Answers to Questions Submitted During EPAct Annual Reporting Webinar

1. **Are all state vehicle fleets covered fleets or are they limited to certain agencies?**

   Not all state government fleets are covered or subject to the Program's requirements. A fleet must meet certain criteria to be considered a covered fleet. For more information, see page 5 of the Standard Compliance Guidance document: https://epact.energy.gov/pdfs/standard_compliance.pdf.

2. **Does installation of public off-site electric vehicle supply equipment (EVSE) earn fleets credits or does the EVSE have to be for fleet use? Are stations available for employees and state-owned vehicles considered public?**

   A covered fleet receives one alternative fuel vehicle (AFV) credit for every $25,000 that it invested during a model year in alternative fuel infrastructure, whether the infrastructure is public or private and whether or not it is owned/operated by the fleet. A fleet can receive up to 10 AFV credits in a given model year for its investment in a fueling station that is publicly accessible and a maximum of five AFV credits for its investment in a private station. For more information, see https://epact.energy.gov/faqs/?question=can-a-fleet-receive-credit-for-its-investment-in-a-public-fueling-station.

   Some conditions include:

   - Credits are not available for investments related to moving a station from one private location to a different private location, but credits would be available if the station is being converted from a private station to a public station.
   - Investments in workplace charging stations (e.g., available to **employees** to charge personal vehicles) qualify as creditable alternative fueling infrastructure, but they are not publicly accessible (to the general public) and so are subject to the five-credit maximum.
   - Private residential charger investments do not qualify as credit-earning investments under the Program unless the infrastructure is designed to fuel fleet vehicles that are parked at the resident's home when not in use. However, publicly accessible charger investments that are funded through an alternative fuel provider's incentive program do qualify as credit-earning investments.

   For more information, see the Credits for Investments in Alternative Fuel Infrastructure, Alternative Fuel Non-Road Equipment, and Emerging Technologies guidance document: https://epact.energy.gov/pdfs/investments.pdf.

3. **Regarding investments in alternative fuel infrastructure, what is considered public?**

   Public infrastructure is that which is accessible to the general public for use.

4. **What does it mean for a vehicle to be centrally fueled? If a fleet relies on commercial stations around the state, in addition to one central fuel station, how does that impact calculations determining covered vehicles?**

"Centrally fueled" means that a vehicle is fueled at least 75% of the time at a location that is owned, operated, or controlled by the fleet or covered person, or is under contract with the fleet or covered person for refueling purposes. "Capable of being centrally fueled" means that a vehicle can be fueled at least 75% of the time at a location that is owned, operated, or controlled by the fleet or covered person, or at a location that is under contract with the fleet or covered person for fueling purposes. If a fleet is able to have a contractual fueling arrangement for its light-duty (LD) vehicles, (e.g., by entering into a purchasing agreement with a privately owned facility like a commercial gas station) then even if the fleet does not currently have such an arrangement, the fleet's LD vehicles are "capable of being centrally fueled."

Once a fleet determines that it is covered under EPAct, then the fleet acquisition requirement is determined by starting with the number of LD vehicles that will be acquired for the fleet during the model year and that will be garaged within listed metropolitan statistical areas/consolidated metropolitan statistical areas. Refer to the full procedure for determining acquisition requirements on page 5 of the Standard Compliance Guidance document for state fleets and on page 19 for alternative fuel provider fleets: https://epact.energy.gov/pdfs/standard_compliance.pdf. For more information, please see the State and Alternative Fuel Provider Fleets Frequently Asked Questions page: https://epact.energy.gov/faqs/?question=in-the-context-of-determining-whether-our-fleet-is-a-covered-fleet-under-the-program-how-do-i-determine-if-our-ldvs-are-quot-centrally-fueled-quot-or-quot-capable-of-being-centrally-fueled-quotov.

5. **Do heavy-duty vehicles with internal combustion engines that have battery systems to power the electric power take-off (ePTO) systems count toward the electric vehicle credits? An example would be an Altec Bucket truck with a Jobsite Energy Management System (JEMS) unit.**

   If your fleet is reporting via Standard Compliance, electric power take-off (ePTO) systems, such as Jobsite Energy Management System (JEMS) units, are not creditable. To obtain credit under Standard Compliance, the battery system must be related to the vehicle's motive power. However, fleets complying via Alternative Compliance may earn credit toward compliance for employing idle reduction technology, such as units powering EPTO systems. For a direct comparison between Alternative Compliance and Standard compliance, view the Compliance Methods page: https://epact.energy.gov/compliance. For more information about ways to earn credit toward compliance via Standard Compliance, please also view the Standard Compliance Guidelines document: https://epact.energy.gov/pdfs/standard_compliance.pdf.

6. **Do light-duty vehicles have to be alternative fuel vehicle (AFV) rated?**

   Standard Compliance involves a two-step process that involves reporting of light-duty (LD) vehicles.

   - Step 1—Determine your LD AFV acquisition requirement
     - All non-excluded LD vehicle acquisitions, AFV or internal combustion engine, are included in a fleet's LD vehicle count and serve as the basis for calculating a fleet's AFV acquisition requirement. If using the online reporting tool, enter the total number of non-excluded LD vehicles acquired by the fleet during the reporting year in the "Light Duty Vehicles" box in step 2 of the report. This number includes both

AFV and non-AFV LD vehicles. Your AFV acquisition requirement will be automatically calculated.

- Step 2—Earn credit toward meeting your LD AFV acquisition requirement by reporting the acquisition of LD AFVs
    - To earn credit toward compliance, a LD vehicle must be an AFV. An AFV includes any dedicated or dual-fueled vehicle, which is any vehicle that operates solely on, or is capable of operating on, at least one alternative fuel.

If you have any questions about determining whether a vehicle is an AFV, visit the Alternative Fuels Data Center () or check the vehicle's title, bill of sale, or inside the fuel door for capability to run on alternative fuel. You may also reach out to the Regulatory Information Line (regulatory.info@nrel.gov) with vehicle-specific questions.

7. Can fleets report excluded vehicles, such as an emergency vehicle or a vehicle parked at a private residence?

While not included in establishing the vehicle count for the purpose of determining the alternative fuel vehicle (AFV) acquisition requirement, the acquisition of such excluded vehicles as AFVs will earn a fleet credit toward compliance. A fleet's annual AFV acquisition requirement is based on the count of acquired light-duty (LD) vehicles. In establishing this LD vehicle count, "excluded" vehicles are not to be included. The list of excluded vehicles, as defined by EPAct, is available on page 5 of the Standard Compliance document: https://epact.energy.gov/pdfs/standard_compliance.pdf. The list includes take-home vehicles, law enforcement vehicles, and emergency motor vehicles. Please note that a fleet that excludes take-home vehicles, either in the context of determining whether it is a covered fleet or for purposes of calculating its AFV acquisition requirements, must be able to provide the U.S. Department of Energy, upon request, a written take-home vehicle policy or other documentation that addresses the fleet's employee take-home vehicles.

8. If a vehicle is E85 compatible but not using that fuel (not available in area), can fleets still earn credits?

EPAct requires covered state fleets to acquire 75% of their light-duty vehicle acquisitions as alternative fuel vehicles (AFVs), but it does not require them to use alternative fuel in those AFVs. The same is not true for alternative fuel provider fleets, which are required to use only alternative fuel in their AFVs, except when operating in areas where the appropriate alternative fuel is not available, as noted on the program FAQ webpage. See https://epact.energy.gov/faqs/?question=are-state-agencies-required-to-use-alternative-fuel-in-their-afvs for state fleets and https://epact.energy.gov/faqs/?question=are-alternative-fuel-providers-required-to-use-alternative-fuel-in-their-afvs for alternative fuel provider fleets.

9. Should leased vehicles be included in a fleet's light-duty (LD) vehicle acquisition calculation?

Under the Program, "acquired" means to take a vehicle into possession or control, such as through purchase or lease. LD vehicles that are leased/rented for at least 120 days qualify as LD vehicle acquisitions and, consequently, must be included in a covered fleet's annual LD vehicle acquisition calculation. Leased/rented vehicles that are acquired as alternative fuel vehicles (AFV) can also be included for their contribution toward a fleet's compliance with its AFV acquisition requirement. For more information, see page 5 of the Standard Compliance Guidance document: https://epact.energy.gov/pdfs/standard_compliance.pdf.

10. What is a dual-fueled vehicle?

A dual-fueled vehicle is a vehicle that is capable of operating on alternative fuel and on conventional petroleum fuel (gasoline or diesel). See U.S. Code 49 for additional requirements for dual-fueled vehicles: https://www.govinfo.gov/content/pkg/USCODE-2021-title49/pdf/USCODE-2021-title49-subtitleVI-partC-chap329-sec32901.pdf.

Dual-fueled vehicles include: (1) flexible-fuel vehicles, which have one fuel tank and operate on an alternative fuel, a petroleum fuel, or any mixture of the two; and (2) bi-fuel vehicles, which have two separate fueling systems (i.e., tanks, sources), one that uses an alternative fuel (e.g., compressed natural gas) and one that uses a conventional fuel and can operate on only one fuel at a time. For more information, see: https://epact.energy.gov/pdfs/standard_compliance.pdf.

11. Can vehicle information be uploaded instead of entered manually?

For the online reporting tool, each vehicle must be entered manually. However, you may start entering vehicles as soon as you acquire them. Fleets may also report via the annual reporting spreadsheet: https://s3.amazonaws.com/mydonedone.com/donedone_issuetracking_5361/66852459-1e31-486a-8f00-995f6889f74c_/reporting-spreadsheet.xls, which some fleets with large numbers of vehicles find more convenient. To submit your annual report using the spreadsheet, insert your data and email the completed spreadsheet to epact.sfp.fleets@nrel.gov.

12. Is renewable diesel (e.g., R99 or R100) considered an alternative fuel under the Program?

Under EPAct, fuels derived from biological materials, including pure biodiesel (B100) and pure renewable diesel (RD100), are classified as alternative fuels and the quantities used may be counted in full. For a full list of alternative fuels, see page 11 of the Standard Compliance Guidance document: https://epact.energy.gov/pdfs/standard_compliance.pdf and the FAQ page: https://epact.energy.gov/faqs/?question=which-fuels-are-quot-alternative-fuels-quot-under-epact.

13. For infrastructure investments, do fleets report only the equipment cost or the total cost to install the chargers (i.e., construction cost)?

Fleets may receive alternative fuel infrastructure credit from non-hardware charging station installation costs. Alternative fuel infrastructure includes the station itself, as well as electrical panel upgrades, wiring, conduit, trenching, pedestals, and related equipment. For more information about credit activity reports, see 10 CFR 490.508 and the Credits for Investments in Alternative Fuel

Infrastructure, Alternative Fuel Non-Road Equipment, and Emerging Technologies guidance document: https://epact.energy.gov/pdfs/investments.pdf.

14. Does the Energy Policy Act of 2005 have a sunset date? If so, will it be extended or will there be a new act and what changes can we expect?

Congress directed the U.S. Department of Energy (DOE) to establish the State and Alternative Fuel Provider Fleet Program, via the Energy Policy Act (EPAct) of 1992. Per that authorization, DOE promulgated regulations to address covered fleets, set forth at 10 CFR Part 490. EPAct also directed DOE to establish other fleet and relevant stakeholder programs, including the federal fleet program and the Clean Cities Coalition Network, both of which DOE administers. Congress has amended the State and Alternative Fuel Provider Program on several occasions. Congress may choose to do so again, but the State and Alternative Fuel Provider Fleet Program does not have any insight on this topic. The Program does not have a sunset date.

15. How can fleets earn credit if flex fuel and electric vehicles are not available?

Fleet managers should work with their contracting offices to ensure that their contracting officers are aware of this federal Program's requirement to acquire alternative fuel vehicles (AFVs) and that the contracting officers are doing all they can to ensure such vehicles, including hybrid electric vehicles, are available for acquisition on state contract. Acquiring AFVs is only one means to achieve compliance with the Program's requirements. In addition to acquiring light-duty AFVs to fulfill your fleet's AFV acquisition requirement, your fleet may also satisfy its AFV acquisition requirement and/or receive credit for any and all of the actions noted below. More details on these options can be found in Section 3—AFV Credit Program of the Standard Compliance guidance document: https://epact.energy.gov/standard-compliance. The Program website (https://epact.energy.gov/) also contains this (and other pertinent) information.

The Program affords fleets flexibility as to how they achieve compliance with the Program's AFV acquisition requirements. As detailed on pages 23 and 24 of the Program's Standard Compliance guidance document (https://epact.energy.gov/pdfs/standard_compliance.pdf), fleets may receive AFV credits toward compliance through the following methods:

- Acquire AFV versions of excluded vehicles
- Acquire medium-duty (MD) or heavy-duty (HD) AFVs
- Convert vehicles to AFVs (within 120 days of acquiring the vehicle)
- Acquire creditable non-AFV electric vehicles (e.g., hybrid electric vehicles),
- Invest in alternative fuel infrastructure, alternative fuel non-road equipment, or emerging technology (see the Program's investment credit guidance for more information: https://epact.energy.gov/pdfs/investments.pdf)
- Purchase biodiesel for use in MD or HD vehicles (see the Program's biodiesel credit guidance for more information: https://epact.energy.gov/pdfs/biodiesel_guidance.pdf).

If your fleet does not achieve its AFV acquisition requirement in a given model year, you may:

- Apply banked credits to help satisfy your fleet's AFV acquisition requirement. To determine the number of your fleet's currently banked credits, log in to the State & Alternative Fuel Provider Fleet Program's website: https://epact.energy.gov/. Information about your fleet's banked credits will be available on the dashboard home screen below your fleet name once you have signed in.
- Acquire/trade credits from other fleets to help satisfy your fleet's AFV acquisition requirements. The Program's website (https://epact.energy.gov/covered-fleets/trading-credits) lists fleets that have excess credits they are willing to trade or sell, along with the contact information for each fleet and the Proof of Credit Transfer form that is required to complete the transfer. More details on the credit trading process can be found in section 3.2 Transferring Banked Credits of the Standard Compliance guidance document.
- Finally, as a last resort, you may apply for exemptions if your fleet is not able to satisfy its AFV acquisition requirement using the above-mentioned methods. More details on this process can be found in the Program's exemption guidance: https://epact.energy.gov/pdfs/exemption_guide.pdf, as well as on the Program's exemption webpage: https://epact.energy.gov/exemptions. You must submit your annual report, which is due December 31, before you can submit an exemption request. Exemption requests are due by January 31.

16. Are there any incentives in purchasing rather than leasing electric vehicles?

The Program does not provide additional incentives for purchasing rather than leasing alternative fuel vehicles. However, new federal tax credit incentives for the purchase of clean vehicles are available to state governments. Note that if you were to lease a vehicle and the lessor receives the federal tax credit, you might seek to negotiate a vehicle purchase price that accounts for the credit the lessor received. State fleets are encouraged to learn more about these opportunities to reduce the cost of electric vehicle acquisitions. Light-duty (LD) vehicles that are leased/rented for at least 120 days qualify as LD vehicle acquisitions and, consequently, must be included in a covered fleet's annual LD vehicle acquisition calculation and may also earn a fleet credit toward compliance if the LD vehicles are alternative fuel vehicles. For further information, see the Standard Compliance guidance document: https://epact.energy.gov/pdfs/standard_compliance.pdf.

17. Do fleets that operate in multiple states need to report as a single entity or separately?

Under the Program, fleets may report in whichever manner they see fit. It is common for fleets that operate in multiple states to report as one fleet, but fleets are also welcome to report based on the state of operation. For further guidance please reach out to the Regulatory Information Line (regulatory.info@nrel.gov; 202-586-9171) or review the Standard Compliance guidance document: https://epact.energy.gov/pdfs/standard_compliance.pdf.