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Written Testimony of Christopher Phelps  
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**Supporting House Bill 5465, AN ACT CONCERNING THE DEVELOPMENT OF  
GREEN JOBS**

Before the Connecticut General Assembly Energy and Technology Committee  
Tuesday, March 9, 2010

Senator Fonfara, Representative Nardello, and members of the Committee:

On behalf of Environment Connecticut, I am submitting this testimony supporting HB 5465. Environment Connecticut is a statewide, member-supported non-profit environmental advocacy organization. One of our top priorities in 2010 is promotion of policies to create and retain jobs in Connecticut's clean energy economy. This legislation can be part of a comprehensive effort on the part of the General Assembly to promote environmentally beneficial policies that also create jobs and support our state's economic recovery efforts in 2010 and beyond.

We offer the following comments and suggestions regarding the specifics of HB 5465:

*Section 1:* We support the inclusion of language establishing a definition of "green jobs" that focuses on jobs in environmentally-beneficial sectors. We recommend one clarifying change in line 8 by replacing "decarbonizes the economy" with "reduce greenhouse gas emissions."

*Section 4:* While we support the concept of this section, we have specific concerns about some of the language. In particular, we are concerned that the only non-public stakeholder specifically mentioned (in line 79) for inclusion on the board established in this section is the electric distribution companies. We believe that this is inappropriate, as the EDC's have an inherent self-interest and conflict concerning the implementation of policies, particularly relating to renewable energy generation and energy efficiency. Additionally, there is no mention of equally necessary stakeholder participation on such a board, including workforce development agencies, environmental advocates, consumer advocates, low-income consumers, clean energy businesses, etc.

We also have a concern that in subsection (b), the Green Jobs Advisory Board is directed to provide guidance to the Department of Public Utility Control "with regard to establishing and creating the demand for green jobs." This seems

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working for clean air, clean water and open spaces.*

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inappropriate since the definition of “green jobs” established in Section 1 of the bill extends to areas well beyond the scope of the DPUC’s jurisdiction.

*Section 5:* We strongly support this language enabling creation of municipal clean energy financing programs using the Property Assessed Clean Energy (PACE) model. Such programs can be a very important tool for incentivizing investment in clean energy and energy efficiency measures benefitting homeowners and small businesses. Although not a magic bullet for meeting this need, it is an important tool in the toolbox for clean energy financing.

*Section 6:* While we support efforts to establish necessary infrastructure for plug-in electric and plug-in hybrid vehicles, we are concerned that the language in lines 170-171 might too broadly expand the scope of the Clean Energy Fund’s programs into transportation projects unrelated to renewable energy. We suggest narrowing the language in this section to focus specifically on supporting plug-in electric and plug-in hybrid charging infrastructure powered by renewable energy. (Additionally, we would like to note that it is important to specify both plug-in electric *and* plug-in hybrid vehicles.) We respectfully suggest this language for the committee’s consideration (beginning in line 170 after “sources” and ending in line 171 before “Such”): and for projects supporting infrastructure for charging of plug-in electric and plug-in hybrid electric vehicles powered by Class 1 renewable energy.

In lines 180-183, we suggest adding language clarifying what “state-based industry” (or industries) is intended to be incentivized through a system of gradually declining incentives, as well as methodology for implementing such a policy mechanism. For instance, HB 5362 contains language (sections 1 and 2 of that bill) which would create such a gradually declining incentive system supporting the residential solar power installation industry.

*Section 8:* We are concerned that this section appears to conflict with to the state’s existing policy goal of incentivizing all cost-effective energy efficiency investment. Additionally, it appears to run counter to the important goal of ensuring maximum consumer participation in energy efficiency programs. This is particularly true for middle and lower-income consumers. We would support a change to the language in lines 206-208 narrowing the use of focus groups towards identifying barriers to consumer participation in efficiency programs with a particular emphasis on middle and low-income consumers.

*Section 9:* We respectfully suggest that this section is made moot by the fact that the Fuel Oil Conservation Board has effectively ceased to function. We recommend that the committee delete the statute establishing the FOCB and instead fold fuel oil efficiency program responsibility into the jurisdiction of the Energy Conservation Management Board. This would support the policy goal of making efficiency programs “fuel-blind.”

*Section 17:* We strongly support expansion of the Class III energy efficiency standard to 20% by 2020. However, we urge the committee to modify this language as follows:

- Limit the percentage of Class III requirements that can be met by CT Energy Efficiency Fund programs to 25% of the total requirement. This would serve to help ensure that the Class III requirement supports energy efficiency investments above and beyond those of the existing programs. Additionally, we recommend a residential carve out requiring that a certain percentage of the Class III requirement be met by efficiency measures directly-benefiting residential consumers. This would help ensure that average families, particularly middle and low-income families benefit directly from these efficiency programs.

We oppose the language in 403-410 as being too vague, such that it could have the inadvertent effect of prompting DPUC to reduce Class III requirements below levels that would otherwise result in delivery of cost-effective efficiency investments. As a substitute, we suggest this language be rewritten to direct the DPUC to review the Class III targets regularly to assess the cost-effectiveness of the efficiency measures used to meet the requirements and recommend any increases or decreases in the annual Class III requirements to the legislature's Energy & Technology committee.

*Section 19:* We think this section is too vague and open-ended. While we agree that there may be a role for electric distribution companies to develop renewable energy generation, we believe such measures should be carefully crafted to ensure affordability for ratepayers when compared to the alternative of renewable generation projects developed by independent developers.

*Section 20 and 21:* Environment Connecticut has previously supported legislation in the General Assembly that would enable the use of low-speed vehicles, including neighborhood-electric vehicles on roads in Connecticut. Most recently, in 2009 we testified in support of the concept before the Transportation Committee. Our 2009 testimony on the subject is available on the CGA website here: <http://cga.ct.gov/2009/tradata/Tmy/2009HB-05662-R000209-Christopher%20Phelps,%20Environment%20CT,%20Program%20Director-TMY.PDF>

We support the general concept embodied in Sections 20 and 21 of this bill. However, we believe the provision of subsection (c), beginning at line 490 limiting use of low-speed "neighborhood electric vehicles" to campus settings and prohibiting their use on public roads is too narrow. According to the Insurance Institute for Highway Safety, Connecticut is currently one of only four states, along with Mississippi, Montana and Pennsylvania, that does not allow low-speed vehicles (including neighborhood electric vehicles) on public roads. In the 46

states where such vehicles are allowed on roads, there are a number of restrictions placed on their use. For instance, such vehicles are typically restricted to roads with speed limits of 35 miles per hour and local traffic authorities have the authority to prohibit their use on some or all local roadways.

In 2009, Environment Connecticut submitted a draft legislative proposal to the Transportation Committee that would have made Connecticut the 47<sup>th</sup> state to legalize use of low-speed vehicles on public roads. We incorporate that language in this testimony as a suggested substitute for Sections 20 and 21 of HB 5465:

(This language is based upon language provided to the Transportation Committee in 2009 by the CT Conference of Independent Colleges, as well as low-speed vehicle statutes – as of Feb, 2009 – from California and Massachusetts. Specifically, CA Vehicle Code, Sections 21250-21266, and MA Chapter 523 of the Acts of 2008.)

**Purpose:**

The purpose of this text is to allow the registration and use of low-speed vehicles on public roadways in the state of Connecticut with a posted speed limit of 35mph or less. "Low Speed Vehicle" is a term defined in federal regulations. (49 CFR 571) and includes, but is not limited to, electric vehicles marketed as "neighborhood electric vehicles."

Sec. 1 (NEW) (*Effective October 1, 2010*) Subsection (a) of section 14-1 of the general statutes is amended by adding the following:

(NEW) "Low-Speed Vehicle" means a motor vehicle as defined in 49 C.F.R. 571.3 that meets the safety standards established in 49 C.F.R. 571.500 as amended from time to time.

Sec. 2 (NEW) (*Effective October 1, 2010*) (a) The Commissioner of Motor Vehicles shall, in accordance with the provisions of section 14-12 of the general statutes and subject to the financial responsibility provisions of section 14-112 of the general statutes, issue a certificate of registration and marker plates to the owner or lessee of a low-speed electric vehicle. The applicant shall pay the fee required under subsection (f) of section 14-49 of the general statutes. Such owner or lessee shall carry such registration and proof of financial responsibility in the vehicle and display marker plates as required by section 14-18 of the general statutes. The commissioner shall issue a certificate of title, pursuant to the provisions of chapter 247 of the general statutes, for each vehicle that has been issued a manufacturer's or importer's certificate of origin and vehicle identification number.

(b) No individual may operate a low-speed electric vehicle unless (1) the individual carries a valid motor vehicle operator's license or learner's permit, (2) a certificate of registration and automobile insurance identification card for the vehicle are carried in the motor vehicle and marker plates are displayed in accordance with the provisions of section 14-18 of the general statutes, and (3) such vehicle is equipped in accordance with the requirements of sections 14-80 to 14-106c, inclusive, of the general statutes, except insofar as any requirement of said sections is inapplicable to or inconsistent with the design and equipment standards for low speed vehicles established in Section 1 of this act.

(c) A low-speed vehicle may be operated on any public road or highway with a posted speed limit of no more than thirty-five miles per hour. Any person operating a low-speed vehicle may cross a public road or highway with a posted speed limit in excess of thirty five miles per hour, provided the crossing begins and ends on a public road or highway with a posted speed limit of no more than thirty five miles per hour.

(d) Notwithstanding the provisions of paragraph (c), the traffic authority of any municipality may limit or prohibit operation of low-speed vehicles on, or crossing of, any public road or highway under the jurisdiction of such local traffic authority.

(e) A motor vehicle that was originally designated as a low-speed vehicle and that has been modified or altered to exceed 25 miles per hour shall not qualify for the relaxed federal Motor Vehicle Safety Standards established for low-speed vehicles and shall not be operated on any public road or highway unless it meets all federal Motor Vehicle Safety Standards for a passenger vehicle.

(f) The Commissioner of the Department of Motor Vehicles may issue regulations in accordance with the provisions of chapter 54 requiring a motor vehicle dealer selling low-speed vehicles, or any person engaged in renting or leasing low-speed vehicles, to provide buyers, renters or lessees of low-speed vehicles with a printed notice of all applicable laws and restrictions governing the use of low-speed vehicles in Connecticut. Such regulations shall specify the content of such notice.

Notes:

Section 1 defines low-speed vehicle and incorporates by reference the federal definition of such motor vehicles.

Section 2 (a) directs the DMV Commissioner to register low-speed vehicles.

Section 2 (b) requires operators of low-speed vehicles to carry a drivers license and registration for such vehicle.

Section 2 (c) restricts operation of low-speed vehicles to roads with a posted speed limit of thirty five miles per hour or less and allows low-speed vehicles to cross roads with higher speed limits at an intersection.

Section 2 (d) authorizes a local traffic authority to prohibit operation of low-speed vehicles on roads within its jurisdiction.

Section 2 (e) prohibits operation on public roads of a low-speed vehicle that has been modified to exceed 25 miles per hour unless that vehicle meets all federal Motor Vehicle Safety standards for passenger vehicles.

Section 2 (f) authorizes the Commissioner of DMV to require dealers to provide a standardized consumer disclosure of the restrictions governing operation of low-speed vehicles.

Thank you for the opportunity to offer this testimony in support of HB 5465. On behalf of Environment Connecticut, I urge the committee to approve this legislation to benefit Connecticut's environment and economy.

Sincerely,

Christopher Phelps  
Program Director  
Environment Connecticut