Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 11(A)(21)

01-25-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-79-07

RESOLUTION URGING THE U.S. CONGRESS, THE SECRETARY OF U.S. DEPARTMENT OF TRANSPORTATION AND THE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION TO UPDATE CORPORATE AVERAGE FUEL ECONOMY (CAFE) STANDARDS THAT APPLY TO PASSENGER VEHICLES; CLOSE LOOPHOLES THAT CURRENTLY EXEMPT OUT PICKUP TRUCKS AND SPORT UTILITY VEHICLES AND DUAL FUEL VEHICLES; AND MODIFY THE DUAL FUEL LOOPHOLE SO THAT IT ONLY APPLIES TO VEHICLES ACTUALLY OPERATED WITH ALTERNATE FUELS

WHEREAS, Corporate Average Fuel Economy (CAFE) standards are the sales weighted average fuel economy, expressed in miles per gallon, of a manufacturer's fleet of passenger cars manufactured for sale in the United States for any given model year; and

WHEREAS, Congress established CAFE standards on automakers by enacting the "Energy Policy Conservation Act" in 1975 in response to the 1973-74 Arab oil embargo, with the goal of doubling new car fuel economy by model year 1985; and

WHEREAS, automakers are required to pay a fine if their range of passenger vehicles does not meet the CAFE standards; and

WHEREAS, CAFE standards that apply to passenger vehicles today are still based on fuel economy tests used for the 1975 model year, now more than three decades old; and

WHEREAS, the EPA has recognized since 1984 that these tests are inaccurate; and

WHEREAS, CAFE standards need to be updated to reflect increased congestion, higher speed limits, increased use of air conditioning, more powerful vehicles, and other changes; and

WHEREAS, when CAFE standards were first enacted, a lower standard applied to trucks and vans under the assumption that they were not passenger vehicles; and

WHEREAS, vehicles commonly used as passenger vehicles have changed over time and this lower CAFE standard now applies to popular sport utility vehicles and pickup trucks even though it is apparent that these vehicles are now frequently used as passenger vehicles; and

WHEREAS, lower CAFE standards for trucks and vans should be repealed and these vehicles should be included in the overall CAFE standards for passenger vehicles; and

WHEREAS, in 1988, Congress passed the Alternative Motor Fuels Act which provided for a "Dual Fuel Loophole" to the CAFE standards; and

WHEREAS, the Dual Fuel Loophole allows manufacturers to produce fleets of cars and trucks with average miles per gallon below that required by the CAFE standards without penalty so long as the manufacturer sells cars and trucks that is capable of running on either gasoline or an alternative fuel, such as E85 (a blend of 85 percent ethanol and 15 percent gasoline); and

WHEREAS, a recent federal study concluded that such dual fuel vehicles are rarely actually operated on the alternate fuel; and

WHEREAS, the Dual Fuel Loophole should be modified so as to only give the credit to the extent that such vehicles are actually operated on the alternate fuel,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the U.S. Congress, Secretary of Transportation and Administrator of the National Highway Traffic Safety Administration to reinstate the original intent of the Energy Policy Conservation Act by:

1. Updating Corporate Average Fuel Economy (CAFE) Standards that apply to passenger vehicles so as to reflect current circumstances; and

2. Closing the loophole that currently exempt out pickup trucks and sport utility vehicles; and

3. Modifying the Dual Fuel Loophole so as to only give the automaker a credit from CAFE standards for producing Dual Fuel Vehicles to the extent that such vehicles are actually operated on an alternate fuel.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation, the Secretary of U.S. Department of Transportation and the Administrator of the National Highway Traffic Safety Administration.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 Federal Legislative Package.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

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The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

MEMORANDUM

Agenda Item No. 11(A)(21)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Resolution Urging Congress to Update Corporate Average Fuel Economy (CAFE) Standards

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

Murray A. Greenberg
County Attorney

MAG/dcp

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg, County Attorney

SUBJECT: Agenda Item No. 11(A)(21)

Please note any items checked.

_____	**"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Bid waiver requiring County Manager's written recommendation**
_____	**Ordinance creating a new board requires detailed County Manager's report for public hearing**
_____	**Housekeeping item (no policy decision required)**
_____	**No committee review**