San Juan MSA PR Santa Barbara-Santa Maria-Lompoc MSA CA Scranton-Wilkes Barre-Hazleton MSA PA Seattle-Tacoma-Bremerton CMSA WA Shreveport-Bossier City MSA LA Spokane MSA WA Springfield MSA MA Stockton-Lodi MSA CA Svracuse MSA NY Tampa-St. Petersburg-Clearwater MSA FL Toledo MSA OH Tucson MSA AZ Tulsa MSA OK Utica-Rome MSA NY Washington-Baltimore CMSA DC-MD-VA-West Palm Beach-Boca Raton MSA FL Wichita MSA KS York MSA PA Youngstown-Warren MSA OH

Subpart B—[Reserved]

Subpart C—Mandatory State Fleet Program

§ 490.200 Purpose and scope.

This subpart sets forth rules implementing the provisions of Section 507(o) of the Act which requires, subject to some exemptions, that certain percentages of new light duty motor vehicles acquired for state fleets be alternative fueled vehicles.

§ 490.201 Alternative fueled vehicle acquisition mandate schedule.

- (a) Except as otherwise provided in this subpart, beginning with model year 1996, the following percentages of new light duty motor vehicles acquired annually for state government fleets, including agencies thereof but excluding municipal fleets, shall be alternative fueled vehicles;
- (1) 10 percent of the vehicles acquired in model year 1996;
- (2) 15 percent of the vehicles acquired in model year 1997;
- (3) 25 percent of the vehicles acquired in model year 1998;
- (4) 50 percent of the vehicles acquired in model year 1999; and
- (5) 75 percent of the vehicles acquired in model year 2000 and thereafter.
- (b) Each State shall calculate its alternative fueled vehicle acquisition requirements for the state government fleets, including agencies thereof, by applying the alternative fueled vehicle acquisition percentages for each model year to the total number of new light duty motor vehicles to be acquired during that model year for those fleets.
- (c) If, when the mandated acquisition percentage of alternative fueled vehicles is applied to the number of light duty motor vehicles to be acquired by a fleet subject to this subpart, a number results that requires the acquisition of a partial vehicle, an adjustment to the acquisition

number will be made by rounding the number of vehicles up to the next whole number.

§ 490.202 Acquisitions satisfying the mandate.

In addition to the use of alternative fueled vehicle credits under subpart F of this part, the following actions within a model year qualify as acquisitions that count toward compliance with the new light duty alternative fueled vehicle mandates by State fleets:

- (a) The purchase or lease of an Original Equipment Manufacturer vehicle, (regardless of model year of manufacture), capable of operating on alternative fuels that was not previously in service in the fleet; or
- (b) The purchase or lease of an aftermarket converted vehicle (regardless of model year of manufacture), that was not previously in service in the fleet; or
- (c) The conversion of a newly purchased Original Equipment Manufacturer Vehicle (regardless of the model year of manufacture) to operate on alternative fuels prior to its first use in service.

§ 490.203 Light Duty Alternative Fueled Vehicle Plan.

- (a) General provisions. (1) In lieu of meeting its acquisition requirements under § 490.201 exclusively through State-owned vehicles, a State may follow a Light Duty Alternative Fueled Vehicle Plan approved by DOE under this section.
- (2) Unless a fleet is exempt under § 490.204, a State which does not have an approved plan in effect under this section will be subject to the State fleet acquisition percentage requirements of § 490.201.
- (3) In the event that a significant commitment under an approved plan is not met by a participant of a plan, the State shall meet its percentage requirements under § 490.201 or submit to DOE an amendment to the plan for DOE approval.
- (4) Only voluntary acquisitions or conversions, or combinations thereof, by state, local, and private fleets may be used to meet the State's alternative fuel vehicle acquisition requirement under the plan.
- (5) Any acquisitions or conversions of light duty alternative fueled vehicles by fleets within the State may be included within the plan, irrespective of whether the vehicles are in excluded categories in the definition of fleet set forth in § 490.2 of this part.
- (b) Required elements of a plan. Each plan must include the following elements:

- (1) Certification by the Governor, or the Governor's designee, that the plan meets the requirements of this subpart;
- (2) Identification of state, local and private fleets that will participate in the plan;
- (3) Number of new alternative fueled vehicles per plan participant, either through conversion or acquisition;
- (4) A written statement from each plan participant to assure commitment;
- (5) A statement of contingency measures by the State to offset any failure to fulfill significant commitments by plan participants, in order to meet the requirements of § 490.201:
- (6) A provision by the State to monitor and verify implementation of the plan;
- (7) A provision certifying that all acquisitions and conversions under the plan are voluntary and will meet the requirements of § 247 of the Clean Air Act, as amended (42 U.S.C. § 7587) and all applicable safety requirements.
- (c) When to submit plan. Beginning with model year 1996, any State wishing to submit a plan under this section must do so no later than June 1 prior to the model year covered by such plan.
- (d) Review and approval. DOE shall review and approve a plan which meets the requirements of this subpart and is designed to achieve at a minimum, the same number of alternative fueled vehicle acquisitions or conversions as would be required under § 490.201 within 60 days of the date of receipt of the plan by DOE at the address in paragraph (h)(1) of this section.
- (e) Disapproval of plans. If DOE disapproves or requests a State to submit additional information, the State may revise and resubmit the plan to DOE within a reasonable time. States, however, must comply with § 490.201 until such time as the plan is approved.
- (f) How a State may modify an approved plan. If a State determines that it cannot successfully implement its plan, it may submit to DOE for approval, at any time, the proposed modifications with adequate justifications. Until the modifications are approved, the State must comply with § 490.201.
- (g) Where to submit plans. (1) A State shall submit to DOE an original and two copies of the plan and shall be addressed to the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–33, 1000 Independence Ave., SW, Washington, DC 20585.
- (2) Any requests for modifications shall also be sent to the address in paragraph (g)(1) of this section.