

**Amending The Electric Vehicle Charging Station Policy To Require A Fee For Use**

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators R. Parete, Rodriguez, Ronk and Wawro), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Legislator John R Parete offers the following:

WHEREAS, pursuant to Resolution No. 332 dated September 15, 2015, the Ulster County Legislature determined that it was responsible to establish a policy regulating the use of Ulster County electric vehicle charging stations; and

WHEREAS, at the time the “Ulster County Electric Vehicle Charging Station Policy” was adopted, the decision to offer the electric free of charge to all non-commercial vehicles was being vetted; and

WHEREAS, it has been determined by Legislative Counsel and the Ulster County Comptroller that the manner in which electric is currently being offered is unconstitutional and corrective action should be taken; and

WHEREAS, the Ulster County Legislature has a responsibility to protect the County from acting in violation of the New York Constitution, and to limit liability regarding potential litigation pursuant to Section 51 of the General Municipal Law; now, therefore, be it

RESOLVED, that it shall be the policy of Ulster County to charge a fee-for-service in regards to use of Ulster County charging stations that is appropriate for the investment including, but not limited to, system and equipment service and maintenance, the cost of electricity, and liability to the county for damages to personal property; and, be it further

RESOLVED, that the Ulster County Legislature hereby amends the “Ulster County Electric Vehicle Charging Station Policy” to add an additional section addressing fees for electric use, as attached hereto as Exhibit A,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 12                      NOES: 11  
(Noes: Legislators Allen, Archer, Bartels, Briggs, Donaldson, Greene, Gregorius, Loughran, Provenzano, Rodriguez, and Wishnick)



## EXHIBIT A

### Ulster County Electric Vehicle Charging Station Policy

#### I. DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated:

“Electric Vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from an off-board source, that is stored on-board for motive purposes. “Electric Vehicle” includes:

- a. Any “battery electric vehicle”, defined as any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- b. Any “plug-in hybrid electric vehicle (PHEV)”, defined as an electric vehicle that:
  - a. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
  - b. Charges its battery primarily by connecting to the grid or other off-board electrical source;
  - c. May additionally be able to sustain batter charge using an on-board internal-combustion-driven generator; and
  - d. Has the ability to travel powered by electricity;
- c. Any “neighborhood electric vehicle”, defined as a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations set forth in 49 CFR Section 571.500; and
- d. Any “medium-speed electric vehicle”, defined as a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR Section 571.500.

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“Electric Vehicle Charging Station” means a designated area that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, and that is publicly owned and publicly available on Ulster County Real Property.

“Electric Vehicle Parking Space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle”.

### **II. REGULATING THE USE OF DESIGNATED ELECTRIC VEHICLE CHARGING STATION PARKING SPACES**

A. No person shall stop, stand, or park a vehicle other than an electric vehicle within any space marked or signed as reserved for “electric vehicle charging” for more than two hours.

B. Any fees charged to park in a non-designated electric vehicle charging spot located in a County-owned parking lot shall also apply to each electric vehicle charging parking spot. ~~The County may also deem it appropriate to charge for use of the electric energy supplied at the charging stations.~~

C. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in the space.

### **III. FEE FOR ELECTRIC ENERGY USE**

The County of Ulster shall charge a reasonable fee-for-service for use of electric. The County Executive under his/her authority in the Ulster County Charter, shall develop and implement procedure to carry out this policy.

### **~~III~~. IV. PENALTY**

Unauthorized vehicles found in violation of this policy may be towed at the discretion of the County of Ulster. Any costs associated with towing an unauthorized vehicle shall be at the owner’s expense.

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### **IV. V. REPORTING**

On or before March 1<sup>st</sup> of each year, a usage report, prepared by the Coordinator of the Ulster County Department of the Environment, in conjunction with any other department of the County that the Coordinator of the Department of Environment may deem necessary, shall be filed with the County Executive and the Ulster County Legislative Standing Committee assigned with oversight of the Department of the Environment and any other Committee as determined by the Clerk of the Legislature.

This report shall include, but not be limited to, the number of users of the Ulster County electric charging stations, the amount of time each electric vehicle spent charging, the cost associated with the electric use, and the revenue generated from fees collected. These reports will be utilized to review the Ulster County Electric Vehicle Charging Station Policy annually. The Ulster County Legislature may implement charging use time limits if deemed necessary, or as recommended by the Ulster County Legislative Standing Committee assigned with oversight of the Department of the Environment.