

# STATE OF NEW YORK

---

5052

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

---

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the public service law, in relation to establishing a highway and depot charging action plan

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

1 Section 1. Legislative findings. In order to achieve targets set forth  
2 by the climate leadership and community protection act, zero-emissions  
3 vehicle sales target and regulations, including the advanced clean truck  
4 and advanced clean cars II rules, zero-emissions school bus mandate, and  
5 other relevant goals, the interests of the people of the state would be  
6 served by:

7 1. Coordinating efforts to plan for electric vehicle fast-charging  
8 deployment on New York's highways;

9 2. Identifying priority sites for the deployment of fast chargers  
10 along New York's highways, estimating future charging demand at these  
11 sites for all vehicle classes, and identifying necessary electric grid  
12 transmission and distribution infrastructure and interconnection  
13 upgrades at these sites;

14 3. Expediting electric grid transmission and distribution infrastruc-  
15 ture and interconnection upgrades at sites controlled by the New York  
16 state thruway authority, sufficient to future-proof thruway sites for  
17 accelerated fast charger deployment to serve light duty, medium duty and  
18 heavy duty vehicles; and

19 4. Identifying additional high priority areas for the deployment of  
20 charging for medium and heavy duty vehicles, such as school buses, tran-  
21 sit buses, and other light, medium and heavy duty commercial fleet  
22 depots, and removing barriers to charging deployment, including electric  
23 infrastructure constraints.

24 § 2. The public authorities law is amended by adding a new section  
25 1885 to read as follows:

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

LBD09078-02-3

§ 1885. Highway and depot charging action plan. 1. Within nine months of the effective date of this section, and every three years thereafter, the authority, in consultation with the department of transportation, the department of motor vehicles, the New York state thruway authority, the New York power authority, the Long Island power authority, the department of environmental conservation, and the electric distribution and local transmission utilities, shall develop a highway and depot charging action plan. The charging action plan shall:

(a) support and complement planning by the department of transportation for fast charger deployment along alternative fuel corridors;

(b) identify the number and location of fast chargers along priority highway corridors, including fast chargers currently in operation and in development;

(c) estimate future need for fast charger deployment along priority highway corridors for the purposes of (i) facilitating the cost-effective and timely achievement of mandates, and any amendments thereto, under (1) article seventy-five of the environmental conservation law, (2) section 19-0306-b of the environmental conservation law regarding zero-emissions vehicle sales targets, (3) rules and regulations for zero-emissions vehicles adopted by the commissioner of environmental conservation, and (4) other relevant and applicable federal and state rules or regulations or local requirements or goals to reduce transportation sector emissions; and (ii) supporting electric vehicle adoption by consumers and fleet operators;

(d) identify the number and location of highway charging hubs, including but not limited to thruway charging hubs, currently in operation and in development along priority highway corridors;

(e) estimate total charging capacity required to serve light duty, medium duty, and heavy duty electric vehicles at each highway charging hub through at least the year two thousand fifty;

(f) to the extent practicable, identify the number and location of commercial and public fleet vehicles in operation, including their body type, fuel type, model year, zip code, and other relevant information needed to forecast the number and location of zero-emissions vehicles, per state policy;

(g) identify the number and location of fleet charging zones;

(h) estimate future need for charging deployment and charging capacity in the fleet charging zones, sufficient to satisfy the targets and regulations identified in paragraph (c) of this section; and

(i) seek to optimize fast charger deployment among the highway charging hubs and charging development among the fleet charging zones to reduce the cost of interconnection, electric distribution, and local transmission upgrades while serving projected vehicle traffic volumes.

2. The authority shall develop a stakeholder engagement process to raise consumer awareness and education across the state and solicit feedback from the public, representatives or residents of environmental justice or disadvantaged communities, electric vehicle manufacturers, electric vehicle supply equipment manufacturers, fleet operators, and others on the highway and depot charging action plan. To the extent practicable and consistent with applicable timelines, the authority may coordinate the highway and depot charging action plan stakeholder input process with the process set forth in section eighteen hundred eighty-four of this article.

3. The authority shall submit the highway and depot charging plan to the public service commission no later than nine months after the effective date of this section and an updated charging plan every three years

1 thereafter. The highway and depot charging action plan shall be made  
2 publicly available on the authority's website.

3 4. To facilitate development of a fast charging network along the  
4 priority highway corridors as set forth in this section, the highway  
5 charging action plan shall designate locations as highway charging hubs,  
6 as follows:

7 (a) All thruway charging hubs shall be designated as highway charging  
8 hubs.

9 (b) Additional sites or geographic areas shall be prioritized for  
10 designation as highway charging hubs based on (i) eligibility for feder-  
11 al, state, or other funding opportunities, including but not limited to  
12 needs identified through the NEVI formula program planning process, (ii)  
13 proximity to electric transmission infrastructure, (iii) projected vehi-  
14 cle traffic, (iv) charging network coverage, (v) interstate and intra-  
15 state commerce, (vi) benefits to environmental justice and disadvantaged  
16 communities, (vii) benefits of increased charging accessibility in host  
17 communities, (viii) real property ownership or control of potential  
18 sites, (ix) relevant commitments from site and/or charging operators,  
19 and (x) other factors deemed relevant for the development and successful  
20 implementation of the highway charging action plan.

21 (c) Highway charging hubs shall be within one mile of the priority  
22 highway corridors, spaced no more than fifty miles apart along the  
23 priority highway corridors and reasonably accessible regardless of  
24 direction of travel.

25 (d) The authority may consider privately operated sites which are open  
26 to the public or multiple commercial entities as eligible for design-  
27 ation as a highway charging hub, subject to reasonable restrictions.

28 (e) A single highway charging hub may be comprised of multiple charg-  
29 ing service areas within a reasonable distance from one another.

30 5. Geographic areas shall be prioritized for designation as fleet  
31 charging zones based on:

32 (a) total number of commercial and public fleet vehicles in operation  
33 and/or total number of fleet operators in the geographic area,

34 (b) projected vehicle traffic in the geographic area,

35 (c) benefits to public fleets, such as school bus operators,

36 (d) benefits to environmental justice and disadvantaged communities,

37 (e) relevant commitments from fleet and/or site operators to install  
38 charging equipment,

39 (f) available capacity on the electric distribution and local trans-  
40 mission network to serve vehicle chargers,

41 (g) ensuring equitable coverage and access to fleet charging through-  
42 out the state, and

43 (h) other factors deemed relevant for the development and successful  
44 implementation of the depot charging action plan.

45 6. As used in this section, the following terms shall have the follow-  
46 ing meanings:

47 (a) "Alternative fuel corridors" shall mean highways designated within  
48 the state pursuant to the national electric vehicle infrastructure  
49 formula program under 23 U.S.C. 151 and previously designated under the  
50 federal Fixing America's Surface Transportation Act of 2015.

51 (b) "Charging plan" shall mean the highway and depot charging action  
52 plan.

53 (c) "Fast charger" shall mean a direct current electric vehicle charg-  
54 ing port which can charge at a level of at least one hundred fifty kilo-  
55 watts.

(d) "Fleet charging zone" shall mean a priority geographic area for the deployment of charging infrastructure for public and commercial fleet operators or owners, including school bus fleets.

(e) "Highway and depot charging action plan" shall mean the plan developed pursuant to subdivision two of this section.

(f) "Highway charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability at or above six hundred kilowatts and supports at least one hundred fifty kilowatts per port simultaneously across four ports for charging. These sites shall include but are not limited to thruway charging hubs.

(g) "NEVI" shall mean the national electric vehicle infrastructure program established under the federal Infrastructure Investment and Jobs Act of 2021.

(h) "Priority highway corridor" shall mean alternative fuel corridors and other state and county highways identified in the charging plan as appropriate to ensure sufficient and equitable charging access throughout the state.

(i) "Thruway charging hubs" shall mean all highway service areas controlled, leased, owned, or operated by the New York state thruway authority.

§ 3. The public service law is amended by adding a new section 121-b to read as follows:

§ 121-b. Electric network and interconnections upgrades for highway charging hubs. 1. Within ninety days of the submission of a highway charging action plan or depot charging action plan to the commission pursuant to section eighteen hundred eighty-five of the public authorities law, and in consultation with the New York state thruway authority, the New York power authority, and the Long Island power authority, the commission shall commence a proceeding to direct New York electric utilities to produce capital plans to develop, own, and operate interconnection, electric distribution, and local transmission upgrades necessary to meet charging capacity requirements at all highway charging hubs. Such capital plans shall:

(a) include upgrades to site interconnection at all highway charging hubs;

(b) be designed to minimize the need for multiple or duplicative upgrades at a given site by considering charging capacity requirements for all vehicle classes through the year two thousand fifty, and by considering other sources of electric demand at highway charging hubs. Where feasible, upgrades shall be designed as future-proofing upgrades;

(c) prioritize interconnection, electric distribution, and local transmission upgrades at thruway charging hubs and shall include future-proofing upgrades at all thruway charging hubs;

(d) consider the existence of relevant commitments from site and/or charging operators in prioritizing the schedule of upgrades for highway charging hubs; and

(e) identify a schedule for upgrades, provided such schedule shall be subject to reasonable constraints such as availability of land, permitting, relevant commitments from site operators, updates to the charging plan, or other factors.

2. All investments in the utility capital plan, including upgrades to site interconnection at all highway charging hubs, shall be recovered by the utilities through a proceeding established by the commission, a petition filed by one or more utilities, or the utility rate case process. The commission may establish an appropriate mechanism for site

1 owners or operators to contribute to the cost of identified upgrades,  
2 such as, but not limited to, a contribution from charging revenue at the  
3 site.

4 3. The commission shall act to ensure that upgrades are implemented in  
5 a timely and cost-effective manner to meet the charging requirements  
6 identified in the highway charging action plan at all highway charging  
7 hubs. Provided, in evaluating the benefits of proposed upgrades, the  
8 commission may consider, among other factors:

9 (a) appropriate benchmarks for resilience and redundancy of power  
10 supply at selected sites;

11 (b) each site's role in providing charging in emergency conditions;

12 (c) opportunities for the upgrades to improve system reliability and  
13 resiliency, or address existing asset condition needs;

14 (d) opportunities for the upgrades to serve additional electric load  
15 growth, such as adjacent fleet depot charging or charging for host  
16 communities;

17 (e) opportunities for the upgrades to facilitate renewable generation,  
18 distributed energy resources, or hydrogen production;

19 (f) potential for upgrades at highway charging hubs to defer the need  
20 for upgrades at other existing charging locations; and

21 (g) availability of complementary funding or incentives for make-ready  
22 infrastructure to promote charging development.

23 4. In establishing the capital plan, the electric utilities shall  
24 evaluate benefits of utilizing distributed energy resources, such as  
25 energy storage or managed charging programs. Such benefits may include,  
26 but are not limited to, lowering the total cost of the capital plan,  
27 providing increased resiliency at a highway charging hub, and providing  
28 interim solutions to enable charging deployment where grid infrastruc-  
29 ture is not yet in place. Interconnection, electric distribution, and  
30 local transmission upgrades in the capital plan may include utility  
31 ownership and operation of energy storage facilities, including, but not  
32 limited to, mobile or temporary storage facilities.

33 5. For the purposes of this section, "future-proofing upgrades" shall  
34 mean upgrades that seek to accommodate future growth in charging capaci-  
35 ty requirements.

36 6. The commission, in consultation with the commissioner of environ-  
37 mental conservation, may issue such rules and regulations as the commis-  
38 sion determines necessary for the purposes of carrying out the  
39 provisions of this section.

40 7. In the proceeding established in subdivision one of this section,  
41 or in another proceeding designated by the commission, the commission  
42 shall act to identify and remove the barriers to the efficient and time-  
43 ly deployment of charging infrastructure needed to electrify New York's  
44 commercial and public fleet vehicles in the fleet charging zones. The  
45 commission shall consider, among other factors:

46 (a) revisions to utility electric vehicle infrastructure planning to  
47 encourage proactive investments in the fleet charging zones, especially  
48 in disadvantaged and environmental justice communities;

49 (b) appropriate benchmarks for resilience and redundancy of power  
50 supply in selected areas;

51 (c) opportunities for the upgrades to improve system reliability and  
52 resiliency, or address existing asset condition needs;

53 (d) opportunities for the upgrades to serve additional electric load  
54 growth;

55 (e) opportunities for the upgrades to facilitate renewable generation,  
56 distributed energy resources, or hydrogen production;

1 (f) opportunities for future-proofing upgrades;  
2 (g) availability of complementary funding or incentives for make ready  
3 infrastructure to promote charging development; and  
4 (h) benefits of distributed energy resources, including energy stor-  
5 age.

6 § 4. Section 1020-gg of the public authorities law, as added by chap-  
7 ter 433 of the laws of 2009, is amended to read as follows:

8 § 1020-gg. Energy plan. The authority shall complete a biennial energy  
9 plan in accordance with the provisions of article six of the energy law.

10 In addition to any requirements of article six of the energy law, the  
11 authority shall provide copies of its biennial energy plan to the gover-  
12 nor, the temporary president of the senate, the speaker of the assembly,  
13 the chair of the assembly committee on energy and the chair of the  
14 senate committee on energy and telecommunications. Further, the authori-  
15 ty shall cooperate and participate in the state energy planning proce-  
16 dures as enumerated in article six of the energy law.

17 Notwithstanding the foregoing, the authority shall establish or amend an existing capi-  
18 tal plan to implement upgrades in its service territory in accordance  
19 with the dictates of a proceeding implemented by the public service  
20 commission pursuant to section one hundred twenty-one-b of the public  
21 service law. The authority and the New York state energy research and  
22 development authority shall identify no fewer than two highway charging  
23 hubs in the authority's service territory where future-proofing upgrades  
24 shall be implemented on a similar timeline as at the thruway charging  
25 hubs, as defined in section eighteen hundred eighty-five of this chap-  
26 ter, subject to reasonable constraints.

27 § 5. This act shall take effect immediately.