

Bill No. 29-07  
Concerning: Environmental Sustainability  
- Climate Protection - Motor Vehicles  
Revised: 11/20/07 Draft No. 8  
Introduced: November 20, 2007  
Expires: May 20, 2009  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**AN ACT** to:

- (1) require certain County vehicles to use biodiesel fuel;
- (2) require the Director of the Department of Public Works and Transportation to conduct an annual inventory of sport utility vehicles in the County fleet;
- (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;
- (4) require the Director of the Department of Public Works and Transportation 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 to prepare a Telecommuting Action Plan;
- (7) make stylistic changes; and
- (8) 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 II. 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

Montgomery County Code

Chapter 33, Personnel and Human Resources

Section 33-24

<b>Boldface</b>	<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. 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 as follows:**

62 **Article II. Climate Protection – Motor Vehicles – County Fleet.**

63 **18A-12. 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.

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

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

76 (1) Are owned or leased by the County; and

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

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

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

82 “Department” means the Department of Public Works and Transportation.

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

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

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

87 “Light truck” means a motor vehicle with a gross vehicle weight of less than  
 88 8,500 pounds which is:

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

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

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

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

- 101 (1) The Department of Police;
- 102 (2) The Fire and Rescue Service;
- 103 (3) The Department of Correction and Rehabilitation; or
- 104 (4) Any other County department or agency.

105 **18B-13. Biodiesel fuel standards.**

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

109 (1) A different biodiesel blend; or

110 (2) Another fuel that achieves greater greenhouse gas reductions.

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

114 **18A-14. Sport utility vehicles.**

115 The Director must conduct an annual inventory of the County's sport utility  
 116 vehicles and:

117 (a) Identify the function that each sport utility vehicle performs;

118 (b) Identify the most fuel-efficient type of vehicle that could  
 119 reasonably and satisfactorily perform the function that each sport  
 120 utility vehicle performs; and

121 (c) Eliminate or replace any sport utility vehicle for which a more  
 122 fuel-efficient vehicle could reasonably and satisfactorily perform  
 123 the identified function.

124 **18A-15. Fuel economy standards.**

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

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

129 (2) For light trucks, the fleet average fuel economy must be at least  
 130 33 miles per gallon.

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

132 **18A-16. Car share program.**

133 (a) Costs and benefits. The Director must evaluate the costs and benefits of  
 134 creating a car share program for the purpose of reducing the:

135 (1) Number of motor vehicles in the County fleet; and

136 (2) Dependence of County residents and businesses on motor vehicle  
 137 ownership.

138 (b) Factors to consider. The Director must consider whether:

139 (1) A car share program will help:

140 (A) Reduce traffic;

141 (B) Increase transit use;

142 (C) Promote walking and biking;

143 (D) Reduce carbon emissions;

144 (E) Improve air quality; and

145 (F) Reduce demand for parking; and

146 (2) The County should partner with a private entity to develop a car  
 147 share program.

148 (c) Report. The Director must submit a report to the County Executive and  
 149 County Council by July 1, 2008 that includes:

150 (1) Findings regarding the costs and benefits of a car share program;  
 151 and

152 (2) Recommendations as to:

153 (A) Whether the County should create a car share program;  
 154 and

155 (B) The type of car share program that best suits the County's  
 156 needs.

157 **18A-17. Annual report.**

158 By September 1 each year, the Director must submit to the County Executive  
 159 and County Council a report on the:

- 160 (a) Use of biodiesel in County vehicles, including the quantity, blend, price  
 161 per gallon, and average fuel consumption;
- 162 (b) Results of the inventory of sport utility vehicles conducted under  
 163 Section 18A-14; and
- 164 (c) Average fuel economy for passenger vehicles and light trucks in the  
 165 County fleet.

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

167 **Article III. Climate Protection - Motor Vehicles – Private Sector**

168 **18A-20. Low carbon fuel.**

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

171 “Average carbon intensity” means a measurement of a fuel’s adverse  
 172 impact on the global climate, taking into account the fuel lifecycle,  
 173 which is measured in grams of carbon dioxide equivalent per mega-  
 174 joule of energy in the fuel (gCO<sub>2</sub>e/MJ).

175 “Director” means the Director of the Department of Environmental  
 176 Protection or the Director’s designee.

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

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

182 “Low carbon fuel” means a transportation fuel with lower average  
 183 carbon intensity than gasoline.

184 (b) Director’s responsibilities. The Director must identify and evaluate  
 185 available and emerging transportation fuels to determine whether each  
 186 fuel is:

187 (1) A low carbon fuel; and

188 (2) Widely available to fuel retailers in the County.

189 (c) Average carbon intensity. In evaluating whether a transportation fuel is  
 190 a low carbon fuel, the Department may rely on:

191 (1) The federal Environmental Protection Agency’s findings  
 192 regarding average carbon intensity; or

193 (2) Any other nationally recognized assessment of the fuel’s average  
 194 carbon intensity.

195 (d) Certification. If the Director finds that a low carbon fuel is widely  
 196 available to fuel retailers in the County, the Director must certify that  
 197 the fuel is widely available.

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

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

205 **Sec. 4. Chapter 33 is amended by adding Section 33-24 as follows:**

206 **33-24. Telecommuting.**

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

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

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

214 (b) Telecommuting Action Plan. The Director must prepare a  
 215 Telecommuting Action Plan that sets out a plan for increasing the  
 216 number of County employees who telecommute.

217 (c) Contents. The Telecommuting Action Plan must:

218 (1) set numerical goals for the number of County employees who  
 219 telecommute;

220 (2) identify the circumstances under which a County employee may  
 221 telecommute; and

222 (3) identify procedures that a County employee must follow to obtain  
 223 permission to telecommute.

224 (d) Annual report. The Director must report to the County Executive and  
 225 County Council by September 1 of each year on the actions taken in the  
 226 preceding fiscal year to implement the Telecommuting Action Plan.

227 *Approved:*

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230 Marilyn J. Praisner, President, County Council

Date

231 *Approved:*

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Isaih Leggett, County Executive

Date

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

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Linda M. Lauer, Clerk of the Council

Date

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