



NEW YORK STATE SENATOR

David Carlucci

Senator Carlucci Introduces Legislation that Requires Electric Generators at Gas Stations

DAVID CARLUCCI November 4, 2012

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*Measure Would Alleviate Gas Shortage Crises During Natural Disaster Events Like Hurricane Sandy
Legislation Brings New York up to Date with other States; Provides Financial Incentives, Ensures
Accountability*

*Senator Carlucci: "Common sense measure that will get gas to commuters faster and break down
barriers getting power up and running."*

NANUET, NY – With growing frustration building among Tri-State area commuters unable to fill up their gas tanks, Senator David Carlucci (D-Rockland/Orange) today introduced legislation that will require gas stations in New York State to have electric generators on site, ensuring that they are able to weather a storm in the event a power outage occurs.

Many gas stations, also referred to as motor fuel retail outlets, are unable to distribute gasoline because they have lost power as a result of the devastating impact of Superstorm Sandy.

"New York State must have a back-up plan in place when power is lost so that gas station operators, the lifeblood of our energy delivery system, have the capacity to service the millions of commuters on a daily basis," **said Senator Carlucci**. "We need to face the reality

that these 100-year storms are now occurring on a regular basis. This legislation will provide a safeguard to our energy supply and will allow us to double-down our efforts to ensure that when disaster strikes, we can rebound to recovery.”

The proposed legislation, which is modeled off of similar laws enacted in other states such as Florida in 2007, would require:

- Each terminal facility and wholesaler which sells motor fuel to be capable of operating its loading racks using an electric generator for a minimum of 72 hours. They would be required to have the generator source power available no later than 24 hours after a major disaster.
- Each newly constructed or substantially renovated motor fuel retail outlet given a certificate of occupancy issued on or after July 1, 2013 that must be capable of operating all fuel pumps, dispensing equipment, life safety systems and payment acceptance equipment using an alternative generated power source.
- Each motor fuel retail outlet, which is located within one half mile to an interstate highway or state/federally designated evacuation route, must be capable of operating all fuel pumps, dispensing equipment, life safety systems and payment acceptance equipment using an alternative generated power source.
- Each motor fuel retail outlet must also have a transfer switch installed by a professional electrical contractor and keep a copy of the documentation of the installation at its site or corporate headquarters. They must also keep a written statement stating that they have done testing and have ensured that the equipment is working.

The legislation would apply to any self service, full service or combination of the two regardless of whether the outlet is located on the grounds of or owned by another business

that does not engage in the business of selling motor fuel.

It would not apply a car dealer, a person who operates a fleet of motor vehicles, or a retail outlet that has an agreement with a public hospital where the hospital agrees to provide the retail outlet with the alternative power source.

In addition, added financial incentives would be offered to gas station operators that are not necessarily required to purchase generators. The legislation calls for an added tax credit of 50% of the expense to purchase and install a generator, not to exceed \$2,500.

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