a Telecommuting Action Plan;
- [[7]] (6) make stylistic changes; and
- [[8]] (7) generally amend the law relating to energy, environmental policy, and motor vehicles.

By amending

Montgomery County Code
Chapter 18A, Energy Policy
Sections 18A-1, 18A-5, 18A-8, and 18A-10

By adding

Montgomery County Code
Chapter 18A, Energy Policy
Article [[III]] [[III]] 3. Climate Protection – Motor Vehicles – County Fleet

[[By adding
Montgomery County Code
Chapter 18A, Energy Policy
Article III. Climate Protection – Motor Vehicles – Private Sector]]

By [[adding]] amending
Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-24

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1.** The title to Chapter 18A and Section 18A-1, Section 18A-5,
2 Section 18A-8 and Section 18A-10 are amended as follows:

3 **Chapter 18A. [ENERGY POLICY] ENVIRONMENTAL**
4 **SUSTAINABILITY.**

5 **Article [I] 1. Energy.**

6 **18A-1. Findings and statement of purpose.**

- 7 **(a)** In the interest of maintaining an adequate and reliable energy supply at
8 reasonable cost, the County government recognizes the need to
9 institutionalize through legislation an energy policy and energy planning
10 program. In addition, the efficient use of energy directly benefits air
11 quality, demonstrating the linkages necessary to achieve essential
12 environmental goals. For this reason, the responsibilities of the
13 Advisory Committee on Energy Conservation are expanded to include
14 an advisory function with respect to air quality.
- 15 **(b)** The intent of this [Chapter] Article is to provide the initiative for
16 County government to address energy issues and plan for a future which
17 may be energy resource-constrained. It establishes the means to
18 formulate ongoing policies, plans, programs and activities designed to
19 foster energy conservation and to promote cost-effective alternatives to
20 existing sources of energy and patterns of energy consumption while
21 maintaining efforts to meet environmental goals.
- 22 **(c)** This [Chapter] Article is intended to serve as a vehicle for the
23 promotion of energy consciousness throughout all segments of the
24 community and for the development and implementation of immediate
25 and long-range cooperative energy planning efforts in both the public
26 and private sectors.

27 **18A-5. Energy and Air Quality Advisory Committee; establishment; terms**
28 **of office; ex-officio members; etc.**

29 (a) There is hereby established an Advisory Committee on Energy and Air
30 Quality[, hereinafter referred to as the Committee,] to assist the County
31 Council and the County Executive in carrying out the purposes of this
32 [Chapter] Article and Chapter 3. The Committee consists of 15
33 members appointed by the County Executive, subject to confirmation
34 by the County Council. One member must be designated by the
35 Executive and confirmed by the Council to serve as chair of the
36 Committee. [Appointees] Each appointee must be [citizens] a resident
37 of the County who [are] is technically knowledgeable and interested in
38 energy and air quality.

39 * * *

40 **18A-8. Duties and responsibilities.**

41 The Committee has the following duties:

42 (a) Advise the County Executive and the County Council of the activities of
43 the Committee in furthering the goals of this [Chapter] Article and
44 Chapter 3;

45 * * *

46 (f) Carry out [such other] duties [as may be] assigned from time to time by
47 the County Executive and the County Council to assist in fulfilling the
48 purposes of this [Chapter] Article.

49 **18A-10. Administrative arrangements; support and organizational duties**
50 **and functions of County government.**

51 (a) The County Executive must designate a senior officer or employee of
52 the executive branch of County government to provide executive
53 direction to the performance of the functions and responsibilities

54 delineated in this [Chapter] Article and to report annually to the
55 Executive and Council on the activities undertaken to further the goals
56 of this [Chapter] Article.

57 (b) The County Executive may also establish [such] organizational and
58 administrative arrangements as appropriate to promote the policies and
59 purposes of this [Chapter] Article, including the following functions:

60 * * *

61 **Sec. 2. Chapter 18A is amended by adding Article ~~[[II]]~~ 3 as follows:**

62 **Article ~~[[II]]~~ ~~[[III]]~~ 3. Climate Protection – Motor Vehicles – County Fleet.**

63 **~~[[18A-12]]~~ 18A-17. Definitions.**

64 In this Article, the following words have the meanings indicated:

65 “ASTM” means the American Society for Testing and Materials.

66 “B20” means a biodiesel blend of 20% biodiesel and 80% petroleum diesel
67 fuels.

68 “Biodiesel” means ~~[[a fuel comprised of mono-alkyl esters of long chain fatty~~
69 acids derived from vegetable oils or animal fats which conform to ASTM
70 D6751 specifications for use in diesel engines]] any biomass-based diesel fuel
71 certified by the Environmental Protection Agency.

72 “Biodiesel blend” means a blend of biodiesel fuel ~~[[meeting the requirements~~
73 of ASTM D6751]], designated BXX, where XX represents the volume
74 percentage of biodiesel fuel in the blend.

75 “Car share program” means a program that allows County employees to
76 conduct County business using motor vehicles which:

77 (1) are owned or leased by the County; and

78 (2) County residents and businesses can lease when they are not
79 being used for County business.

80 “County fleet” means all passenger vehicles and light trucks owned or leased
81 by the County.

82 “County vehicle” means any motor vehicle owned or leased by the County.

83 “Department” means the Department of [[Public Works and]]
84 [[Transportation]] General Services.

85 “Diesel fuel” means a distillate fuel for use in diesel engines.

86 “Director” means the Director of the Department or the Director’s designee.

87 “Fuel economy” means the federal Environmental Protection Agency’s
88 combined (city and highway) fuel economy estimate for a vehicle.

89 “Light truck” means a motor vehicle with a gross vehicle weight of less than
90 8,500 pounds which is:

- 91 (1) designed primarily for transporting property;
92 (2) designed primarily for transporting persons and has a capacity of
93 more than 12 persons; or
94 (3) available with special features that enable off-road operation or
95 use.

96 “Miles per gallon” means the distance traveled in a vehicle powered by one
97 gallon of fuel.

98 “Passenger vehicle” means a motor vehicle, except a light truck or motorcycle,
99 designed to carry no more than 12 persons.

100 “Public safety vehicle” means a motor vehicle whose primary purpose is
101 patrol, transport, emergency response, or another purpose that requires
102 specialized equipment or capabilities, which is used by:

- 103 (1) the Department of Police;
104 (2) the Fire and Rescue Service;
105 (3) the Department of Correction and Rehabilitation; or
106 (4) any other County department or agency.

107 "Sustainability Working Group" means the Group defined in Section 18A-13.

108 **[[18B-13]] 18A-18. Biodiesel fuel standards.**

109 (a) Standard. A County vehicle with a diesel engine must use a biodiesel
110 blend of B20 or higher unless the Director finds that there is a
111 compelling reason to use:

112 (1) a different biodiesel or other biofuel blend; or

113 (2) another fuel that achieves greater greenhouse gas reductions.

114 (b) Applicability. This Section does not apply to any County vehicle for
115 which mechanical failure due to use of biodiesel fuel would void the
116 manufacturer's warranty for that vehicle.

117 (c) The Director may waive the requirements of this subsection for up to 1
118 year if the Director finds that compliance is not feasible for a certain
119 type of vehicle.

120 **[[18A-14]] 18A-19. Sport utility vehicles.**

121 (a) The [[Director]] Sustainability Working Group must conduct an annual
122 inventory of the County's sport utility vehicles and:

123 [[a)] (1) identify the function that each sport utility vehicle performs;

124 [[b)] (2) identify the most fuel-efficient type of vehicle that could
125 reasonably and satisfactorily perform the function that each sport
126 utility vehicle performs; and

127 [[c)] (3) eliminate or replace any sport utility vehicle for which a more
128 fuel-efficient vehicle could reasonably and satisfactorily perform
129 the identified function.

130 (b) The Sustainability Working Group must develop criteria to identify
131 which positions in County government should be assigned a sport utility
132 vehicle from the County fleet. The Director must follow this criteria
133 when assigning vehicles from the County fleet.

134 **[[18A-15]] 18A-20. Fuel economy standards.**

135 (a) [[Standards. The Director must ensure that the County fleet meets the
 136 following fuel economy standards by January 1, 2012:

137 (1) For passenger vehicles, the fleet average fuel economy must be at
 138 least 44 miles per gallon; and

139 (2) For light trucks, the fleet average fuel economy must be at least
 140 33 miles per gallon.]] The Sustainability Working Group must
 141 develop a strategy to achieve a significant improvement in
 142 average County fleet fuel economy standards as part of the
 143 Climate Protection Plan required under Section 18A-14.

144 (b) Applicability. This Section does not apply to public safety vehicles.

145 **[[18A-15A]] 18A-21. Emergency Vehicles Inventory.**

146 [[The]] By January 15, 2009, the Fire and Rescue Service, consulting with the
 147 Department of [[Public Works and]] Transportation, must:

148 (a) inventory the use of its public safety vehicles; and

149 (b) develop a strategy to assure that it uses appropriate public safety
 150 vehicles when responding to an emergency, including ways the Fire and
 151 Rescue Service can increase the use of fuel efficient vehicles.

152 **[[18A-16]] 18A-22. Car share program.**

153 (a) Costs and benefits. The [[Director]] Sustainability Working Group must
 154 evaluate the costs and benefits of creating a car share program for the
 155 purpose of reducing the:

156 (1) number of motor vehicles in the County fleet; and

157 (2) dependence of County residents and businesses on motor vehicle
 158 ownership.

159 (b) Factors to consider. The [[Director]] Sustainability Working Group
 160 must consider whether:

- 161 (1) a car share program will help:
162 (A) reduce traffic;
163 (B) increase transit use;
164 (C) promote walking and biking;
165 (D) reduce carbon emissions;
166 (E) improve air quality; and
167 (F) reduce demand for parking; and
168 (2) the County should partner with a private entity to develop a car
169 share program.

170 (c) Report. The [[Director]] Sustainability Working Group must submit a
171 report to the County Executive and County Council by [[July 1, 2008]]
172 January [[1]] 15, 2009 that includes:

173 (1) findings regarding the costs and benefits of a car share program;
174 and

175 (2) recommendations as to:

176 (A) whether the County should create, or provide incentives
177 for the private sector to create, a car share program; and

178 (B) the type of car share program that best suits the County's
179 needs.

180 **[[18A-17]] 18A-23. Annual report.**

181 By [[September 1]] January 15 each year, the [[Director]] Sustainability
182 Working Group must submit to the County Executive and County Council a report
183 on the:

184 (a) use of biodiesel in County vehicles, including the quantity, blend, price
185 per gallon, and average fuel consumption;

186 (b) results of the inventory of sport utility vehicles conducted under Section
187 [[18A-14]] 18A-19; and

188 (c) average fuel economy for passenger vehicles and light trucks in the
189 County fleet.

190 **[[Sec. 3. Chapter 18A is amended by adding Article III as follows:]]**

191 **[[Article III. Climate Protection - Motor Vehicles - Private Sector]]**

192 **[[18A-20. Low carbon fuel.]]**

193 **[[a) Definitions. In this Section, the following words have the meanings**
194 **indicated:**

195 “Average carbon intensity” means a measurement of a fuel’s adverse
196 impact on the global climate, taking into account the fuel lifecycle,
197 which is measured in grams of carbon dioxide equivalent per mega-
198 joule of energy in the fuel (gCO₂e/MJ).

199 “Director” means the Director of the Department of Environmental
200 Protection or the Director’s designee.

201 “Fuel lifecycle” means the energy required to produce and use a fuel,
202 including the extraction of raw materials, processing, refinement,
203 distribution, and combustion.

204 “Fuel retailer” means a person that sells transportation fuel in the retail
205 market.

206 “Low carbon fuel” means a transportation fuel with lower average
207 carbon intensity than gasoline.]]

208 **[[b) Director’s responsibilities. The Director must identify and evaluate**
209 **available and emerging transportation fuels to determine whether each**
210 **fuel is:**

211 (1) a low carbon fuel; and

212 (2) widely available to fuel retailers in the County.]]

213 **[[c) Average carbon intensity. In evaluating whether a transportation fuel is**
214 **a low carbon fuel, the Department may rely on:**

- (1) the federal Environmental Protection Agency's findings regarding average carbon intensity; or
- (2) any other nationally recognized assessment of the fuel's average carbon intensity.]]

[[d) Certification. If the Director finds that a low carbon fuel is widely available to fuel retailers in the County, the Director must certify that the fuel is widely available.]]

[[e) Sale of low carbon fuel. If the Director certifies that a low carbon fuel is widely available, a fuel retailer must offer the certified fuel for sale to the public within 1 year after the Director certifies that the fuel is widely available.]]

[[f) Regulations. The County Executive must adopt regulations under method (2) to administer this Section, including regulations that specify procedures for certifying low carbon fuels.]]

Sec. [[4]] 3. Chapter 33 is amended by [[adding]] amending Section 33-24

as follows:

[[33-24]] 33-25 – 33-33 Reserved.

33-24. Telecommuting.

(a) Definitions. In this Section, the following words have the meanings indicated:

“Director” means the Director of the Department of Human Resources or the Director’s designee.

“Sustainability Working Group” means the Group defined in Section 18A-13.

“Telecommute” means a work arrangement in which some or all of the work is performed at an alternative work site such as a home or office space near a home.

- 242 (b) Telecommuting Action Plan. The [[Director]] Sustainability Working
243 Group must prepare a Telecommuting Action Plan that sets out a plan
244 for increasing the number of County employees who telecommute.
- 245 (c) Contents. The Telecommuting Action Plan must:
- 246 (1) set numerical goals for the number of County employees who
247 telecommute;
- 248 (2) identify the circumstances under which a County employee may
249 telecommute; and
- 250 (3) identify procedures that a County employee must follow to obtain
251 permission to telecommute.
- 252 (d) Annual report. The [[Director]] Sustainability Working Group must
253 report to the County Executive and County Council by [[September 1]]
254 January 15 of each year on the actions taken in the preceding fiscal year
255 to implement the Telecommuting Action Plan.

256 *Approved:*

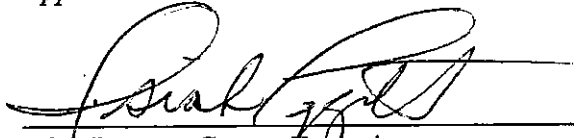
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258 
259 Michael J. Knapp, President, County Council

25 April 2008
Date

260 *Approved:*

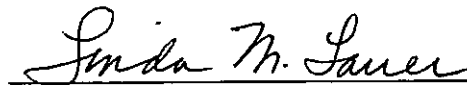
261


Isiah Leggett, County Executive

May 5, 2008
Date

262 *This is a correct copy of Council action.*

263


Linda M. Lauer, Clerk of the Council

May 6, 2008
Date

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