



October 22, 2024

The Honorable Kathy Hochul  
Governor  
NYS Capitol Building  
Albany, NY 12224

Dear Governor Hochul,

We are writing to express our concerns regarding the State's implementation of the Advanced Clean Truck (ACT) rule starting in January 2025. While we support the goals of this initiative, reducing greenhouse gas emissions through the increased adoption of zero-emission vehicles (ZEV), the current conditions for the trucking industry in New York make compliance unfeasible.

The ACT rule mandates that vehicle manufacturers sell a certain percentage of ZEVs for every diesel vehicle sold, beginning at 7-11% based on vehicle class, escalating through 2035. However, several critical challenges remain:

1. **Inadequate Charging Infrastructure:** New York lacks sufficient charging options for commercial vehicles. Currently, none of the Thruway rest areas are equipped with chargers for medium and heavy-duty trucks, and it is unknown if *any* publicly available charging stations for such trucks even exist.
2. **Significant Charging Times:** Charging an electric truck can take up to 10 hours, compared to just 10 minutes to refuel a diesel truck, which deters investment in ZEV trucks.
3. **High Costs:** The average cost of a new ZEV truck is about \$500,000, significantly higher than the \$180,000 for a clean diesel truck, making it unaffordable for most small trucking businesses.
4. **Long Wait Times for Vehicles:** The wait time for purchasing a ZEV truck can reach 18 months, further complicating compliance.
5. **Flexibility Issues:** The rule lacks provisions to adapt to New York's unique needs. For example, plow trucks are not exempt from the ZEV sales mandate, but ZEV plow trucks are generally not available or desirable for snowplow work.

6. **Economy-Wide Impact:** Increased costs for transportation directly affect the costs of goods transported and, as such, will result in higher prices for those goods. As New Yorkers continue to struggle with the effects of the highest inflation rates in three decades, higher transportation costs will only exacerbate New York's affordability crisis.

If implemented as scheduled, the ACT rule will impose significant financial burdens on New York's trucking companies and commercial truck dealers. Additionally, it could inadvertently keep older, more polluting equipment on the road, countering the state's environmental goals.

While we understand New York's alignment with California's approach, the state's current infrastructure and incentives for ZEVs lag behind. California's climate and existing supports also give it an advantage that New York does not share.

DEC's current posture to delay enforcement until 2029 may provide some relief but would not resolve the underlying issues. Even with a delay in enforcement, dealers will still face pressure to sell ZEVs and may struggle to meet compliance requirements. Instead, given the extremely large capital costs associated with purchasing ZEVs and the charging infrastructure, as well as the opportunity costs involved in purchasing vehicles that will spend nearly as much time charging as being driven, we urge you to consider an indefinite delay in the *implementation* of the ACT rule. An indefinite delay would allow for a comprehensive assessment of what is necessary to achieve our shared environmental goals while supporting the realities of our trucking industry and the impact on the affordability of products that everyday New Yorkers purchase, from lumber to groceries.

Thank you for your attention to this important matter. We would appreciate the opportunity to discuss this further.

Sincerely,

Upstate United  
Associated Builders and Contractors Empire State  
Greater Binghamton Chamber of Commerce  
Greater Rochester Chamber of Commerce  
North Country Chamber of Commerce  
Greater Utica Chamber of Commerce  
Rochester Technology and Manufacturing Association  
Capital Region Chamber  
Greater Rochester Enterprise  
New York State Economic Development Council

Cc: Kathryn Garcia, Director of State Operations  
John O'Leary, Deputy Secretary to the Governor for Energy and Environment  
Jeshica Patel, Assistant Counsel to the Governor for Environment, Agriculture & Energy  
Ashley Dougherty, Assistant Secretary to the Governor for Environment