



Liquid Asphalt Distributors Association of New York, Inc.

Pavement Preservation Specialists

June 29, 2022

Draft Scoping Plan Comments
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

scopingplan@nyserda.ny.gov

Dear President/CEO Harris and Commissioner Seggos:

The Liquid Asphalt Distributors Association of New York (LADA) would like to thank you for the opportunity to register some of our concerns with the Draft Scoping Plan which was created by the Climate Council in response to the Climate Leadership and Community Protection Act.

LADA is a statewide non-profit organization created for the purpose of extending and promoting the use of pavement preservation processes, so we have considerable experience to draw on in order to formulate our comment on where the rubber meets the road for proposals such as this.

On the one hand, there are many laudable goals that the Climate Action Council is striving for here, and we commend those goals. But on the other, the draft plan to achieve these goals is likely unworkable. As such, we urge that it be rejected and redrafted.

Chapter 423 of the Laws of 2021 states that new non-road vehicles and equipment sold in the State are to be zero-emissions by 2035, and new medium/heavy duty vehicles sold are targeted to be zero-emissions by 2045. A recommendation of the Draft Scoping Plan to encourage even more zero-emission vehicle (ZEV) and equipment adoption is for the Legislature to establish "procurement and contracting rules to increase the percentage of zero-emission equipment and vehicles used for State-funded projects to be ZEVs (including contractors and subcontractors), based on production and availability, to align with New York's November 2021 commitment to converting 100% of public medium- and heavy-duty fleet (where technically feasible) to ZEVs by 2040."

Missing from the Draft Scoping Plan is any corresponding policies to the zero emission vehicle mandates that would safeguard that there will even be trucks and construction equipment available to meet New York's complex transportation system's needs. And at what cost? Significant financial subsidies and incentives must be provided to entities to help make this transition.

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Whatever problems may exist with our current fleets, reliability is not one of them. Extensive testing must be done on electric vehicles before we can replace our specialized equipment. In addition, we urge that our current fleets be grandfathered in any future mandates. LADA's members have and continue to make significant investments in our businesses.

Apart from the upfront cost of electric vehicles we are deeply concerned about the lack of adequate charging infrastructure statewide. Businesses will need to be provided financial support to build charging stations as well. And, inherently, the pavement preservation/construction industry does not occur at any one place. What moveable infrastructure is there to charge our equipment and vehicles on-site? Does off-site technology exist to charge a heavy duty truck? These questions must be answered prior to any mandates.

Beyond uncertainties related to vehicles, our facilities will also need to convert to zero emissions sources for power. How much will that cost? And will adequate financial incentives be provided to New York's private entities?

Additionally, the draft scoping plan references lower carbon materials/procurement standards and incentives. Any specifications of materials or standards should be determined by the project owner and should be based on engineering and safety-based recommendations. A balance must remain between reducing carbon emissions and the safety and integrity of construction materials.

Finally, we have seen recently how the global supply chain problem has ground many industries to a halt. This would be doubly true for relatively new technology where there is not, for instance, decades of inventory that can be sourced when the usual supply chains break down. Any estimate of the cost of a new electric fleet is going to have to look at the cost and availability of new parts, including charging stations, as well.

Thank you for your time and consideration.

Sincerely,



Tim McNally
LADA President
Midland Asphalt