



Washington State Association of County Engineers

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July 9, 2015

Peter Moulton
Washington Department of Commerce
PO Box 42525
Olympia, WA 98504

RE: Comments on Proposed Rulemaking: Ch. 194-29 WAC - PRACTICABLE USE OF ELECTRICITY AND BIOFUELS TO FUEL LOCAL GOVERNMENT VEHICLES, VESSELS, AND CONSTRUCTION EQUIPMENT

Dear Mr. Moulton,

Thank you for the opportunity to provide written comments on proposed rule Ch. 194-29 WAC. These proposed rules will have an impact on counties who operate and maintain a variety of vehicles, trucks, construction equipment, and specialty vehicles. Please consider the following comments:

1. The proposed rule establishes a threshold for reporting. The reporting requirement is for all fuel purchased. Many counties purchase and distribute fuel at county owned facilities through their fleet management systems or through commercial fleet fueling stations that track fuel usage. Some counties purchase fuel from gas stations when away from county owned fueling facilities. It will be onerous and costly for counties to track fuel transactions when away from their normal fueling facilities. We request the rule only require reporting from county-owned fueling facilities or commercial fueling facilities that track fuel usage.
2. The proposed 200,000 gallon threshold for reporting is an arbitrary amount intended to limit the number of reporting governments to those that consume the highest amount of fuel. There is a cost for reporting which may not provide better information about compliance. A higher threshold should be established at the beginning of the reporting requirements and consider lowering the reporting requirement if needed on a statistical basis to better indicate compliance with the statutory goal.
3. Counties have the ability to exempt police, fire, and other emergency response equipment from using alternate fuels. We request the reporting requirement threshold not include fuel purchased for police, fire, and emergency equipment if a county opts to exempt these vehicles.
4. Determining lifecycle costs will be complicated and costly. Lifecycle costs are a combination of local experience and assumed costs like social costs for carbon emissions. Determining costs for changing fueling infrastructure can also be costly, particularly when considering storage of alternate fuels such as biodiesel and natural gas. The department should provide

adequate resources to help determine lifecycle costs prior to implementation of the proposed rules.

5. WAC 194-029-070 provides a hierarchy for procuring vehicles based availability of vehicles and fuel. Most counties purchase vehicles off the state vehicle master contracts. Counties should be able to determine availability if a vehicle is available that meets their operational needs off the state contracts. We request that the rule be modified to allow for this.
6. The practicability determination is also dependent on determining lifecycle costs for each purchase decision. This can be onerous and costly. The rules should allow for a local government to establish purchasing policies to govern the determination for procuring alternate fueled vehicles.
7. One of the criteria for determining whether biofuels are practicable is its availability. How far out of the way should a county have to go to purchase "available" biofuels? Biofuel may be available in a county but could be several miles away. The proposed rule should clarify this.
8. RCW 43.325.080(2)(c) allows for a phased in approach. There does not appear to be a mature enough market for electric hybrid or hybrid pickup trucks, vans, emergency vehicles, and other specialty vehicles. We request that the rules provide a delay for procuring electric hybrid or hybrid powered pickup trucks, vans, emergency vehicles, and other specialty equipment.
9. RCW 43.19.648 (d) requires local governments to request warranty protection for the highest level of biodiesel the vessel, vehicle, or construction equipment is capable of using, up to one hundred percent biodiesel. The proposed rule goes beyond statutory requirements by requiring local governments to select vehicles with engine warranties covering highest level of biodiesel use. This requirement could force local governments to purchase a vehicle at higher cost or with inadequate features.

Thank you for considering the above comments.

Respectfully Submitted,



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Managing Director
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cc: WSACE Board
Dave Sauter, WSAC President
Eric Johnson, WSAC Executive Director