

New York Truck Voucher Incentive Program (NYTVIP) Vehicle Dismantler Participation Agreement

The **New York Truck Voucher Incentive Program (NYTVIP)**, administered by the New York State Energy Research and Development Authority (NYSERDA), helps make it easier for fleets to acquire clean technology vehicles while removing the oldest, dirtiest diesel engines from New York roads through point-of-sale vouchers for new vehicles. To learn more about NYTVIP, visit: nyserdera.ny.gov/truck-voucher-program.

Scrapage facilities play a large role in ensuring the Program’s success and mission to cut vehicle emissions statewide. Program applicants seeking vouchers for new vehicles are required to scrap a qualifying (old) vehicle. Scrapage of the qualifying vehicles can only be completed by a Participating Vehicle Dismantler listed on the Program website, which must occur before NYSERDA makes payments for vouchers. This Participation Agreement (“Agreement”) establishes the terms and conditions for Vehicle Dismantlers to be eligible for Program participation, and necessary requirements and forms found in Appendix A and B to this Agreement.

1. Participation in NYTVIP

Upon execution of this Agreement, the NYSERDA Participating Vehicle Dismantler (“Dismantler”) is authorized to provide vehicle scrapage services as part of the NYTVIP in accordance with the requirements specified in this Agreement including Appendix A and the NYTVIP Implementation Manual (Implementation Manual) found at the website listed above.

The Dismantler agrees that its participation in the Program is at all times bound by and subject to the current terms of the Implementation Manual, which may be amended from time to time with prior notice, at NYSERDA’s sole discretion.

2. Documentation, Certification, and Contractor Payments

The Dismantler acknowledges and agrees that it is responsible for providing all documentation required for Scrapage, which can be found in Appendix A to this Agreement. If the Dismantler cannot provide the documentation required in Appendix A and answer the certification questions for the Scrapage Certification found at Appendix B to this Agreement, NYSERDA will not issue voucher payment to the vehicle seller.

3. Indemnification

The Dismantler shall protect, indemnify, and hold harmless NYSERDA and the State of New York from and against all liabilities, losses, claims, damages, judgments, penalties, causes of action, costs and expenses (including, without limitation, attorneys’ fees and expenses) imposed upon or incurred by or asserted against NYSERDA, the State of New York, or entities acting on behalf of NYSERDA resulting from, arising out of or relating to the Dismantler’s participation in the Program. The obligations of the Dismantler under this section shall survive any expiration or termination of this Agreement, and shall not be limited by any enumeration herein of required insurance coverage.

4. Termination of Agreement

This Agreement is completely voluntary and may be terminated with written notice at any time or for any reason by either NYSERDA or the Dismantler. Paragraphs 3, 6, and 7 shall survive termination of this Agreement.

5. Dismantler Participation

NYSERDA has the right to prohibit the Dismantler from participating in the Program or to ban the Dismantler from future participation in the Program for failure to meet the requirements of this Agreement, the NYTVIP Implementation Manual, or other applicable requirements of the Program, including compliance with state and federal law and relevant codes, rules, ordinances, and regulations. NYSERDA may pursue any legal remedies available under law.

6. Audit

The Dismantler shall keep, maintain, and preserve written records of any and all vehicle scrappages under this Program for a period of five years after performance of such scrappages and provide NYSERDA or its designee with the records within ten days of its request. These records include but are not limited to the required vehicle photographs (outlined in Attachment A) and the VW Settlement Vehicle Scrappage Certification document (Appendix B).

7. Publicity

- a) The Dismantler shall collaborate with NYSERDA's Communications Department at least ten business days in advance, to prepare any press release and to plan for any news conference concerning work related to the Program. In addition, the Dismantler shall notify NYSERDA regarding any media interview or press event in which work related to this Program is referred to or discussed.
- b) The Dismantler shall not use NYSERDA's, the New York State Department of Environmental Conservation's (NYSDEC), or the New York State Department of Transportation (NYSDOT) corporate name, logo, identity, any affiliation, or any related logo, without NYSERDA's, NYSDEC's, or NYSDOT's prior written consent.

8. Conflicting Terms

This Agreement may not include all the terms and conditions as set forth in the Implementation Manual. The Dismantler acknowledges in the event of a conflict between the terms of this Agreement and the terms of the Implementation Manual, the terms of the Implementation Manual shall control.

9. Scrappage Requirements

Vehicle sellers and purchasers will coordinate with the Dismantler for old diesel vehicle pickup and transfer to the Dismantler for retirement. Vehicles must arrive at the scrappage facility with the chassis intact, the engine intact, and in drivable condition.

Vehicles will be rendered inoperable and available for recycling by:

- Cutting or drilling a minimum 3-inch diameter hole through the engine block; and
- Cutting or searing both the chassis rails between the two axles.

The Dismantler shall demonstrate compliance by documenting the scrapped vehicles in a series of required "Before" and "After" photographs. A list of required photographs can be found in Appendix A: NYSDEC Scrappage Guidance. Upon completion of scrappage, the Dismantler shall complete and sign Section C of the VW Settlement Vehicle Scrappage Certification form (Appendix B) and return the signed form to NYSERDA. Scrappages may be subject to verification/audit such as randomized on-site visits with prior consent provided by the Dismantler.

10. Termination from the Program

A Dismantler may be terminated from the Program for reasons including, but not limited to, if they:

- Submit falsified documents or unauthorized signatures to the Program.
- Are in violation of Program rules or the Vehicle Dismantler Participation Agreement.

- Commit illegal actions, or has principal who commits illegal actions, while participating in the Program.

Dismantlers in terminated status are prohibited from participation in this or other NYSERDA programs. NYSERDA may, if appropriate, notify the New York State Attorney General, the New York State Department of Labor, the Better Business Bureau, or others, of the decision to terminate the Dismantler from the program. Nothing in this process relieves the Dismantler of the responsibility to fulfill any remaining obligation to the Program or its customers.

The Dismantler hereby indicates its acceptance of and agreement to the foregoing by causing its duly authorized representatives to execute this Agreement in the space provided below.

VEHICLE DISMANTLER NAME:

ADDRESS: _____

PHONE: _____

EMAIL: _____

VEHICLE DISMANTLER	
BY:	
SIGNATURE:	
TITLE:	
DATE:	
NYSDMV Facility Identification Number #	

Please attach a copy of the Vehicle Dismantler DMV Business License showing your NYS DMV Facility Identification Number #. A current copy of this document must be kept on file with NYSERDA for the duration of your participation in the New York Truck Voucher Incentive Program (NYTVIP). Updated copies should be provided to the NYTVIP Voucher Help center via email at NYTVIP@energycenter.org.

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Appendix A: NYSDEC Scrappage Guidance

NYSDEC Truck/Bus Scrappage Guidance

This document describes vehicle scrappage requirements required to meet the NYSDEC VW Settlement eligibility.

Truck/Bus Destruction Requirements

Vehicle scrappage is required to fulfill the requirements under the VW Settlement¹. Failure to follow this guidance may impact your ability to receive funding under the New York Truck Voucher Incentive Program (NYTVIP). Please contact NYTVIP staff listed at the end of this document for any questions.

“Scrapped” shall mean to render inoperable, and at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If an Eligible Vehicle is to be replaced as part of a project, scrapped shall also include the disabling of the chassis by cutting the vehicle’s frame rails completely in half. Post-scrappage materials (e.g., metals) may be recycled.

To destroy the engine:

- Cut or drill a minimum 3-inch hole (approximately the diameter of the NYTVIP supplied sticker) through the engine block.

To destroy the chassis:

- Cut or shear both the chassis rails between the two axles.

The vehicle must be driven to the scrappage location. The vehicle must be operational with the chassis and engine intact. Do not remove anything from the truck/bus except for personal items. The program cannot process VW payments until truck/bus scrappage is satisfactorily completed and documented with “before” and “after” photographs.

Failure to comply with scrappage instructions may result in the denial of VW funding.

Three pieces of information are required:

1. The completed NYTVIP Vehicle Scrappage Certification.
2. Four “before” scrappage photographs (minimum image size of 1200 x 1800 pixels or 4 x 6 inches).
3. Four “after” scrappage photographs (minimum image size of 1200 x 1800 pixels or 4 x 6 inches).

¹ <https://www.vwcourtsettlement.com/wp-content/uploads/documents/DOJ/Approved%20Appendix%20D-2.pdf>

Step-by-Step Instructions

Four Required “Before Scrappage” Photographs

Take a series of before scrappage photographs of the truck or bus.

1. Vehicle (side view of entire vehicle)
2. Vehicle engine (allow some of the truck/bus color to show)
3. Vehicle Identification Number (VIN) plate (VIN must be legible)
4. Engine plate or label showing engine serial number (engine serial number must be legible)

Four Required “After Scrappage” Photographs

After the engine and chassis have been permanently disabled, you will need to take after scrappage photographs of the scrapped truck/bus showing the following:

5. Engine destruction - close-up photograph of the 3-inch hole cut in the engine with NYTVIP supplied sticker clearly visible.
6. Engine destruction - a photograph of the 3-inch hole in the engine and NYTVIP supplied sticker from a few feet back that also includes a little of the truck/bus color. If the engine has been removed from the truck/bus, a picture of the 3-inch hole, NYTVIP supplied sticker and entire engine removed from the truck/bus is acceptable for this photograph.
7. Cut chassis - a close-up photograph of the cut chassis that includes some of the truck/bus color.
8. Destroyed vehicle - a photograph that shows the entire vehicle after engine 3-inch hole and chassis cut.

Photograph Examples

The example scrappage photographs presented below meet NYSDEC VW documentation requirements.

Before Scrappage Photographs

1. Vehicle (side view of entire vehicle).



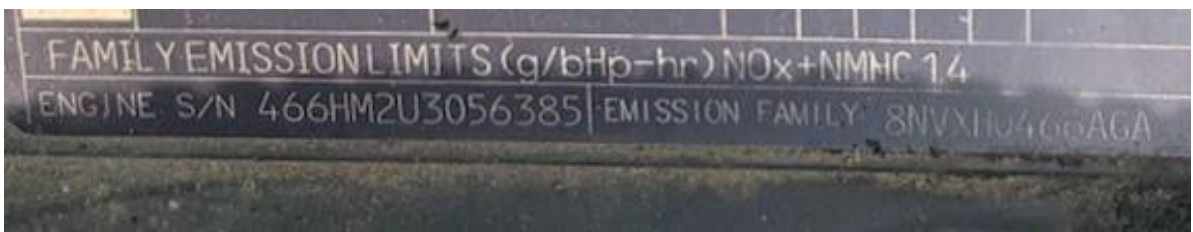
2. Vehicle engine (allow some of the truck/bus color to show).



3. Vehicle Identification Number (VIN) plate or label (VIN must be legible).

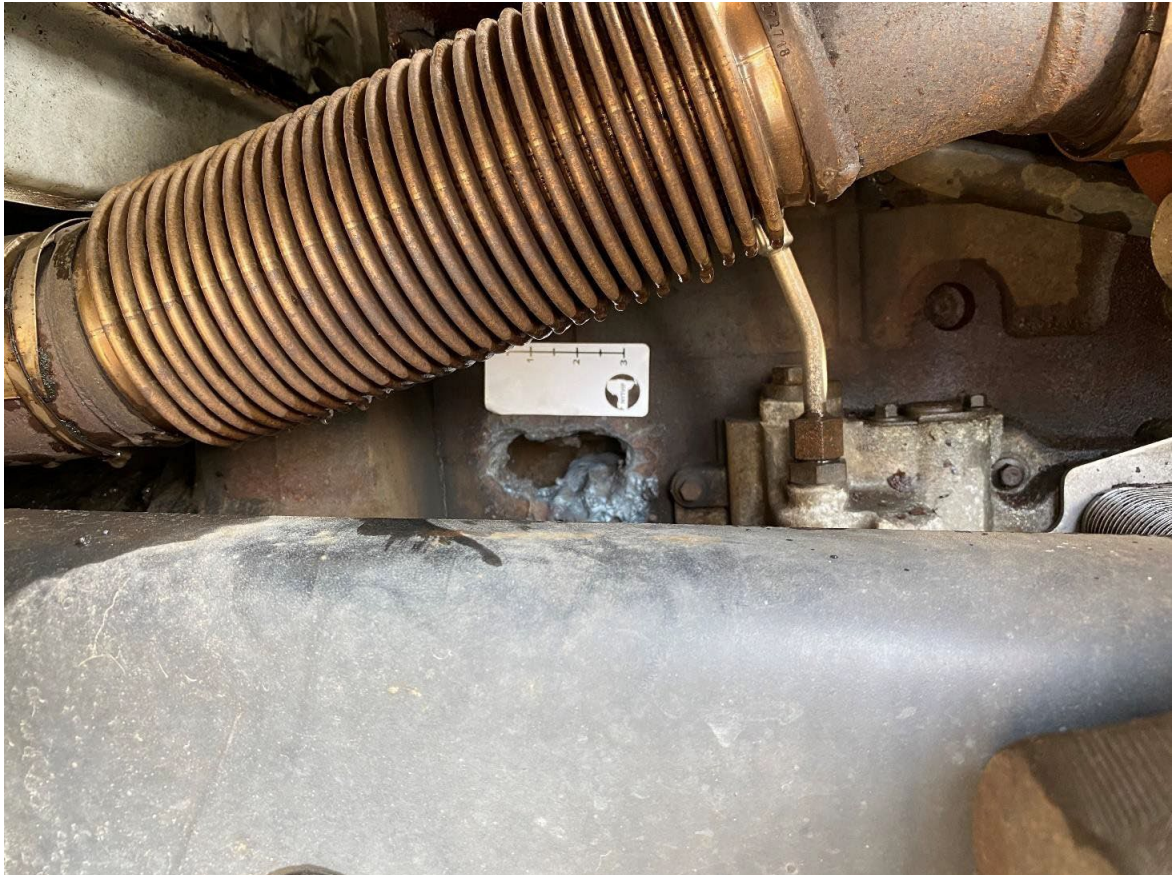


4. Engine plate or label showing engine serial number (engine serial number must be legible).
- 5.



After Scrapage Photographs

6. Engine destruction - close-up photograph of the 3-inch hole cut in the engine (include NYTVIP supplied sticker in picture).



7. Engine destruction - a photograph of the 3-inch hole in the engine and NYTVIP supplied sticker from a few feet back that also includes some truck/bus color.



OR, if the engine has been removed from the truck/bus, a photograph of the 3-inch hole and NYTVIP supplied sticker. The picture below to be revised with sticker once available.



8. Cut chassis - a close-up of the cut chassis that includes some color of the truck/bus.



9. Destroyed vehicle - a photograph that shows the entire vehicle after engine 3-inch hole and chassis cut. If available, a vehicle identification number (i.e. a DOT number or Bus Identification number) should be visible in this photograph.



Please direct any questions or requests for assistance to the Voucher Help Center (VHC) at 866- 595-7917 or NYTVIP@energycenter.org. The VHC is open Monday through Friday from 9:00 a.m. to 5:00 p.m. Eastern Time, excluding national holidays.

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Appendix B: VW Settlement Vehicle Scrappage Certification

VW Settlement Vehicle Scrappage Certification NYSDEC (Lead Agency), NYSERDA (Project Sponsor)

Complete the vehicle scrappage form below. Submit one form for each paired existing vehicle (to be scrapped)/new replacement vehicle.

ALL fields must be completed.

Section A: To Be Completed by NYSERDA or NYSERDA Contractor

Fleet Information

Fleet Name			
Address			
City, State		Zip Code	
Contact Name			
Email		Phone No.	

Qualifying Vehicle (to be Scrapped) Information

Make:	Model:	Model Year:	Current Odometer Reading:
Engine Make:	Engine Model:	Engine Year:	GVWR:
Vehicle Identification No. (VIN):	Engine Serial No. (ESN):	Engine Family Name (EFN):	

Section B: To Be Completed by the Owner of the Existing Vehicle to be Scrapped

1. Was the VW Settlement Qualifying Old Truck listed above fully operational and in drivable condition when delivered to the vehicle dismantler for scrappage? Yes No

2. Date of delivery of the VW Settlement Qualifying Old Truck to the vehicle dismantler for scrappage.

____/____/____

Vehicle Owner Statement: I certify under penalty of perjury that the information provided herein is accurate. The VW Settlement Qualifying Old Truck engine and chassis listed above have been delivered to an participating vehicle dismantler for scrappage. The above information is correct to the best of my knowledge.

Vehicle Owner Name: _____

Address: _____

Signature: _____

Date of Delivery: _____

Section C: To Be Completed by the NYSERDA Participating Vehicle Dismantler

1. Was the VW Settlement Qualifying Old Truck listed above permanently disabled and rendered no longer usable? Yes No

2. Date of VW Settlement Qualifying Old Truck scrappage. ____/____/____

Vehicle Dismantler Statement: I certify under penalty of perjury that the information provided herein is accurate. The VW Settlement Qualifying Old Truck engine and chassis listed above was permanently disabled and rendered no longer usable. No engine or chassis parts from the vehicle above were salvaged for reuse. The above information is correct to the best of my knowledge.

Fleet Manager or Vehicle Dismantler Name: _____

NYSDMV Vehicle Dismantler Registration # (if applicable) _____

Address: _____

Authorized Name: _____

Authorized Signature: _____ **Date:** ____/____/____

Section D: To Be Completed by NYSDERDA or NYSDERDA Contractor

Qualifying New (Replacement) Truck Information

Make:	Model:	Model Year:	Current Odometer Reading:
Engine Make:	Engine Model:	Engine Year:	GVWR:
Vehicle Identification No. (VIN):	Engine Serial No. (ESN):		Engine Family Name (EFN):

Section E: To Be Completed by the NYSDERDA Cooperative Agreement Coordinator

1. Vehicle Information related to the VW Settlement Qualifying Vehicle (Section A.) and VW Settlement Qualifying New Vehicle (Section D.) above have been reviewed and are correct.
2. Information related to operational status (Section B.) and scrappage (Section C.) of the VW Settlement Qualifying Vehicle have been reviewed and complies with VW Cooperative Agreement requirements.
3. The required before and after scrappage photos have been reviewed and have been sent electronically to James Symon, james.symon@dec.ny.gov for review.

NYSDERDA Cooperative Agreement Coordinator:

I have reviewed the information provided herein, and as a representative of New York State I attest that to the best of my knowledge the information under Sections A. through E. is accurate.

Authorized Name: _____

Title: _____

Authorized Signature: _____ **Date:** ____/____/____

New York State Department of Environmental Conservation Contact

Any questions relating to the destruction or scrappage requirements should be directed to: James Symon at james.symon@dec.ny.gov or 518-402-8292.