



Department of  
Environmental  
Conservation

# NEW YORK STATE ENHANCED MOTOR VEHICLE INSPECTION/MAINTENANCE (I/M) PROGRAM

## NYVIP2

### 2015 Annual I/M Report

July 2016

#### DIVISION OF AIR RESOURCES

New York State Department of Environmental Conservation  
625 Broadway, Albany NY 12233

[www.dec.ny.gov](http://www.dec.ny.gov)



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## EXECUTIVE SUMMARY

The New York State Department of Environmental Conservation (DEC) and Department of Motor Vehicles (DMV) jointly administer New York State's motor vehicle Inspection and Maintenance (I/M) programs. This report reflects the Departments' coordinated efforts to fulfill federal I/M reporting requirements under 40 CFR Section 51.366.

New York State (62 counties) is covered by two I/M areas. The 9-county New York Metropolitan Area (NYMA) includes New York City (Bronx, Kings, New York, Richmond, and Queens Counties), Long Island (Nassau and Suffolk Counties), and Rockland and Westchester Counties. The remaining 53 counties comprise the "Upstate" I/M area.

During Calendar Year 2015, New York State emissions inspections were completed through the current NYVIP2 (New York Vehicle Inspection Program) contract. NYVIP2 utilized a statewide network of approximately 10,000 decentralized inspection stations licensed by DMV. Mandatory onboard diagnostic (OBDII) inspections have been completed statewide since 2005 and are required for most model year 1996 and newer non-diesel light duty vehicles (LDVs) and light duty trucks (LDTs). Since July 2012, most 1997 and newer diesel-powered LDVs and LDTs have been subject to OBDII inspections.<sup>1</sup> In addition to OBDII requirements, low enhanced emissions inspections (visual inspection of emission control devices and gas cap) are required statewide for applicable vehicles.

Following a Request for Proposal (RFP) procurement (2012), Opus Inspection (Opus) was awarded the NYVIP2 program manager contract in February 2013. Official inspections using new NYVIP2 equipment and its associated computerized network commenced in October 2013. Due to the planned phase-out of NYVIP, there were two I/M programs in operation during the last quarter of CY 2013 into January 2014. The transition to the current NYVIP2 program was completed on January 15, 2014.

During Calendar Year 2015, more than 5.18 million motor vehicles were registered within NYMA<sup>2</sup>. 4,050,455 NYMA vehicles<sup>3</sup> received NYVIP2 emissions inspection. The majority of the emissions-tested vehicles (3,796,730 or 93.74%) received OBDII inspections.

During Calendar Year 2015, more than 5.26 million motor vehicles were registered in the Upstate I/M area<sup>2</sup>. 4,224,533 Upstate vehicles<sup>3</sup> received a NYVIP2 emissions inspection. The majority of the emissions-tested vehicles (3,943,293 or 93.34%) received OBDII inspections.

Pursuant to a Consent Order filed on September 6, 1977, all yellow medallion taxi cabs under the jurisdiction of the New York City Taxi and Limousine Commission (T&LC) are required to receive three emissions inspections per year. Beginning in December 2003, the T&LC commenced mandatory OBDII inspections at their centralized test-only Woodside (Queens) facility for their applicable taxi fleet. Beginning in 2010, additional "For-Hire" vehicles became subject to mandatory OBDII inspections at the Woodside facility. During Calendar Year 2015, T&LC completed 119,999 OBDII inspections (initial and re-inspections) for 55,585 distinct vehicles (37,475 LDVs, 18,110 LDTs).

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<sup>1</sup> See Appendix C for specific reporting related to light-duty diesel OBD inspections.

<sup>2</sup> The DMV registration file was screened to remove registration classes not subject to emissions inspections (i.e., trailers, motorcycles, ATVs, boats, locomotives, etc.). Additional discussion can be found within Sections 1.A and 1.B, and Appendices A (Table A-1), E, and F.

<sup>3</sup> Based on unique VINs from the NYVIP2 inspection database. See also Appendix A, Table A-2.

## I. INTRODUCTION

New York's I/M programs have been modified over time to reflect state and federal regulatory changes, most notably to implement new emissions test types. New York's enhanced I/M programs have been outlined within the following State Implementation Plan (SIP) revisions:

- *Enhanced Motor Vehicle Inspection/Maintenance Program (March 1996)*
- *New York Vehicle Inspection Program – NYVIP (March 2006) and*
- *New York Metropolitan Area Enhanced I/M Program (June 2009)*

These SIP revisions have been approved by EPA. Final approval of the June 2009 revision was noticed in the Federal Register on February 28, 2012.

The three components of New York's current I/M design are:

- A High-Enhanced I/M program, as defined by Section 51.351(f), in the New York Metropolitan Area (NYMA),
- An Ozone Transport Region (OTR) Low-Enhanced I/M program, as defined by Section 51.351(h), in the Upstate I/M Region ("Upstate"), and
- A New York City Taxi and Limousine Commission (T&LC) inspection program.

The federal annual reporting requirements for required I/M programs are found in 40 CFR Part 51 (Section 51.366). Unless otherwise noted, the applicable reporting period for the Calendar Year 2015 Annual Report is January 1, 2015 to December 31, 2015.

### ***A. High-Enhanced I/M Program - NYMA***

Following the adoption of the federal Clean Air Act Amendments of 1990, the 9-county NYMA and seven towns located in southern Orange County were designated as a severe non-attainment area for the one-hour ozone National Ambient Air Quality Standard (NAAQS). New York City, Nassau County, and Westchester County were also initially designated as a carbon monoxide (CO) non-attainment area, but were re-designated as a CO maintenance area in 2002.

On March 12, 2008, the eight-hour National Ambient Air Quality Standards (NAAQS) for ground-level ozone was revised to a level of 0.075 parts per million (ppm). In April 2012, EPA designated the 9-county NYMA and Jamestown, NY (Chautauqua County) as marginal non-attainment areas for the primary eight-hour ozone NAAQS.

See: <http://www.epa.gov/ozonedesignations/2008standards/final/region2f.htm>.

On October 1, 2015, EPA again revised the eight-hour NAAQS for ground-level ozone to a level of 0.070 ppm based on extensive scientific evidence about ozone's effects on public health and welfare. The updated standard will improve public health, particularly for at-risk groups including children, older adults, people of all ages who have lung diseases such as asthma, and people who are active outdoors, especially outdoor workers. The revised standard will also improve the health of trees, plants, and ecosystems. EPA plans to propose rules and guidance over the next year to help states with potential nonattainment areas implement the revised standards.

During Calendar Year 2015, all NYVIP2 emissions inspections included the following components:

- 1) Comprehensive anti-tampering visual inspection of emissions control devices (“ECD checks”);
- 2) Gas cap presence check; and
- 3) An emissions test as determined by registration class, weight, fuel type, and model year:

OBDII inspection: for model years 1996-2013 non-diesel/non-electric LDVs and LDTs; and for model years 1997-2013 diesel-powered LDVs and LDTs.

Low Enhanced, for model years 1991-1995 non-diesel/non-electric LDVs and LDTs; and for model years 1991-2013 non-diesel/non-electric vehicles 8,501-18,000 lbs.

As noted in Table I.A below, NYVIP2 required the same emissions test types statewide.

Table I.A: Calendar Year 2015, Statewide Test Types

<b>Model Year</b>	<b>Non-diesel (gasoline) &lt;8,501 lbs GVWR</b>	<b>Non-diesel (gasoline) 8,501-18,000 lbs GVWR</b>	<b>Diesel &lt;8,501 lbs GVWR</b>
2015	Safety-Only	Safety-Only	Safety-Only
2014	Safety-Only	Safety-Only	Safety-Only
2013	OBDII	Low Enhanced	OBDII
2012	OBDII	Low Enhanced	OBDII
2011	OBDII	Low Enhanced	OBDII
2010	OBDII	Low Enhanced	OBDII
2009	OBDII	Low Enhanced	OBDII
2008	OBDII	Low Enhanced	OBDII
2007	OBDII	Low Enhanced	OBDII
2006	OBDII	Low Enhanced	OBDII
2005	OBDII	Low Enhanced	OBDII
2004	OBDII	Low Enhanced	OBDII
2003	OBDII	Low Enhanced	OBDII
2002	OBDII	Low Enhanced	OBDII
2001	OBDII	Low Enhanced	OBDII
2000	OBDII	Low Enhanced	OBDII
1999	OBDII	Low Enhanced	OBDII
1998	OBDII	Low Enhanced	OBDII
1997	OBDII	Low Enhanced	OBDII
1996	OBDII	Low Enhanced	Safety-Only
1995	Low Enhanced	Low Enhanced	Safety-Only
1994	Low Enhanced	Low Enhanced	Safety-Only
1993	Low Enhanced	Low Enhanced	Safety-Only
1992	Low Enhanced	Low Enhanced	Safety-Only
1991	Low Enhanced	Low Enhanced	Safety-Only
≤1990	Safety-Only	Safety-Only	Safety-Only

Based on a March 8, 2016 query of the DMV database, there were a total of 5,552,986 registrations within the 9 county NYMA. However, certain registration types (i.e., boats, motorcycles, ATVs, trailers, locomotives, etc.) are not subject to emissions inspections. These registration types were removed from further consideration (5,186,591 NYMA motor vehicle registrations were retained).

During Calendar Year 2015, 4,050,455 vehicles received an emissions inspection in NYMA. Of these, 3,796,730 distinct vehicles (2,188,254 LDVs, 1,608,476 LDTs) received at least one OBDII inspection. An additional 253,725 distinct vehicles (85,639 LDVs, 25,356 LDTs, and 142,730 HDVs) received at least one low enhanced inspection. These vehicle counts are based on “distinct” or “unique” vehicle identification numbers (VINs). Some of these vehicles received more than one emissions inspection during Calendar Year 2015. A total of 3,744 public inspection stations operated in NYMA during Calendar Year 2015. See Tables II.B.1 below for additional statistical summaries.

Note that New York State also requires annual I/M inspections for heavy-duty diesel powered vehicles (HDDVs) registered within the 9-county NYMA. This annual report does not include statistics for the HDDV I/M program. The HDDV I/M program fact sheet can be found at: <http://www.dec.ny.gov/chemical/28892.html>

## ***B. Low-Enhanced OTR I/M Program – Upstate I/M Area***

Pursuant to the CAA I/M requirements for the ozone transport region (OTR, 42 USC §7511c), New York implemented a low-enhanced I/M program in the 53 “Upstate” counties in January 1998. This program was outlined in the *Enhanced Motor Vehicle Inspection/Maintenance Program (March 1996) SIP revision*.

Mandatory Upstate OBDII inspections through the original NYVIP commenced in September 2004 and was fully implemented in December 2004. When NYVIP expanded into NYMA in May 2005, NYVIP became a mandatory statewide I/M program. The components of the Upstate NYVIP2 emissions inspection during Calendar Year 2015 were:

- 1) Comprehensive anti-tampering visual inspections of emissions control devices (“ECD checks”);
- 2) Gas cap presence check; and
- 3) An emissions test as determined by vehicle registration class, weight, fuel type, and age:

OBDII inspection: for model year 1996-2013 non-diesel/non-electric LDVs and LDTs; and for model year 1997-2013, diesel-powered, LDVs and LDTs.

Low Enhanced, for model year 1991 to 1995 non-diesel/non-electric LDVs and LDTs; and model year 1991-2013 non-diesel/non-electric vehicles 8,501-18,000 lbs.

As noted in Table I.A above, NYVIP2 required the same emissions test types statewide.

Based on a March 8, 2016 query, there were a total of 6,568,994 registrations within the 53-county Upstate I/M area. However, certain registrations types (i.e., boats, motorcycles, ATVs, trailers, locomotives, etc.) are not subject to emissions inspections. These registration types were removed from further consideration (5,264,662 Upstate motor vehicle registrations were retained).

During Calendar Year 2015, 4,224,533 vehicles received an emissions inspection in the Upstate I/M area. Of these, 3,943,293 vehicles (2,165,773 LDVs, 1,777,520 LDTs) received at least one OBDII inspection. An additional 281,240 vehicles (59,764 LDVs, 37,016 LDTs, and 184,460 HDVs) received at least one low enhanced emissions inspection. These vehicle counts are based on “distinct” or “unique” vehicle identification numbers (VINs). Some of these vehicles received more than one emissions inspection during Calendar Year 2015. A total of 6,198 inspection stations operated in the Upstate I/M area during Calendar Year 2015. See Table II.B.1 below for additional statistical summaries.

### ***C. New York City T&LC OBDII Inspection Program***

The New York City Taxi and Limousine Commission, under the terms of a September 6, 1977 Consent Order between the City and other parties, requires emissions testing of the yellow medallion taxicab fleet on a three-times-per-year basis. In December 2003, the T&LC commenced safety/OBDII inspections using two lanes of an upgraded T&LC inspection facility. The facility was later expanded to six lanes in August 2004.

In 2010, the New York City Code was revised to require “For Hire Vehicles” regulated by the T&LC to receive OBDII inspections at the centralized test-only facility. These vehicles were previously required to receive three inspections per year at NYTEST or NYVIP stations. During a given two-year period, these livery vehicles are now required to receive one of their six required inspections at the T&LC centralized Woodside (Queens) facility. The remaining five inspections are completed at decentralized NYVIP2 stations. As a consequence, more OBDII inspections are completed at the T&LC.

The Departments have certified the T&LC OBDII inspection procedure. The T&LC OBDII inspection includes:

- 1) Comprehensive safety check on various components of the vehicle including headlights, suspension, side slip, and brake system;
- 2) Comprehensive anti-tampering visual inspection of emissions control devices (“ECD checks”);
- 3) Gas cap presence check; and
- 4) OBDII inspection

During Calendar Year 2015, 55,585 TLC regulated vehicles (37,475 LDVs, 18,110 LDTs) received 119,999 initial OBDII inspections. Detailed statistics related to the T&LC inspection can be found in Table II.B.1, Appendix B (Table B-3-a-i to Table B-3-b-ii) and Appendix C (Table C-3-a-i to Table C-3-b-ii). During the course of any calendar year, new T&LC regulated vehicles are placed in service while existing vehicles are retired from service. Therefore, not every yellow medallion taxi (based on distinct VIN) receives three initial OBDII inspections.

Unlike the NYVIP2 program, the T&LC does not authorize repair expenditure-based emissions waivers, model year-based “new vehicle” exemptions, or readiness evaluation related time extensions (“10-day extensions”) from the OBDII inspection requirements.

## **II. DATA ANALYSIS AND REPORTING**

The collection of accurate and timely data is essential to the management, evaluation, and enforcement of an efficient I/M program. The NYMA high-enhanced I/M program has been collecting electronic emissions testing data since the onset of the former NYTEST program in January 1998. The Upstate OTR low-enhanced I/M program has been collecting computerized vehicle and emissions test data since September 2004.

Beginning in December 2003, the T&LC provided DEC with all OBDII inspection data through monthly updates. With the implementation of NYVIP2, the T&LC data is sent to and maintained by the NYVIP2 contractor, Opus Inspection. DEC no longer maintains a stand-alone T&LC database.

### ***A. Computerized Network***

The NYVIP2 computerized network provides a means of communication between inspection stations, DMV, and Opus Inspection. The current network of licensed decentralized test-and-repair stations transmits real time emissions inspection data to Opus Inspection and DMV's mainframe computer. Opus maintains all current and past inspection data from the combined NYVIP and NYVIP2 programs.

During Calendar Year 2015, a total of 3,744 inspection stations were located within NYMA and 6,198 stations were located within the Upstate I/M area. The current counts of New York State public inspection stations by county can be found at: [www.dmv.ny.gov/forms/ispcap.pdf](http://www.dmv.ny.gov/forms/ispcap.pdf).

DMV and DEC jointly and independently monitor emissions inspection data for program evaluation and enforcement purposes. The computerized network has resulted in more effective enforcement which is further discussed within the Quality Assurance Report and Quality Control Report sections.

On a monthly basis, Opus Inspection provides program statistics including transaction volume, system availability, and the number/type of help desk calls. A summary of the NYVIP2 data management statistics during Calendar Year 2015 is contained in Table II.A. The current NYVIP2 program differs from the former NYVIP program in that the vast majority of inspection transactions are completed by broadband (>99%). As such, Table II.A differs from previous reports as dial-up communication statistics have been omitted.

Table II.A: Data Management System Statistics (Calendar Year 2015)

Category	System Statistics				
	January to March	April to June	July to September	October to December	Total
(NYMA, UPSTATE, and T&LC)					
Transaction Volumes	2,545,270	3,380,542	3,223,247	2,727,184	11,876,243
Total Help Desk Calls	10,486	11,223	9,850	8,744	40,303
System Availability	100%	100%	100%	100%	100%

### **B. Test Data Report**

DMV registration information provided for this annual report was derived from a query completed on March 8, 2016. An overview of the New York State fleet, by vehicle fuel type and I/M area, based solely on registration data is provided below in Table II.B.1. The registration-based summaries are based on distinct VINs. Table II.B.1 includes T&LC vehicle registrations within the “NYMA” column.

As noted, 96.45% of the NYMA and 95.16% of the Upstate vehicles were gasoline-powered. Similarly, diesel-fueled vehicles represented 3.41% of the NYMA and 4.74% of the Upstate vehicle fleet, respectively. Only 0.15% of the NYMA and 0.09% of the Upstate vehicles, respectively, were powered with “Other” fuels. The “Other” fuels category includes compressed natural gas (CNG), propane, and electricity.

Table II.B.1: General Statistics on New York State I/M Areas (March 2016 Registrations)

Category	NYMA		UPSTATE	
	Count	% of Total	Count	% of Total
Number of Counties	9		53	
Number of Inspection Stations	3,744		6,198	
Number of Certified Inspectors	12,845		20,793	
Number of Registered Vehicles <sup>4</sup>	5,186,591		5,264,662	
<b>Gasoline Fueled</b>	5,002,150	96.45%	5,009,914	95.16%
- LDVs & LDTs -	4,924,974	94.96%	4,879,979	92.69%
a. Pre-1991 Model Years <sup>5</sup>	87,512	1.69%	120,854	2.30%
b. 1991-1995 Model Years	96,528	1.86%	92,693	1.76%
c. 1996-2013 Model Years	3,525,235	67.97%	3,731,574	70.88%
d. 2014+ Model Years <sup>5</sup>	1,215,699	23.44%	934,858	17.76%
- HDVs -	77,176	1.49%	129,935	2.47%
a. Pre-1991 Model Years <sup>5</sup>	2,673	0.05%	8,926	0.17%
b. 1991-2013 Model Years	59,243	1.14%	96,668	1.84%
c. 2014+ Model Years <sup>5</sup>	15,260	0.29%	24,341	0.46%
<b>Diesel Fueled (all MYs)</b>	176,856	3.41%	249,698	4.74%
- LDVs & LDTs -	42,597	0.82%	60,158	1.14%
- HDVs -	134,259	2.59%	189,540	3.60%
<b>Other Fuels (all MYs)</b>	7,585	0.15%	5,050	0.10%
- LDVs & LDTs -	4,039	0.08%	3,796	0.07%
- HDVs -	3,546	0.07%	1,254	0.02%

<sup>4</sup> Excluding vehicle types exempted from DMV/DEC I/M Program (trailers, ATVs, motor boats, motorcycles, and locomotives) and all vehicles MY 1965 and older.

<sup>5</sup> Model Year exempt from emission testing in CY2015

The Departments developed the “NYVIP2 Summary Report” to provide general program information related to vehicle type, test type, inspection counts, waiver counts, 10-day time extension counts, etc. Table II.B.2 below considers all NYVIP2 inspections completed during Calendar Year 2015. Note that Table II.B.2 is based on inspection counts with the exception of Unknown Final Disposition reporting (items 14 and 15) which are based on unique VINs (See Appendix G).

Table II.B.2: NYVIP2 Summary Report (Calendar Year 2015)

<b>NYVIP2 Summary</b>	<b>NYMA</b>	<b>Upstate</b>	<b>TLC</b>
<b>1. Total Inspections (Initial and Re-Inspection, All Test Types)</b>	5,532,863	6,037,501	119,999
a. Light-duty Vehicles	3,140,823	3,163,912	81,539
b. Light-duty Trucks	2,225,050	2,467,628	38,456
c. Heavy-duty Vehicles	166,990	405,961	4
<b>2. Number of Initial Inspections (All Test Types)</b>	5,259,362	5,716,629	86,584
a. Light-duty Vehicles	2,986,742	2,990,420	58,558
b. Light-duty Trucks	2,107,546	2,323,928	28,024
c. Heavy-duty Vehicles	165,074	402,281	2
<b>3. Number of Re-Inspections (All Test Types)</b>	273,501	320,872	33,415
a. Light-duty Vehicles	154,081	173,492	22,981
b. Light-duty Trucks	117,504	143,700	10,432
c. Heavy-duty Vehicles	1,916	3,680	2
<b>4. Number of Inspections (Initial and Re-Inspection) by Test Type</b>			
a. Safety-Only	1,276,610	1,438,833	0
b. Low Enhanced	250,896	291,890	0
c. OBD	4,005,348	4,306,759	119,999
<b>5. Safety Component Initial Failure Rates (All Test Types)</b>			
a. Number of Initial Safety Inspections	5,259,352	5,716,501	86,584
b. Initial Safety Failure Rate	1.44%	1.99%	48.32%
c. Light-duty Vehicles - Safety Failure Rate	1.48%	2.14%	48.35%
d. Light-duty Trucks - Safety Failure Rate	1.41%	1.99%	48.26%
e. Heavy-duty Vehicles - Safety Failure Rate	0.99%	0.97%	100.00%
<b>6. Gas Cap Component Initial Failure Rates (Low Enhanced, OBD)</b>			
a. Number of Initial Gas Cap Inspections	3,981,980	4,255,776	86,584
b. Initial Gas Cap Failure Rate	0.01%	0.01%	0.00%
c. Light-duty Vehicles - Gas Cap Failure Rate	0.01%	0.01%	0.00%
d. Light-duty Trucks - Gas Cap Failure Rate	0.01%	0.01%	0.00%
e. Heavy-duty Vehicles - Gas Cap Failure Rate	0.01%	0.01%	0.00%

<b>NYVIP2 Summary</b>	<b>NYMA</b>	<b>Upstate</b>	<b>TLC</b>
<b>7. ECD Component Initial Failure Rates (Low Enhanced, OBD)</b>			
a. Number of Initial ECD Check Inspections	3,982,785	4,364,061	86,584
b. Initial ECD Check Failure Rate	0.04%	0.05%	0.00%
c. Light-duty Vehicles - ECD Check Failure Rate	0.04%	0.05%	0.00%
d. Light-duty Trucks - ECD Check Failure Rate	0.04%	0.04%	0.00%
e. Heavy-duty Vehicles - ECD Check Failure Rate	0.04%	0.05%	0.00%
<b>8. Low Enhanced Emissions Initial Failure Rates</b>			
a. Number of Initial Low Enhanced Inspections	247,310	287,466	N/A
b. Initial Low Enhanced Failure Rate	0.09%	0.08%	N/A
c. Light-duty Vehicles - Low Enhanced Failure Rate	0.09%	0.14%	N/A
d. Light-duty Trucks - Low Enhanced Failure Rate	0.05%	0.15%	N/A
e. Heavy-duty Vehicles - Low Enhanced Failure Rate	0.04%	0.04%	N/A
<b>9. OBD Initial Emissions Failure Rates (All Fuel Types)</b>			
a. Number of Initial OBD Inspections	3,739,182	3,993,996	86,584
b. Initial OBD Failure Rate	5.80%	6.03%	7.98%
c. Light-duty Vehicles - OBD Failure Rate	5.63%	5.84%	8.06%
d. Light-duty Trucks - OBD Failure Rate	6.03%	6.26%	7.81%
<b>10. OBD Re-Inspection Emissions Failure Rates (All Fuel Types)<sup>4,6</sup></b>			
a. Number of OBD Re-Inspections	268,251	312,763	17,581
b. OBD Re-Inspection Failure Rate	18.01%	15.33%	5.53%
c. Light-duty Vehicles - OBD Re-Inspection Failure Rate	17.80%	15.36%	5.77%
d. Light-duty Trucks - OBD Re-Inspection Failure Rate	18.43%	15.30%	5.11%
<b>11. Number of OBD Waivers<sup>7</sup></b>			
a. Light-duty Vehicles	952	1,184	N/A
b. Light-duty Trucks	904	1,109	N/A
c. Area Waiver Rate (# waivers / # initial failures)	0.86%	0.95%	N/A
<b>12. Number of OBD 10-Day Extensions<sup>6</sup></b>			
a. Light-duty Vehicles	45,327	54,038	N/A
b. Light-duty Trucks	37,662	51,281	N/A
<b>13. OBD Initial Emissions Failure Rates, Light-duty Diesel Vehicles<sup>4</sup></b>			
a. Number of Initial OBD LDDV Inspections	1,628	25,156	113
b. Initial OBD LDDV Failure Rate	11.41%	8.34%	19.47%

<sup>6</sup> Re-inspections requiring only a safety inspection were excluded, so the reported values represent a “true” OBD re-inspection failure rate.

<sup>7</sup> Vehicles initially classified as heavy-duty vehicles (HDVs) by the Appendix J procedure were included within the light-duty truck (LDT) counts.

<b>NYVIP2 Summary</b>	<b>NYMA</b>	<b>Upstate</b>	<b>TLC</b>
c. Light-duty Diesel Vehicle - OBD Failure Rate	12.90%	8.17%	18.75%
d. Light-duty Diesel Truck - OBD Failure Rate	9.93%	8.93%	21.88%
<b>14. OBD Unknown Final Disposition (<u>Based on Unique VINs</u>)<sup>8</sup></b>			
a. Number of Vehicles	34,273	32,629	248
b. % of Unknown Final Disposition	0.75%	0.64%	0.45%
<b>15. Low Enhanced Unknown Final Disposition (<u>Based on Unique VINs</u>)<sup>8</sup></b>			
a. Number of Vehicles	15	45	N/A
b. % of Unknown Final Disposition	0.01%	0.01%	N/A

## 1. Vehicle Type for Reporting Purposes

The *Test Data Report* requirements of §51.366(a) includes basic statistics according to vehicle model year and vehicle type. Previously submitted annual and program evaluation reports have classified the inspected New York State fleet into 3 possible vehicle types: light-duty vehicle (LDV), light-duty truck (LDT), or heavy-duty vehicle (HDV). For the 1998 to 2013 annual reports, DEC developed an in-house VIN decoding program to make the required vehicle type classifications. Note that these vehicle type determinations are used exclusively for reporting purposes, as they are not used to determine emissions test type during the actual I/M inspection.

Unlike the previous NYTEST and NYVIP I/M programs, the NYVIP2 inspection software includes an integrated VIN decoding component. To maintain consistency with our past reports, an alternative method was developed to determine vehicle type for NYVIP2 reporting purposes. This method is based predominately on VIN decoded information used by the NYVIP2 software, but there are scenarios where VIN decoded information is not available (i.e., invalid VINs) or where DMV registration and/or inspector changes are allowed by the approved NYVIP2 test sequence.

As part of continuing NYVIP2 software enhancements, the vehicle type classification is being integrated into the inspection record. The procedure used by DEC to validate the reporting of vehicle type, *Procedure for Validating Vehicle Type for Annual Reporting*, is described in detail in Appendix J.

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<sup>8</sup> The Procedure to Determine Vehicles with Unknown Final Outcome (Unique VINs) is described in detail in Appendix G.

## 2. Statewide, Onboard Diagnostic Inspections (NYVIP2 and T&LC)

Detailed Calendar Year 2015 statistics for NYVIP2, and New York City T&LC OBDII inspections are provided in Appendices A (Tables A-1 and A-2), B (Tables B-1-a-i to B-3-b-ii) and C (Tables C-1-a-i to C-3-b-ii).<sup>9</sup> These Appendices were used for the summary discussion below.

For NYMA, 2,188,254 LDVs and 1,608,476 LDTs (all fuel types, represent 93.74% of the total emissions tested fleet) received 3,739,182 initial NYVIP2 OBDII inspections. The initial OBDII failure rates for NYMA non-diesel LDVs and LDTs are 5.45% and 5.86% (5.63% combined) with waiver rates of 0.81% and 0.98% (0.88% combined), respectively. The corresponding initial OBDII failure rates for NYMA diesel-powered LDVs and LDTs are 12.90% and 9.93% (11.41% combined) with waiver rates of 0.95% and 0.00% (0.54% combined)<sup>10</sup> respectively.

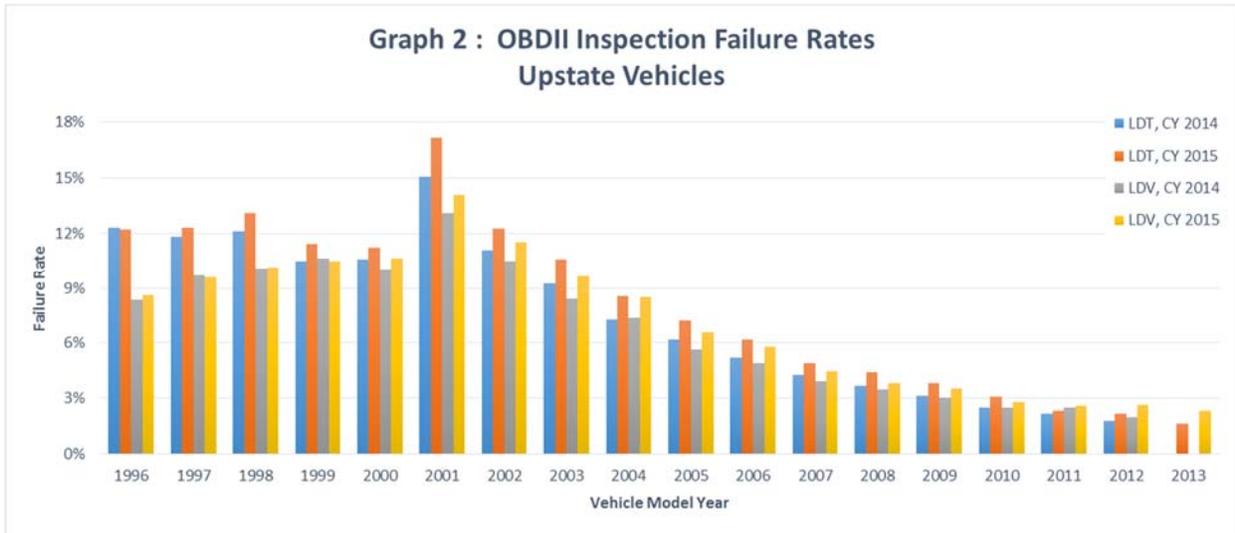
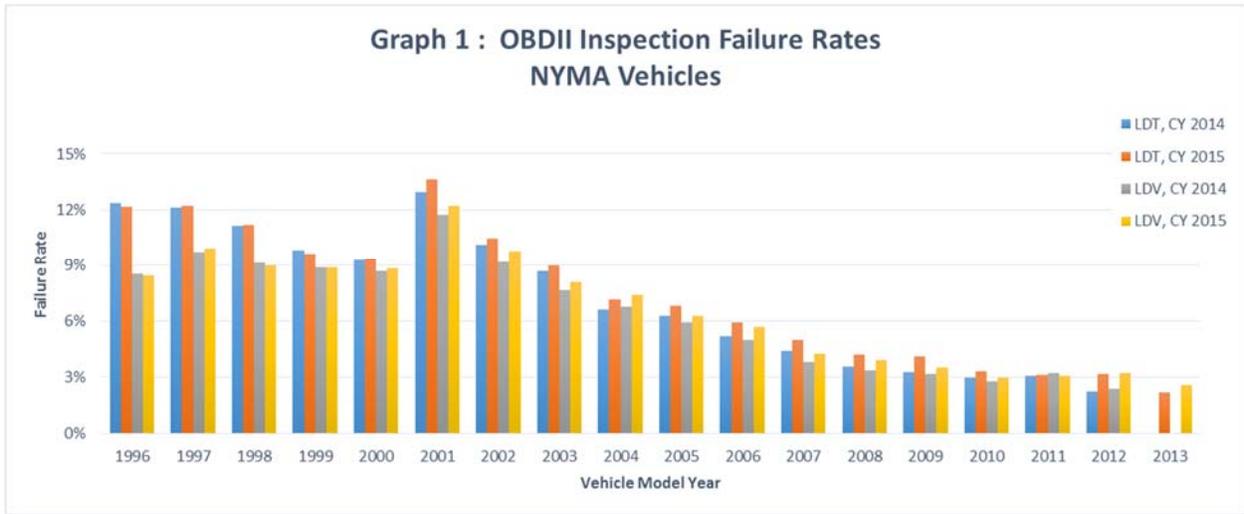
For the Upstate I/M Area, 2,165,773 LDVs and 1,777,520 LDTs (all fuel types, represent 93.35% of the total emissions tested fleet) received 3,993,996 initial OBDII inspections. The corresponding initial OBDII failure rates for Upstate non-diesel LDVs and LDTs are 5.63% and 6.09% (5.86% combined) with waiver rates of 0.96% and 1.01% (0.98% combined), respectively. The corresponding initial OBDII failure rates for Upstate diesel LDVs and LDTs are 8.17% and 8.93% (8.34% combined) with waiver rates of 0.87% and 1.41% (1.00% combined), respectively.

Statewide comparisons of initial OBDII failure rates by ‘vehicle model year’ and ‘vehicle type’ for Calendar Years 2014 and 2015 are shown in Graphs 1 and 2 below. Consistent with observations made in previous reports, there is a pronounced trend of increasing initial OBDII inspection failure rate as vehicles age (i.e., older model years) as well as a more noticeable “spike” associated with the 2001 model year. The elevated MY 2001 failure rate is due to a change in the stringency of the NYVIP2 OBDII readiness evaluation failure criteria. Beginning with the 2001 model year, applicable vehicles will fail the OBDII inspection if 2 or more non-continuous monitors are reported as “Not Ready.” For MYs 1996-2000, the NYVIP2 readiness evaluation is less stringent, as 3 or more non-continuous monitors must be reported as “Not Ready” for an OBDII inspection failure. In addition, “older” vehicles are removed from the on-road fleet more frequently than the newer vehicles which contributes to a less uniform increase of failure rate with vehicle age.

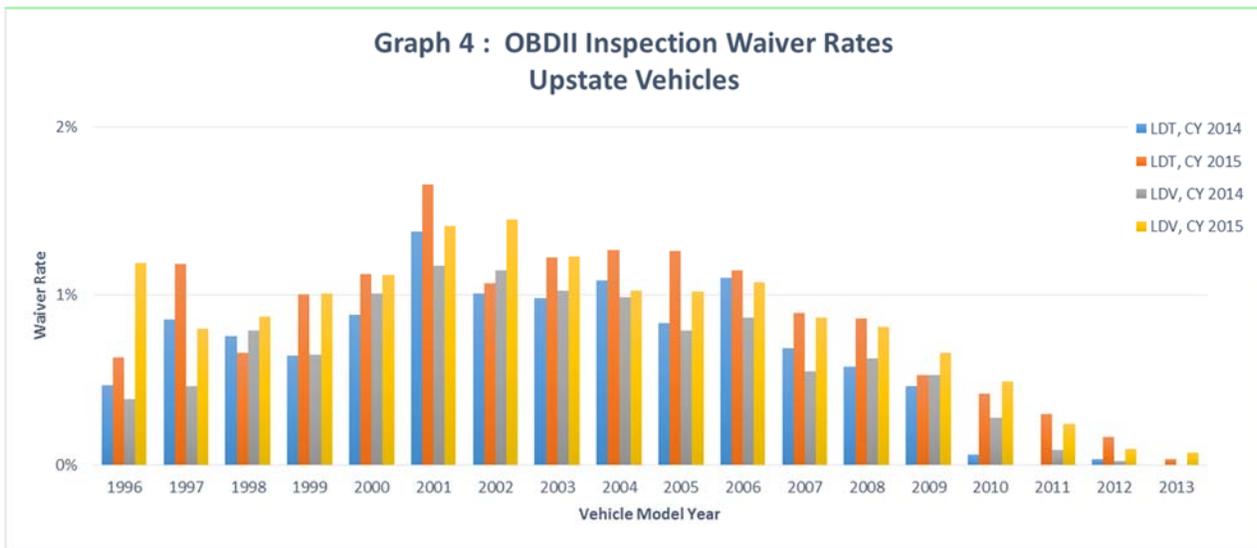
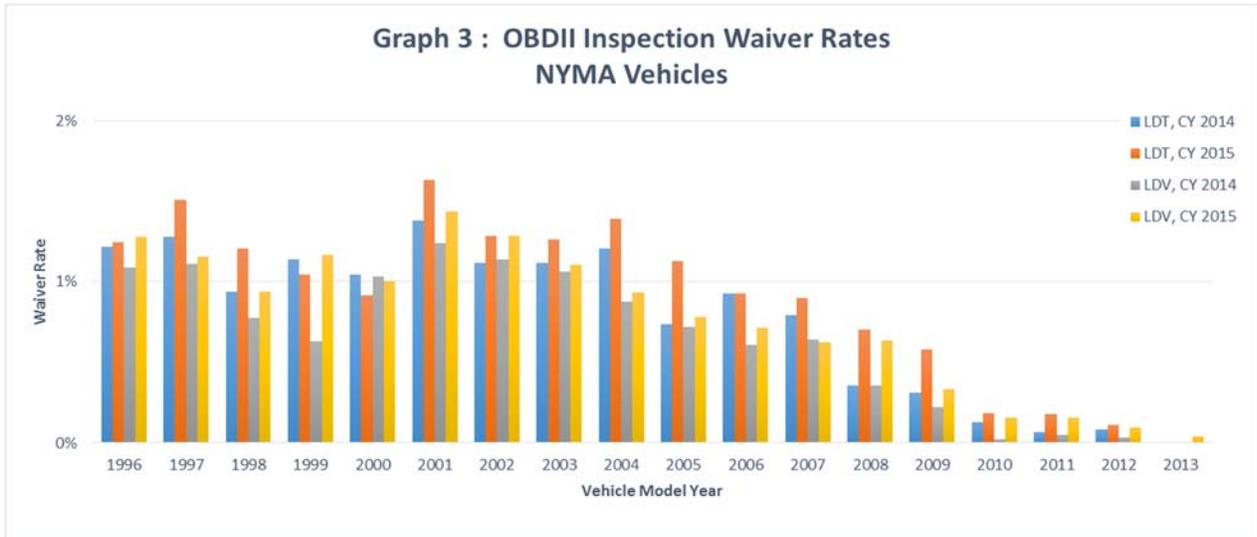
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<sup>9</sup> Appendices B and C do not include OBD inspections classified as a heavy-duty vehicle (see Appendix J).

<sup>10</sup> Note only 8 waivers were authorized for diesel-powered vehicles statewide.

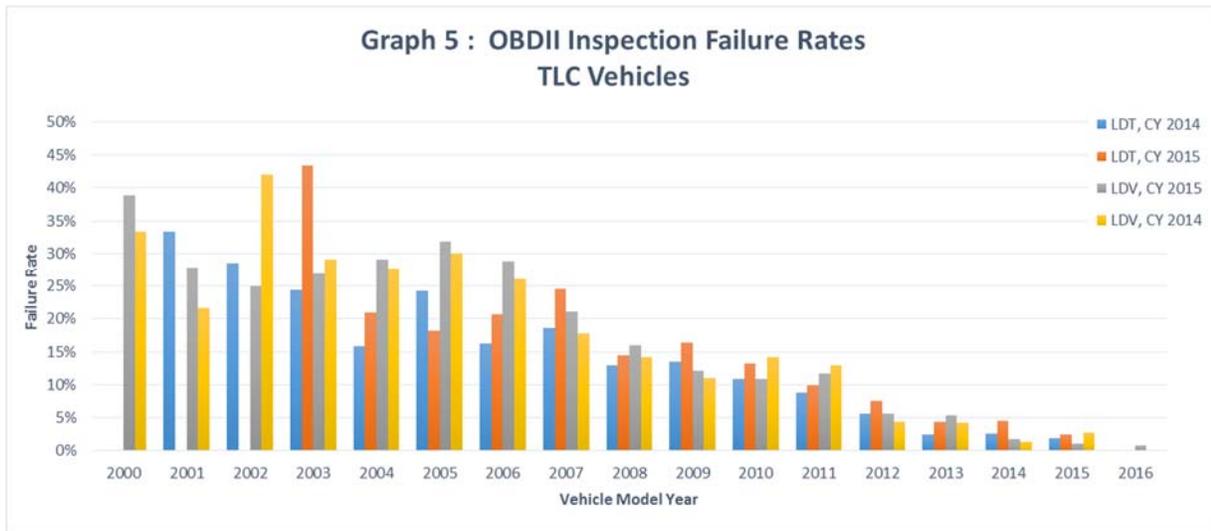


Statewide comparisons of NYVIP2 OBDII waiver rates by ‘vehicle model year’ and ‘vehicle type’ for Calendar Years 2014 and 2015 are shown below in Graphs 3 and 4. The overall waiver rates for NYMA and Upstate are comparable for both Calendar Years 2014 and 2015. Model Year 2001 vehicles (LDVs, LDTs) displayed the highest waiver rate for both I/M areas in both Calendar Years 2014 and 2015.



During Calendar Year 2015, the T&LC fleet completed 86,584 initial OBDII inspections on 37,345 distinct LDVs and 18,110 distinct LDTs. The corresponding initial OBDII failure rates for non-diesel LDVs and LDTs are 8.05% and 7.79%, respectively (7.96% combined). The corresponding values for diesel LDVs and LDTs are 18.75% and 21.82%, respectively (19.47% combined).

The T&LC OBDII inspection records are reported directly to Opus Inspection. Comparisons of T&LC OBDII inspection failure rates, by vehicle model year and vehicle type, for Calendar Years 2014 and 2015 are shown in Graph 5. Note that the T&LC does not authorize emissions related waivers.



### 3. Testing Facilities

Based on unique DMV station identification numbers, 9,942 public inspection stations completed NYVIP2 inspections statewide during the Calendar Year 2015. It is impractical to generate station specific statistics related to test volume or failure rate. Consistent with previously submitted annual reports, New York has provided initial OBDII test volumes and failure rates by county. (See Appendix D.)

Within NYMA, Suffolk and Nassau Counties had the largest number of testing facilities (862 and 756, respectively). The two counties with the highest LDV initial OBDII test volumes were Suffolk County (477,751 inspections) and Nassau County (436,263 inspections). The two counties with the highest LDT initial OBDII test volumes were again Suffolk County (368,710 inspections) and Nassau County (294,110 inspections). Kings and Bronx Counties had the highest OBDII failure rates for LDVs (6.65 % and 6.37%, respectively) and LDTs (7.09% and 6.88%, respectively).

Within the Upstate I/M Area, Erie County had the largest number of testing facilities (801 facilities), as well as the highest LDV (282,248 inspections) and LDT (224,167 inspections) initial test volumes. The three highest LDV OBDII inspection failure rates were noted in Orleans (8.95%), Franklin (8.05%) and Allegany (7.59%), counties. The three highest LDT failure rates were Orleans (9.34%), Franklin (8.71%), and Allegany (8.64%) counties.

### ***C. Quality Assurance Report***

DMV continues to improve its quality assurance program. Case development and hearing testimony training for DMV enforcement personnel continues to be refined. DMV has increased the number of authorized users having access to inspection records and certificate information. Procedural improvements have led to a shorter time frame in imposing administrative stops on inspection stations for failure to comply with New York State regulations. The electronic case-tracking management tool named CAPTAIN has been fully functional since 2002.

#### **1. NYMA**

DMV enforcement efforts within NYMA program are summarized below in Table II.C.1. From a total of 3,744 NYMA inspection stations and 12,845 licensed inspectors, DMV conducted 2,444 overt audits, 811 covert audits, and 0 surveillance audits during Calendar Year 2015.

These audits combined with consumer complaints led to DMV administrative hearings resulting in 22 inspection station license revocations and 33 station license suspensions (total of 1,436 days) during Calendar Year 2015. Within Table II.C.1, the Mainframe Case row represents those totals by audit type that led to a hearing.

Additional penalties, revocations, and suspensions were also assessed against certified motor vehicle inspectors as the result of administrative hearings. For purposes of this report, inspector revocations and suspensions are not “counted” within Table II.C.1.

Table II.C.1  
 Statistics on NYSDMV Quality Assurance Program – NYMA  
 (Calendar Year 2015)

Category	Overt Audit	Covert Audit	Surveillance	Complaints	TOTAL
<b>Total Cases:</b>	2,444	811	0	43	3,298
No Action	2,124	645	0	22	2,791
Warnings Issued	276	96	0	14	386
Hearings Held	44	70	0	7	121
<b>Hearing Results:</b>					
Adjourned	0		0	0	0
No Action	0		1	0	1
Warning Issued	6		0	0	6
Revocation	17		2	3	22
Suspension	19		10	4	33
Civil Penalty (# of)	63		106	15	184
Mainframe Case	65		107	17	189
Civil Penalty Levied	\$855,471		\$71,025	\$61,850	\$988,346
Days Suspended	842		294	300	1,436

During Calendar Year 2015, DMV staff used 6 vehicles and 8 auditors for undercover covert audits in NYMA. Of the total of 811 covert audits, 175 audits involved setting vehicles to fail for a single component of the OBDII inspection. The number of components set to fail included 164 for the OBDII monitor (readiness) evaluation, 10 for inoperative Malfunction Indicator light (MIL), and numerous safety inspection related failures. Of the total (811), 761 inspection stations completed an appropriate inspection, 39 inspection stations completed an inappropriate inspection (covert vehicle set to fail, but inspection passed), and 11 stations did not honor the reservation (appointment) for the inspection.

As previously reported, a more refined “Investigative Audit” (IA) began in 2008. An IA provides additional time for a detailed investigation of an inspection facility, and these are often triggered by NYVIP2 data analysis of completed inspections by DMV’s Central Office (Albany) or one of the six DMV Regional Offices.

Potential data elements may include:

- High waiver rate;
- Certified inspector date/time overlaps at different facilities;
- Mismatch of OBDII VIN and DMV registration VIN;
- Suspect electronic signature (E-signature) for the vehicle of record;
- Variations in OBDII monitor support status;
- Inconsistent vehicle E-signature inspection history; and
- Inspection sticker misuse/accountability.

During Calendar Year 2015, 239 IAs were conducted within NYMA. The IA results are included within the Table II.C.1 Overt Audit data.

Consumer complaints can also initiate enforcement action. There were a total of 43 NYMA consumer complaints resulting in 3 station license revocations and 4 inspection station suspensions (300 days) during Calendar Year 2015.

DMV’s quality assurance program also applies “administrative stops” to prevent inspection stations from performing additional inspections until the station conforms to the requirements of the license or registration they hold. Typically, administrative stops are placed on the inspection station facility license following requests by DMV field staff. Administrative stops have been proven to be very effective in the NYVIP2 real-time data transmission environment. A total of 415 administrative stops were issued in NYMA during Calendar Year 2015. Table II.C.2 summarizes the statistics on administrative stops.

Table II.C.2: Statistics on NYSDMV Administrative Stops  
(Calendar Year 2015)

Reason for Issuing an Administrative Stop	NYMA	Upstate
Missing or Inoperative Equipment	153	155
Transferred Right to Apply for Public Emission Inspection Station	122	103
Out of Business	10	16
Failure to Pay Civil Penalties	57	36
Undeliverable returned mail	2	2
Management Review	15	41
Clean Air Inspection Audit	50	12
Bad Checks	3	5
Failed Equipment Audit (DEC HDDV)	1	0
Revenue Accounting	0	1
Shortage for Facility Original Licenses	0	2
Shortage for Facility Renewal	1	1
Shortage for Sticker Order	1	2
Suspended Pending Hearing	0	2
Failure to Have CVIS	0	0
No Connection to VID (Station Nonpayment)	0	0
No Communication from Facility	0	0
TOTAL	415	378

## 2. Upstate Area

The results of various DMV compliance efforts for the Upstate I/M Area are summarized below in Table II.C.3. From a total of 6,198 Upstate Area inspection stations and 20,793 licensed inspectors, DMV conducted 2,086 overt audits and 415 covert audits during Calendar Year 2015. These audits and consumer complaints led to DMV administrative hearings resulting in 16 inspection station license revocations and 6 station license suspensions (total of 90 days) during Calendar Year 2015. Additional penalties, revocations, and suspensions applied to certified motor vehicle inspectors as the result of administrative hearings. Revocations and suspensions are not double counted for the station when the inspector is sanctioned.

Table II.C.3  
 Statistics on NYSDMV Quality Assurance Program – Upstate  
 (Calendar Year 2015)

Category	Overt Audit	Covert Audit	Surveillance	Complaints	TOTAL
<b>Total Cases:</b>	2,086	415	0	98	2,599
No Action	1,527	247	0	23	1,797
Warnings Issued	513	123	0	52	688
Hearings Held	46	45	0	23	114
<b>Hearing Results:</b>					
Adjourned	0		0	0	0
No Action	0		1	0	1
Warning Issued	0		1	0	1
Revocation	10		4	2	16
Suspension	1		5	0	6
Civil Penalty (# of)	26		56	17	99
Mainframe Case	29		59	17	105
Civil Penalty Levied	\$167,575		\$105,075	\$11,900	\$284,550
Days Suspended	60		30	0	90

During Calendar Year 2015, DMV used 14 vehicles and 25 auditors for undercover (covert) audits in the Upstate I/M Area. Of a total of 415 covert audits, 177 audits involved setting a vehicle to fail for a single component of an OBDII emissions test. The components set to fail included: 104 for gas cap, 58 for failing the OBDII readiness evaluation, 9 for PCV, 4 for inoperative Malfunction Indicator light (MIL), 2 for MIL commanded on with diagnostic trouble codes (DTCs), and numerous safety inspection related failures. Of the total (415), 309 inspection stations completed an appropriate inspection, 80 inspection stations completed an inappropriate inspection (i.e., covert vehicle set to fail, but inspection passed). Also, 26 inspection stations did not honor the reservation to conduct an official inspection.

During Calendar Year 2015, DMV staff completed 233 IAs in the Upstate I/M Area. The results are included within the Table II.C.3 Overt Audit data. As stated above, an IA provides additional time for the detailed investigation of an inspection facility and is often triggered by NYVIP2 data analysis completed by DMV's Central Office (Albany) or one of the six DMV Regional Offices.

Potential data elements may include:

- High waiver rate;
- Certified inspector date/time overlaps at different facilities;
- Mismatch of OBDII VIN and DMV registration VIN;
- Suspect electronic signature (E-signature) for the vehicle of record;
- Variations in OBDII monitor support status;
- Inconsistent vehicle E-signature history; and
- Inspection sticker misuse/accountability.

Consumer complaints can also initiate enforcement action. Based on a total of 98 consumer complaints from the Upstate I/M Area, 2 station licenses were revoked (and no suspensions).

Administrative stops were also applied Upstate to prevent inspection stations from performing any more inspections until the station conformed to the requirements of its license or registration. Typically, administrative stops are placed on the inspection station's facility license following requests by DMV field staff. As noted in Table II.C.2 above, 378 administrative stops were issued in the Upstate I/M Area during Calendar Year 2015.

#### ***D. Enforcement Program Report***

New York utilizes both sticker-based and computer matching registration-based enforcement mechanisms. Inspection certificates or "stickers" are authorized by NYVIP2 when a vehicle passes the annual safety/emissions inspection. Sticker inventory is accounted for electronically by NYVIP2. With these computerized systems, the number of stickers missing, stolen, or sold has decreased. During Calendar Year 2015, NYVIP2 issued 5,347,125 and 5,394,892 inspection stickers in NYMA and the Upstate I/M Area, respectively. These stickers represent emissions/safety (OBDII, low enhanced) and safety-only inspections.

To ensure that vehicles receive the appropriate inspection, vehicle information including VIN, registration expiration date, I/M area, vehicle weight, and fuel type are encoded into a DMV registration 2D bar code. The NYVIP2 inspection software uses this information to minimize inspector input when determining the appropriate inspection type. For example, when the DMV 2D barcode is scanned, the NYVIP2 software would decode the applicable model year and evaluate GVWR using the encoded vehicle identification number (VIN). The NYVIP2 inspection software determines whether the inspector is allowed to make changes.

DMV also monitors the issuance of traffic tickets by various law enforcement sources through state, county and local courts. There were 158,650 traffic tickets issued to motorists in 2015 for operating an uninspected vehicle pursuant to Vehicle and Traffic Law, Section 306(b). Of these tickets, 41,575 were issued in NYMA and 117,075 in the Upstate I/M Area.

## 1. Registration-Based Enforcement (RBE)

The NYS RBE program validates that a motorist has a valid inspection record on file within the previous 12 months when attempting to renew vehicle registrations. If a valid inspection record is not found, a warning is printed on the DMV registration renewal invitation. In the event that a motorist subsequently provides sufficient proof of inspection (i.e., valid sticker number, vehicle inspection receipt), the denial would be overridden and the registration would be renewed. DMV initially implemented RBE in NYMA during the NYTEST program in 2001. Statewide RBE enforcement commenced with the September 2007 registration renewals.

A summary of month-by-month RBE statistics is provided in Table II.D.1 below. Note that the number of April invitations is typically larger than the average monthly volume as all motorcycle and ATV renewals are mailed in April. Similarly, the number of December invitations is also large as all the trailer, ambulance, and livery invitations are mailed in December. In Calendar Year 2015, 5,987,936 registration renewal invitations were generated by DMV. Motorists were notified of the need for a completed emissions inspection in order to renew their registration. Of this total, 164,589 vehicle owners still attempted to renew their registration without proof of an emission test, and DMV denied these renewals.

Table II.D.1  
Statistics on NYSDMV Registration Denial Enforcement Program (Calendar Year 2015)

Month	NYMA			Upstate		
	Invitations	Denials	% Denied	Invitations	Denials	% Denied
January	198,785	8,766	4.41%	217,006	4,943	2.28%
February	212,716	7,180	3.38%	192,745	4,348	2.26%
March	296,211	10,204	3.44%	316,524	6,527	2.06%
April	307,693	11,888	3.86%	402,827	8,198	2.04%
May	257,175	8,917	3.47%	316,522	6,074	1.92%
June	251,116	8,602	3.43%	251,398	5,335	2.12%
July	241,412	8,388	3.47%	247,176	5,338	2.16%
August	204,953	6,864	3.35%	213,959	4,845	2.26%
September	201,911	7,879	3.90%	190,675	5,687	2.98%
October	223,694	6,986	3.12%	225,183	4,837	2.15%
November	220,303	5,845	2.65%	278,613	3,944	1.42%
December	234,853	7,584	3.23%	284,486	5,410	1.90%
TOTAL	2,850,822	99,103	3.48%	3,137,114	65,486	2.09%

## **2. Sticker Compliance Survey**

DMV continued the long standing, quarterly sticker compliance survey and 10,144 sticker surveys were completed statewide during Calendar Year 2015. The survey resulted in a statewide compliance rate of 96.67%, which is consistent with past surveys. A summary of the Calendar Year 2015 Sticker Compliance Survey is included as Appendix H.

### ***E. Program Changes & Issues Discovered During the Reporting Period***

#### **1. NYVIP2 Enforcement**

A joint investigation involving the Departments and the New York Office of Attorney General resulted in the arrest of individuals involving in conducting fraudulent “clean scan” inspections. The DEC press release associated with the arrests is included as Appendix I.

#### **2. Software Update**

Software update version 14.12.19 was implemented beginning on March 2, 2015. Details of the enhancements provided by this update are included under Appendix K.

#### **3. DMV Regulatory Changes, 15 NYCRR Part 79**

15 NYCRR Part 79 was not revised during Calendar Year 2015.

Section 79.7 was revised (effective July 13, 2011) to allow the Commissioner of Motor Vehicles to limit the number of new official emission inspection stations licensed within New York State. If the maximum number of such inspection stations is reached in any county, DMV places new applications for an inspection station license on a waiting list. If the number of stations falls below the designated maximum in a given county, the applicant who has been on the list the longest will be considered for an inspection station license. DMV's fact sheet related to these changes can be found at: <http://www.dmv.ny.gov/vs-ispcap.htm>.

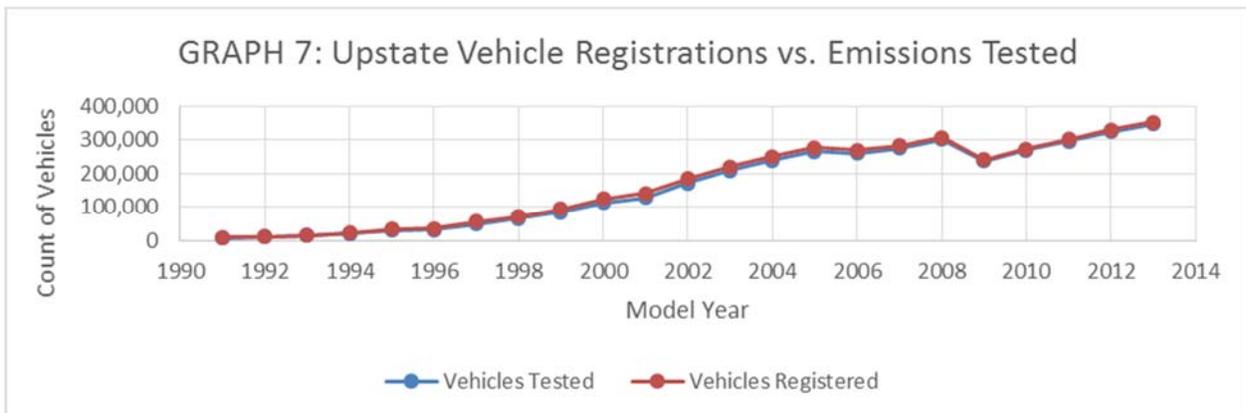
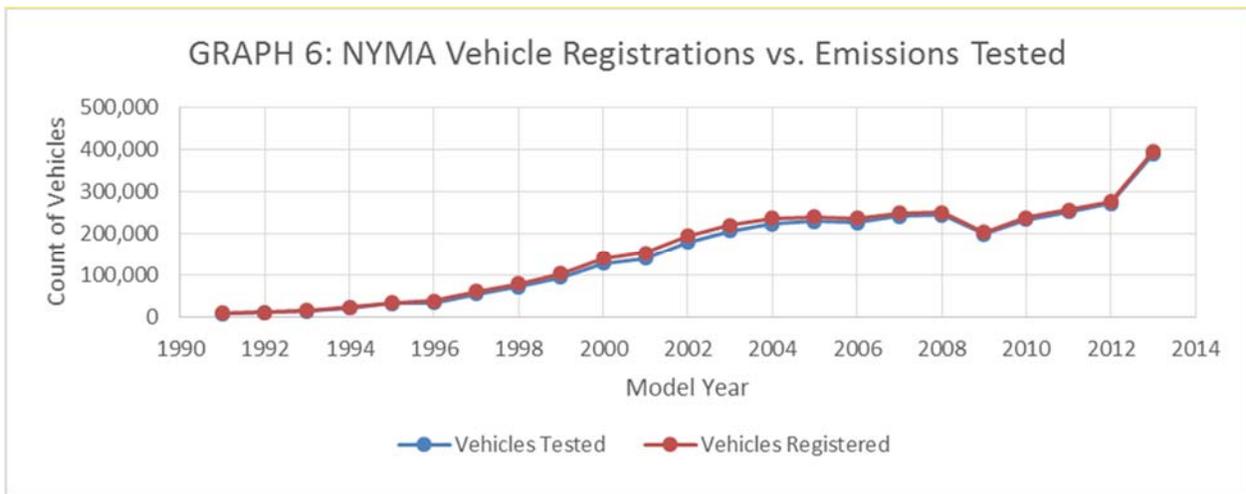
On March 28, 2012, DMV adopted changes to Section 79 to allow for statewide light-duty diesel (LDDV) OBDII inspections for MY 1997 and newer vehicles. The NYVIP inspection software was subsequently modified to require LDDV OBDII inspections beginning on July 1, 2012.

#### **4. NYVIP2 Contractor Selection**

DMV formally released the NYVIP2 Request for Proposals (RFP) on March 30, 2012. Following the review of five submitted proposals and subsequent approval by the NYS Office of the State Comptroller (OSC), the NYVIP2 contract was awarded to Opus Inspection. The transition from the original NYVIP contract (SGS TESTCOM) to NYVIP2 was completed on January 15, 2014. During Calendar Year 2015, all emission inspections (except for HDDV I/M) were completed through NYVIP2.

**F. Vehicle Registrations vs. Emissions Tests, CY 2015**

The Departments and Opus Inspection compared vehicle registration data (i.e., vehicles potentially subject to emissions testing) to vehicles actually receiving a passing (or waived) emission test for both NYMA and the Upstate areas for Calendar Year 2015. The procedure used for this comparison is described further within Appendix E, *Procedure to Sort DMV Registration File and Matching of Emissions Inspections – I/M Program Evaluation*. Appendix F contains the referenced *Registration Type Codes*. In summary, the NYMA and Upstate I/M areas were found to have a combined 96.03% compliance rate. Graphs 6 and 7 provide by model year comparisons for NYMA and the Upstate I/M areas.



### III. CONCLUSIONS

New York State maintained viable motor vehicle inspection and maintenance programs (NYVIP2 and the NYC Taxi and Limousine Commission) without significant disruption or inconvenience to inspection stations and motorists. As outlined within this report, the most significant reporting metrics, including OBD failure rates (Graphs 1, 2, and 5), OBD waiver rates (Graphs 3 and 4), vehicles with no known final outcome (Table II.B.2), and percentage of emissions tested versus registered (Graphs 6 and 7) remain consistent with CY 2014 reporting (NYVIP/NYVIP2).

DEC and DMV staff completed the necessary regulatory and programmatic changes to implement the NYVIP2 I/M program to maximize its effectiveness through enhanced enforcement (data analysis, undercover operations) and focused quality assurance and quality control (waiver monitoring, station auditing) measures. Significant effort was devoted to the development of direct EPA reporting using the Opus Inspection database. These efforts will continue throughout the term of the contract.

The New York City T&LC OBDII inspection program continues to inspect its yellow medallion taxi cab fleet and applicable For-Hire vehicles at the Woodside (Queens) centralized test-only station. DEC is able to complete EPA reporting for T&LC inspections using the Opus Inspection database.

These continuing efforts on the part of DEC, DMV, and the T&LC enable New York State to achieve our enhanced I/M SIP obligations, including its intended goal of healthier, cleaner air for New York State.