

1 HOUSE JOINT MEMORIAL 15

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE DEPARTMENT OF ENVIRONMENT USE THE MONEY
12 ALLOCATED TO NEW MEXICO PURSUANT TO THE CONSENT DECREE IN THE
13 VOLKSWAGEN "CLEAN DIESEL" LITIGATION TO DEPLOY A LIGHT DUTY
14 ZERO EMISSION VEHICLE CHARGING NETWORK AND TO REPLACE MEDIUM
15 AND HEAVY DUTY VEHICLES WITH ELECTRIC VEHICLES, WITH PRIORITY
16 GIVEN TO PROJECTS THAT ELECTRIFY TRANSIT SYSTEMS.

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18 WHEREAS, Volkswagen AG, Audi AG, Volkswagen group of
19 America, incorporated, and Volkswagen group of America
20 Chattanooga operations, limited liability company (together
21 "Volkswagen") have admitted that their diesel vehicles in model
22 years 2009 to 2016 employed software purposely designed to
23 defeat United States environmental protection agency emissions
24 test procedures; and

25 WHEREAS, Volkswagen's software enabled the vehicles to

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1 emit oxides of nitrogen under normal driving conditions in
2 amounts that exceed United States environmental protection
3 agency compliance levels; and

4 WHEREAS, oxides of nitrogen emissions are responsible for
5 increased ozone and nitrogen dioxide levels in the atmosphere,
6 both of which are included in United States environmental
7 protection agency national ambient air quality standards as air
8 pollutants considered harmful to public health and the
9 environment; and

10 WHEREAS, oxides of nitrogen emissions are also responsible
11 for increased nitrous oxide levels in the atmosphere that are a
12 contributor to increased ozone levels, and fossil fuel
13 transportation emissions are also a major contributor to
14 greenhouse gas emissions, and the most recent study by the
15 department of environment, dated December 9, 2016, showed that,
16 for the period of 2010 to 2013, transportation contributed
17 seventeen percent of greenhouse gases in New Mexico; and

18 WHEREAS, Volkswagen entered into a partial consent decree
19 with the United States department of justice whereby New Mexico
20 is eligible to receive approximately eighteen million dollars
21 (\$18,000,000) to implement projects that reduce oxides of
22 nitrogen emissions; and

23 WHEREAS, eligible projects include projects that reduce
24 oxides of nitrogen emissions in freight trucks; school, shuttle
25 or transit buses; ferries and tugs; forklifts; electric or

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1 hydrogen vehicle charging stations; and airport ground support
2 equipment; and

3 WHEREAS, eligible projects will be implemented through a
4 group of New Mexico partner agencies led by the department of
5 environment, including the department of transportation; the
6 energy, minerals and natural resources department; and the
7 public education department; and

8 WHEREAS, transit electrification provides the most air
9 quality benefits because of the high mileage of transit buses,
10 and electric buses reduce oxides of nitrogen emissions by
11 eighty-eight percent compared to new diesel buses and by
12 eighty-six percent compared to new compressed natural gas
13 buses, thus offering the highest level of benefits of any
14 eligible project type;

15 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
16 STATE OF NEW MEXICO that the department of environment; the
17 department of transportation; the energy, minerals and natural
18 resources department; and the public education department be
19 requested to consider using fifteen percent of the money
20 allocated to New Mexico pursuant to the consent decree in *In*
21 *re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and*
22 *Products Liability Litigation* to deploy a light duty zero
23 emission vehicle charging network across the state and that the
24 remainder of the money be used to replace medium and heavy duty
25 diesel vehicles with electric vehicles, with priority given to

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1 projects that electrify transit systems; and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the governor; the secretary of environment; the
4 secretary of transportation; the secretary of energy, minerals
5 and natural resources; and the secretary of public education.

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