

# STATE OF NEW YORK

8281--B

## IN SENATE

February 9, 2022

Introduced by Sens. GAUGHRAN, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to zero-emissions for trains

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The section heading and subdivision 1 of section 19-0306-b  
2 of the environmental conservation law, as amended by chapter 109 of the  
3 laws of 2022, are amended to read as follows:

4 Zero-emissions cars [~~and~~], trucks and trains.

5 1. (a) It shall be a goal of the state that one hundred percent of new  
6 passenger cars and trucks offered for sale or lease, or sold, or leased,  
7 for registration in the state shall be zero-emissions by two thousand  
8 thirty-five.

9 (b) It shall be a further goal of the state that one hundred percent  
10 of trains purchased by the state or any public authority thereof for  
11 commuter rail service as defined in paragraph a of subdivision one of  
12 section ninety-seven-a of the railroad law, be zero-emissions by two  
13 thousand thirty-five.

14 (i) Provided, any state or public authority thereof subject to the  
15 provisions of this section shall ensure that such contract for the  
16 procurement of trains, charging infrastructure or equipment and fueling  
17 infrastructure or equipment shall contain a provision that such trains,  
18 charging infrastructure or equipment and fueling infrastructure or  
19 equipment are produced or made in whole or substantial part in the  
20 United States, its territories or possessions. The provisions of this  
21 subparagraph shall not apply if the head of the covered entity in his or  
22 her sole discretion, determines that the provisions would not be in the  
23 public interest, would result in unreasonable costs, or that obtaining

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 such trains, charging infrastructure or equipment and fueling infras-  
2 tructure or equipment made in the United States would increase the cost  
3 of the contract by an unreasonable amount, or products cannot be  
4 produced or made in the United States in sufficient and reasonably  
5 available quantities and of satisfactory quality. The head of the  
6 covered entity shall include this determination in an advertisement or  
7 solicitation of a request for proposal, invitation for bid, or sollicita-  
8 tion of proposal, or any other method provided for by law or regulation  
9 for soliciting a response from offerors intending to result in a  
10 contract pursuant to this section.

11 (ii) Nothing in this section shall alter the rights or benefits, and  
12 privileges, including, but not limited to terms and conditions of  
13 employment, civil service status, and collective bargaining unit member-  
14 ship, of any current employees impacted by the proposed purchase  
15 contained in this provision. Nothing in this section shall result in:  
16 discharge, displacement, or loss of position, including partial  
17 displacement such as reduction in the hours of non-overtime work, wages,  
18 or employment benefits; the impairment of existing collective bargaining  
19 agreements; the transfer of existing duties and functions; or the trans-  
20 fer of future duties or functions, of any currently employed worker  
21 impacted by the proposed purchase who agrees to be retained. Prior to  
22 the beginning of the procurement process for new zero-emission trains,  
23 charging infrastructure or equipment, fueling infrastructure or equip-  
24 ment, or other equipment, the covered entity shall create and implement  
25 a workforce development report that: estimates the number of current  
26 positions that would be eliminated or substantially changed as a result  
27 of the purchase; identifies gaps in skills of its current workforce that  
28 are needed to operate and maintain zero-emission trains, charging  
29 infrastructure or equipment, fueling infrastructure or equipment, or  
30 other equipment; includes a comprehensive plan to transition, train or  
31 retrain employees that are impacted by the proposed purchase; and  
32 contains an estimated budget to transition, train, or retain employees  
33 that are impacted by the proposed purchase. Nothing in this section  
34 shall limit the rights of employees pursuant to a collective bargaining  
35 agreement or alter the existing representational relationship among  
36 collective bargaining representatives or the bargaining representative.  
37 Employees of public entities serving in positions in newly created  
38 titles shall be assigned to the appropriate bargaining unit. Prior to  
39 beginning the procurement process for zero-emission trains, charging  
40 infrastructure or equipment, fueling infrastructure or equipment, or  
41 other equipment, any employer of workers covered by this section shall  
42 inform its employees' collective bargaining representative of any poten-  
43 tial impact on its members or unit, including positions that may be  
44 affected, altered, or eliminated as a result of the purchase.

45 (c) It shall be a further goal of the state that one hundred percent  
46 of medium-duty and heavy-duty vehicles offered for sale or lease, or  
47 sold, or leased, for registration in the state be zero-emissions by two  
48 thousand forty-five for all operations where feasible. It shall be  
49 further a goal of the state to transition to one hundred percent zero-  
50 emissions from new off-road vehicles and equipment purchased beginning  
51 in two thousand thirty-five, where feasible.

52 § 2. This act shall take effect immediately.