Volkswagen Settlement

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LFB Summary Items for Which an Issue Paper Has Been Prepared

Title

Volkswagen Settlement Distributions (Paper #425)

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June, 2021 Joint Committee on Finance Paper #425

Volkswagen Settlement Distributions (Miscellaneous Appropriations)

[LFB 2021-23 Budget Summary: Page 414, #1]

CURRENT LAW

In accordance with settlement terms requiring that no more than two-thirds of Volkswagen environmental mitigation trust funding be spent in the first two years, $42 million of Wisconsin's $67.1 million share of the Volkswagen settlement funds was appropriated during the 2017-19 biennium for replacing eligible state vehicles and for awarding grants to transit systems to replace eligible public transit vehicles. Under the settlement, Wisconsin must expend (or obligate for approved expenditures) at least 80% of its allocation within 10 years of October 2, 2017.

The Department of Administration (DOA) is authorized to utilize Volkswagen settlement funds received from the environmental mitigation trust to replace eligible vehicles in the state fleet (1992 to 2009 medium-duty and heavy-duty trucks), in accordance with settlement guidelines, and administer a competitive statewide transit capital assistance grant program. With regards to the funding for the replacement of vehicles in the state fleet, DOA may expend $10 million for such a purpose. Under 2017 Act 59, DOA may, but is not required to, calculate the general purpose revenue or program revenue savings for a state agency that had a vehicle replaced through the utilization of Volkswagen settlement funds and lapse the savings from the relevant state agency appropriations to the general fund.

DOA will distribute $50.2 million from the Volkswagen settlement funds appropriation for a statewide transit capital assistance grant program for local transit systems under DOA. DOA was required to solicit and accept applications for transit capital grant funding and to award grants based on a competitive process. Preference was given to any community or route that is considered a critical route for purposes of connecting employees with employers. An eligible applicant may use settlement funds awarded under the program only for the payment of costs incurred by the applicant to replace public transit vehicles in accordance with the settlement guidelines.

Any county or municipality with an urban mass-transit system that receives a transit capital assistance grant must receive a reduction to its county and municipal aid payment in the following amounts, over a 10 consecutive year period: (a) for a Tier A-1 or Tier A-2 urban mass transit system serving a population exceeding 200,000, 75% of the total amount of grants received; (b) for a Tier B urban mass transit system serving a population of at least 50,000, 20% of the total amount of grants received; and (c) for a Tier C urban mass transit system serving a population of less than 50,000, 10% of the total amount of grants received.

DISCUSSION POINTS

1. On October 25, 2016, and May 17, 2017, judicial settlements were reached resolving consumer protection claims raised against Volkswagen by a multistate coalition of state attorneys general, as well as actions brought by the US Environmental Protection Agency, the US Department of Justice, the Federal Trade Commission, California, and car owners in private class action suits. Generally, the actions alleged that Volkswagen sold 2.0- and 3.0- liter diesel vehicles in the United States equipped with "defeat device" software intended to circumvent applicable emissions standards for certain air pollutants, and concealed the existence of the defeat devise from regulators and the public.

2. The settlements established an environmental mitigation trust fund administered by a court appointed third party trustee (Wilmington Trust, N.A.) and required Volkswagen to pay more than $2.9 billion into the trust. Wisconsin, as a certified trust beneficiary, will receive $67.1 million ($63.6 million for 2.0-liter engines and $3.5 million for 3.0-liter engines) over a period of 10 years to offset the excess nitrogen oxides (NOx) pollution emitted by affected Volkswagen vehicles in Wisconsin.

3. The purpose of the trust is to achieve reductions in NOx emissions in the United States. Settlement terms establish 10 eligible mitigation action expenditures that the state may make from the trust. In summary, the state could utilize funding from the trust to scrap, and then repower or replace certain eligible vehicles and equipment, including: (a) Class 8 local freight trucks and port drayage trucks; (b) Class 4 through 8 school buses, shuttle buses, or transit buses; (c) freight switchers; (d) ferries and tugs; (e) ocean going vessels shore power; (f) Class 4 through 7 local freight trucks; (g) airport ground support equipment; (h) forklifts and port cargo handling equipment; and (i) light duty zero emission vehicle supply equipment (electric or hydrogen vehicle charging stations). In addition, trust funds may be utilized to support the state's voluntary match of funds under the federal diesel emission reduction act (DERA) program. Vehicle classes are based on a vehicle's gross vehicle weight rating. The Appendix provides a more detailed description of the vehicles and equipment that are eligible for repowering and replacement with trust funds, as well as a more detailed description of eligible mitigation actions and expenditures that may be taken with trust funds.

4. In the 2019-21 budget bill, the Governor proposed an electronic vehicle charging station grant program, which was not included in the final budget. Under 2019 Act 9, appropriated $25 million in VW settlement monies in 2019-20. Further, the Act removed the restriction that DOA provide no more than $32,000,000 in transit capital assistance grants. A $3,000,000 school bus grant program was also created. The balance of the Volkswagen settlement funding remaining in the

appropriation after the $3,000,000 school bus allocation was authorized to be awarded for the replacement of eligible vehicles in the state fleet (as approved in the 2017-19 budget) and for grants under the transit capital grant program for the replacement of eligible transit vehicles.

5. The Governor's partial veto of Act 9 modified the statutory language that created the school bus replacement program to: (a) delete the school bus replacement program and related provisions; (b) delete the requirement that DOA allocate $3,000,000 in settlement funding to award grants to the school bus replacement program; and (c) create a requirement that DOA establish a program to award grants of Volkswagen settlement funds from the settlement funds appropriation for alternative fuels. In the veto message, the Governor directed DOA "to allocate up to $10,000,000 of the settlement funds to this revised grant program for electric vehicle charging stations, and at least $15,000,000 for the transit capital assistance grant program under s. 16.047(4m)."

6. In its July 10, 2020, decision in *Bartlett v. Evers*, the Wisconsin Supreme Court found the Governor's partial veto unconstitutional. The Court's decision: (a) required that $3.0 million in settlement funding be awarded as grants to school districts for the replacement of school buses; and (b) eliminated the directive of the Governor's veto that up to $10.0 million be used for alternative fuels. As a result of the Court's decision, of the $25.0 million of settlement funding, $3.0 million was available to be used as grants for school buses and the remaining $22.0 million available for transit capital assistance grants.

7. As a result of Act 9, the Governor's veto, the Supreme Court decision, and awards made by DOA, moneys received under the Volkswagen settlement are held in an appropriation account that limits spending to three purposes: (a) replacement of state fleet vehicles ($1.1 million obligated and up to $8.9 million available); (b) grants for the replacement of public transit vehicles ($50.2 million awarded and $3.8 million or more available depending on funding left from the replacement of state fleet vehicles); and (c) grants for the replacement of school buses ($3 million).

8. Under the replacement of state vehicles, Department of Corrections has ordered two buses (to transport prisoners) to replace two existing buses that fell within the parameters of the VW settlement. Once Corrections takes delivery of the buses (anticipated in early summer 2021), and meets all requirements of the settlement, it is the Department’s understanding that it will be reimbursed by the VW settlement for the cost of the buses (estimated to be $1.1 million).

9. Assembly Bill 68/Senate Bill 111, would increase the Volkswagen settlement funds appropriation by $10,700,000 in 2021-22. In addition, the bill would modify the requirement that the Department of Administration establish a capital transit assistance program to award grants from Volkswagen settlement funds for the replacement of public transit vehicles to allow grants to also be made from the program for the installation of charging stations for vehicles with electric motors and require DOA to allocate $10 million for electric vehicle charging stations. Under the bill, any funds in excess of $10 million would be allocated to the replacement of state vehicles with fuel efficient or electric vehicles during the 2021-23 biennium. Further, the school bus grant program would be repealed. Total settlement revenues available to the state are not anticipated to change.

10. As indicated above, the bill appropriates $10.7 million PR in 2021-22 associated with the Volkswagen settlement. Note that the Volkswagen settlement appropriation is a continuing

appropriation for expenditure of all monies received from the settlement. The state is eligible to receive $67.1 million in settlement revenues. To date, the Legislature has authorized expenditures of $21 million in 2017-18, $21 million in 2018-19 and $25 million in 2019-20. In total, $67 million in expenditure authority in the continuing appropriation is authorized for expenditure. Given that the State has expenditure authority equal all of the expected settlement revenue, the $10.7 million in increased expenditure authority in the bill is not necessary and is not further addressed in this paper.

Use of Funds for Electric Charging Stations

11. The bill would expand the authorized use of funds under DOA's transit capital assistance grant program for the replacement of public transit vehicles to also include the installation of charging stations for electric vehicles. The administration indicates that use of Volkswagen settlement funds for electric charging stations is part of advancing clean and renewable energy initiatives.

12. Under the Wisconsin Beneficiary Mitigation Plan, Wisconsin may use up to fifteen percent (15%) of its allocation on the acquisition, installation, operation, and maintenance of new light duty zero emission vehicle supply equipment. Fifteen percent of the allocation equals $10.065 million. The settlement funds may not be used to purchase or rent real estate, other capital costs (for example construction of buildings or parking facilities), or general maintenance. Light duty electric vehicle supply equipment includes Level 1 (110-120 volt), Level 2 (220-240 volt), or fast charging equipment (or analogous successor technologies) that is located in a public place, workplace, or multi-unit dwelling. Funding may not be used for electric charging stations at a private single family home.

13. Subject to the 15% limitation above, funds may be drawn in the amount of:

a. Up to 100% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a Government Owned Property.

b. Up to 80% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a Non-Government Owned Property.

c. Up to 60% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that is available at a workplace but not to the public.

d. Up to 60% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that is available at a multi-unit dwelling but not to the general public.

14. Under the settlement, the maximum amount that can be allocated to electronic charging stations is $10 million.

15. The administration recommends using Volkswagen settlement funds to install electronic charging stations as part of the administration's commitment "to clean and renewable energy initiatives." It could be argued that funding electric charging stations could also provide infrastructure that would be of assistance to both transportation and tourism. For these reasons, the Committee could allocate $10 million in Volkswagen settlement funds to electric charging stations. [Alternative 1] This alternative would result in Volkswagen settlement funds being used for three purposes: (a) replacement of state fleet vehicles with fuel efficient or electric motors ($1.1 million obligated and up

to $8.9 million available); (b) grants for the replacement of public transit vehicles ($50.2 million awarded); and (c) grants through the capital grant program for electric vehicle charging stations ($6.8 million to $10 million available depending on funding left from the replacement of state fleet vehicles). The school bus program grant program would be eliminated.

16. The allocation of the maximum allowable amount is not tied to any specific project or projects. In fact, the bill would allow the DOA Secretary to allocate less than $10 million to electronic charging stations in order to increase Transit Capital Grants. While still providing some electric charging infrastructure, the Committee may wish to allocate a lower amount such as half the recommended amount, which would be $5 million in Volkswagen settlement funds to electric charging stations. [Alternative 2] This alternative would result in Volkswagen settlement funds being used for three purposes: (a) replacement of state fleet vehicles with fuel efficient or electric motors ($1.1 million obligated and up to $8.9 million available), (b) grants for the replacement of public transit vehicles ($50.2 million awarded and $1.8 million or more available depending on funding left from the replacement of state fleet vehicles) and (c) grants through the capital grant program for electric vehicle charging stations ($5 million). Unlike Alternative 1, Alternative 2 would allow for potential increased allocations to grants for public transit vehicles to the extent that monies are not used for the purchase of state fleet vehicles. Further, the school bus program grant program would be eliminated.

17. On the other hand, since Volkswagen settlement funds are allowed to be spent in ways other than on electric charging stations as described in the Wisconsin Beneficiary Mitigation Plan, the Committee may wish to take no action at this time. [Alternative 3] This alternative would result in Volkswagen settlement funds being used for three purposes as they are established under current law: (a) replacement of state fleet vehicles ($1.1 million obligated and up to $8.9 million available), (b) grants for the replacement of public transit vehicles ($50.2 million awarded and $3.8 million or more available depending on funding left from the replacement of state fleet vehicles), and (c) grants for the replacement of school buses ($3 million).

ALTERNATIVES

1. Allow DOA to provide a maximum of $10 million of available Volkswagen settlement funding to fund grants for electric charging stations. Repeal the school bus grant program. Require state fleet vehicles replaced during the 2021-23 biennium be replaced with vehicles that are fuel-efficient or that have an electric motor.

2. Allow DOA to provide a maximum of $5 million of available Volkswagen settlement funding to fund grants for electric charging stations. Repeal the school bus grant program. Require state fleet vehicles replaced during the 2021-23 biennium be replaced with vehicles that are fuel-efficient or that have an electric motor.

3. Take no action.

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Attachment

APPENDIX

Eligible Mitigation Actions and Eligible Mitigation Expenditures Under the Partial Consent Decree

Description of Eligible Vehicle or Equipment [1]	Scrapping of Vehicle or Equipment [2]	Eligible Use of Funds [3]	Extent To Which Funds May Be Utilized for Non-Government Owned Eligible Vehicle or Equipment [3]	Extent To Which Funds May Be Utilized for Government Owned Eligible Vehicle or Equipment [3]
Class 8 (+ 33,000 lbs.) local freight trucks and port drayage trucks (eligible large trucks)				
1992 thru 2009 engine model year Class 8 local freight or drayage. For beneficiaries that have state regulations that already require upgrades to 1992 thru 2009 engine model year trucks at the time of the proposed mitigation action, eligible large trucks also include 2010 thru 2012 engine model year Class 8 local freight or drayage.	Eligible large trucks must be scrapped.	Eligible large trucks may be repowered with any new diesel or alternative fueled engine, or all-electric engine. Eligible large trucks may also be replaced with any new diesel, alternate fueled, or all-electric vehicle, with an engine model year that corresponds to the year in which the mitigation action occurs or with one engine model year prior.	For non-government owned eligible Class 8 local freight trucks, the state may only draw funds from the trust in the amount of: (a) up to 40% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 25% of the cost of a new diesel or alternate fueled vehicle; (c) up to 75% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 75% of the cost of a new all-electric vehicle, including charging infrastructure associated with the new all-electric vehicle. For non-government owned eligible drayage trucks, the state may only draw funds from the trust in the amount of: (a) up to 40% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 50% of the cost of a new diesel or alternate fueled vehicle; (c) up to 75% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 75% of the cost of a new all-electric vehicle, including charging infrastructure associated with the new all-electric vehicle.	For government owned eligible Class 8 large trucks, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 100% of the cost of a new diesel or alternate fueled vehicle; (c) up to 100% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 100% of the cost of a new all-electric vehicle, including charging infrastructure associated with the new all-electric vehicle.
Class 4 thru 8 (14,001 lbs. to 16,000 lbs.) school buses, shuttle buses, or transit buses (eligible buses)				
2009 engine model year or older Class 4 thru 8 school buses, shuttle buses, or transit buses. For beneficiaries that have state regulations that already require upgrades to 1992 thru 2009 engine model year buses at the time of the proposed mitigation action, eligible buses also includes 2010 thru 2012 engine model year Class 4 thru 8	Eligible buses must be scrapped.	Eligible buses may be repowered with any new diesel, alternate fuel, or all-electric engine. Eligible buses may also be replaced with any new diesel, alternate fueled, or all-electric vehicle, with an engine model year that corresponds to the year in which the mitigation action occurs or with one engine model year prior.	For non-government owned eligible buses, the state may draw funds from the trust in the amount of: (a) up to 40% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 25% of the cost of a new diesel or alternate fueled vehicle; (c) up to 75% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine.	For government owned eligible buses and privately owned school buses under contract with a public school district, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 100% of the cost of a new diesel or alternate fueled vehicle; (c) up to 100% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 100% of the

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school buses, shuttle buses, or transit buses.				cost of a new all-electric vehicle, including charging infrastructure associated with the new all-electric vehicle.
Freight switchers				
Pre-Tier 4 switcher locomotives that operate 1,000 or more hours per year.	Eligible freight switchers must be scrapped.	Eligible freight switchers may be repowered with any new diesel, alternate fueled, or all-electric engine (including generator sets). Eligible freight switchers may also be replaced with any new diesel, alternate fueled, or all-electric freight switcher, that is certified to meet the applicable EPA emissions standards (or other more stringent equivalent state standards) as published in the Code of Federal Regulations for the engine model year in which the mitigation action occurs.	For non-government owned freight switchers, the state may draw funds from the trust in the amount of: (a) up to 40% of the cost of a repower with a new diesel or alternate fueled engine or generator set, including the costs of installation of such engine; (b) up to 25% of the cost of a new diesel or alternate fueled freight switcher; (c) up to 75% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 75% of the cost of a new all-electric freight switcher, including charging infrastructure associated with the new all-electric freight switcher.	For government owned eligible freight switchers, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new diesel or alternate fueled engine or generate set, including the costs of installation of such engine; (b) up to 100% of the cost of a new diesel or alternate fueled freight switcher; (c) up to 100% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 100% of the cost of a new all-electric freight switcher, including charging infrastructure associated with the new all-electric freight switcher.
Ferries and tugs				
Unregulated, Tier 1, or Tier 2 marine engines	Eligible ferries and tugs that are replaced must be scrapped.	Eligible ferries and tugs may be repowered with any new Tier 3 or Tier 4 diesel or alternate fueled engines, or with all-electric engines. Eligible ferries and tugs may also be upgraded with an EPA certified remanufacture system or an EPA verified engine upgrade.	For non-government owned eligible ferries and tugs, the state may only draw funds from the trust in the amount of: (a) up to 40% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; and (b) up to 75% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine.	For government owned eligible ferries and tugs, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; and (b) up to 100% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine.
Ocean going vessels shore power (marine shorepower)				
Systems that enable a compatible vessel's main and auxiliary engines to remain off while the vessel is at berth.	Not applicable.	The reimbursement of components of marine shorepower systems. Marine shore power systems must comply with international shore power design standards and should be supplied with power sourced from the local utility grid. Eligible marine shore power includes equipment for vessels that operate within the Great Lakes.	For non-government owned marine shore power, the state may only draw funds from the trust in the amount of up to 25% for the costs associated with the shore-side system, including cables, cable management systems, shore power coupler systems, distribution control systems, installation, and power distribution components.	For government owned marine shore power, the state may draw funds from the trust in the amount of 100% for the costs associated with the shore-side system, including cables, cable management systems, shore power coupler systems, distribution control systems, installation, and power distribution components.

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Class 4 thru 7 (26,001 lbs. to 33,000 lbs.) local freight trucks (eligible medium trucks)				
1992 thru 2009 engine model year Class 4 thru 7 local freight trucks. For beneficiaries that have state regulations that already require upgrades to 1992 thru 2009 engine model year trucks at the time of the proposed mitigation action, eligible medium trucks also includes 2010 thru 2012 model year Class 4 thru 7 local freight trucks.	Eligible medium trucks must be scrapped.	Eligible medium trucks may be repowered with any new diesel, alternate fueled, or all-electric engine. Eligible medium trucks may be replaced with any new diesel, alternate fueled, or all-electric vehicle, with an engine model year that corresponds to the year in which the mitigation action occurs or with one engine model year prior.	For non-government owned eligible medium trucks, the state may draw funds from the trust in the amount of: (a) up to 40% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 25% of the cost of a new diesel or alternate fueled vehicle; (c) up to 75% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 75% of the cost of a new all-electric vehicle, including charging infrastructure associated with the new all-electric vehicle.	For government-owned eligible medium trucks, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new diesel or alternate fueled engine, including the costs of installation of such engine; (b) up to 100% of the cost of a new diesel or alternate fueled vehicle; (c) up to 100% of the cost of a repower with a new all-electric engine, including the costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (d) up to 100% of the cost of a new all-electric vehicle, including charging infrastructure associated with the new all-electric vehicle.
Airport ground support equipment				
Tier 0, Tier 1, or Tier 2 diesel powered airport ground support equipment. In addition, spark ignition engine powered airport ground support equipment that is uncertified, or certified to three grams per brake horsepower-hour or higher emissions.	Eligible airport ground support equipment must be scrapped.	Eligible airport ground support equipment may be repowered with an all-electric engine. Eligible airport ground support equipment may also be replaced with the same airport ground support equipment in electric form.	For non-government owned eligible airport ground support equipment, the state may only draw funds from the trust in the amount of: (a) up to 75% of the cost of a repower with a new all-electric engine, including the costs of the installation of such engine and charging infrastructure associated with the new all-electric engine; and (b) up to 75% of the cost of new all-electric airport ground support equipment, including charging infrastructure associated with such new equipment.	For government owned eligible airport ground support equipment, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new all-electric engine, including the costs of the installation of such engine and charging infrastructure associated with the new all-electric engine; and (b) up to 100% of the cost of new all-electric airport ground support equipment, including charging infrastructure associated with such new equipment.
Forklifts and port cargo handling equipment				
Forklifts with greater than 8,000 pounds of lift capacity.	Eligible forklifts and port cargo handling equipment must be scrapped.	Eligible forklifts and port cargo handling equipment may be repowered with an all-electric engine. Eligible forklifts and port cargo handling equipment may also be replaced with the same equipment in an all-electric form.	For non-government owned eligible forklifts and port handling equipment, the state may draw funds from the trust in the amount of: (a) up to 75% of the cost of a repower with a new all-electric engine, including costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (b) up to 75% of the cost of new all-electric forklift or port cargo handling equipment, including charging infrastructure associated with the new equipment.	For government owned eligible forklifts and port handling equipment, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost of a repower with a new all-electric engine, including costs of installation of such engine and charging infrastructure associated with the new all-electric engine; and (b) up to 100% of the cost of new all-electric forklift or port cargo handling equipment, including charging infrastructure associated with the new equipment.
Light duty zero emission vehicle supply equipment				
Light duty electric vehicle supply equipment includes Level 1, Level 2, or fast charging equipment (or	Not applicable.	The state may use up to 15% of its allocation from the trust to support costs necessary for, and directly connected to, the	Subject to the 15% limitation, the state may draw funds from the trust in the amount of: (a) up to 100% of the cost to purchase, install, and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a government owned property; (b) up to 80% of the cost to purchase, install, and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a	

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analogous successor technologies) that is located in a public place, workplace, or multi-unit dwelling, and is not consumer light duty electric vehicle supply equipment (meaning that the equipment is not located at a private residential dwelling that is not a multi-unit dwelling). [Electrical vehicle charging stations have various levels of charging speed, such as Level 1 or Level 2. Level 2 charging equipment charges vehicles at a greater speed.] Light duty hydrogen fuel cell vehicle supply equipment including hydrogen dispensing equipment capable of dispensing hydrogen at a pressure of 70 megapascals (or analogous successor technologies) that is located in a public place.		acquisition, installation, operation, and maintenance of new light duty zero emission vehicle supply equipment for specific projects. Trust funds may not be made available or used to purchase or rent real estate, other capital costs (such as building construction), or general maintenance.	non-government owned property; (c) up to 60% of the cost to purchase, install, and maintain eligible light duty electric vehicle supply equipment that is available at a workplace but not to the general public; (d) up to 60% of the cost to purchase, install, and maintain eligible light duty electric vehicle supply equipment that is available at a multi-unit dwelling but not to the general public; (e) up to 33% of the cost to purchase, install, and maintain eligible light duty hydrogen fuel cell vehicle supply equipment capable of dispensing at least 250 kilograms per day that will be available to the public; and (f) up to 25% of the cost to purchase, install, and maintain eligible light duty hydrogen fuel cell vehicle supply equipment capable of dispensing at least 100 kilograms per day that will be available to the public.	
Diesel Emission Reduction Act option				
The state may also use trust funds for their non-federal voluntary match of the DERA program, thereby allowing the state to use such trust funds for actions not specifically enumerated above, but which are otherwise eligible under the federal DERA program, pursuant to all federal DERA guidelines. Trust funds may not be used to meet the non-federal mandatory cost share requirements under the DERA program.				

[1] Tier 0, 1, 2, 3, and 4 vehicles refers to corresponding EPA engine emission classifications for non-road, locomotive and marine engines. Tier 4 standards require the fewest emissions.
[2] Under the settlement, scrapping means to render inoperable and available for recycle, and, at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If any eligible vehicle will be replaced as part of an eligible project, scrapping also includes the disabling of the chassis by cutting by cutting the vehicle's frame rails completely in half.
[3] Under the settlement, repowering means to replace an existing engine with a newer, cleaner engine or power source that is certified by the EPA and, if applicable, CARB, to meet a more stringent set of engine emission standards. Repowering includes, but is not limited to, diesel engine replacement with an engine certified for use with diesel or a clean alternate fuel, diesel engine replacement with an electric power source, diesel engine replacement with a fuel cell, diesel engine replacement with an electric generator(s), diesel engine upgrades in ferries and tugs with an EPA certified remanufacture system, or diesel engine upgrades in ferries and tugs with an EPA verified engine upgrade. All-electric and fuel cell repowers do not require EPA or CARB certification.