

STATE OF NEW YORK

4830--A

2023-2024 Regular Sessions

IN SENATE

February 15, 2023

Introduced by Sens. KENNEDY, COMRIE, COONEY, HARCKHAM, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 targets and regulations, including the advanced clean
4 truck and advanced clean cars II rules, zero-emissions school bus
5 mandate, and other relevant goals, the interests of the people of the
6 state would be 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

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

LBD09078-04-3

1 depots, and removing barriers to charging deployment, including electric
2 infrastructure constraints.

3 § 2. The public authorities law is amended by adding a new section
4 1885 to read as follows:

5 § 1885. Highway and depot charging action plan. 1. Within nine months
6 of the effective date of this section, and every three years thereafter,
7 the authority, in consultation with the department of public service,
8 the department of transportation, the department of motor vehicles, the
9 New York state thruway authority, the New York power authority, the Long
10 Island power authority, the department of environmental conservation,
11 and the electric distribution and local transmission utilities, shall
12 develop a highway and depot charging action plan. The charging plan
13 shall:

14 (a) support and complement planning by the state for fast charger
15 deployment along alternative fuel corridors;

16 (b) identify the number and location of fast chargers along priority
17 highway corridors, including fast chargers currently installed and
18 connected to the grid, installed and not yet connected to the grid, in
19 development, and identify locations of additional need;

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

31 (d) identify the number and location of highway charging hubs, includ-
32 ing but not limited to thruway charging hubs along priority highway
33 corridors, and identify locations of additional need;

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

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

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

43 (h) estimate future need for charging deployment and charging capacity
44 in the fleet charging zones, including charging capacity required in
45 each charging zone to enable fleet charging at depots sufficient to
46 satisfy the targets and regulations identified in paragraph (c) of this
47 section; and

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

52 2. The authority shall develop a stakeholder engagement process to
53 raise consumer awareness and education across the state and solicit
54 feedback from the public, representatives or residents of environmental
55 justice or disadvantaged communities, electric vehicle manufacturers,
56 electric vehicle supply equipment manufacturers, fleet operators, and

1 others on the highway and depot charging action plan. To the extent
2 practicable and consistent with applicable timelines, the authority may
3 coordinate the highway and depot charging action plan stakeholder input
4 process with the process set forth in section eighteen hundred eighty-
5 four of this article.

6 3. The authority shall submit the highway and depot charging action
7 plan to the public service commission no later than nine months after
8 the effective date of this section and an updated charging plan every
9 three years thereafter. The highway and depot charging action plan shall
10 be made publicly available on the authority's website, provided however,
11 the authority may redact or exclude sensitive information in accordance
12 with applicable law, rule or regulation.

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

16 (a) All thruway charging hubs shall be designated as highway charging
17 hubs.

18 (b) Additional sites or geographic areas shall be prioritized for
19 designation as highway charging hubs based on (i) eligibility for feder-
20 al, state, or other funding opportunities, (ii) proximity to electric
21 transmission infrastructure, (iii) projected vehicle traffic, (iv)
22 charging network coverage, (v) interstate and intrastate commerce, (vi)
23 benefits to environmental justice and disadvantaged communities, (vii)
24 benefits of increased charging accessibility in host communities, (viii)
25 real property ownership or control of potential sites, (ix) relevant
26 commitments from site and/or charging operators, and (x) other factors
27 deemed relevant for the development and successful implementation of the
28 charging plan.

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

33 (d) The authority may consider privately operated sites which are open
34 to the public or multiple commercial entities as eligible for desig-
35 nation as a highway charging hub, subject to reasonable restrictions.

36 (e) A single highway charging hub may be comprised of multiple charg-
37 ing service areas located within a distance from one another deemed by
38 the authority, in consultation with the electric utilities, to be
39 reasonable.

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

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

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

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

46 (d) benefits to and support from environmental justice and disadvan-
47 taged communities,

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

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

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

54 (h) other factors deemed relevant for the development and successful
55 implementation of the charging plan.

6. As used in this section, the following terms shall have the following meanings:

(a) "Alternative fuel corridors" shall mean highways designated within the state pursuant to 23 U.S.C. 151.

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

(c) "Depot" shall mean a site where private or public fleet vehicles are regularly parked, maintained, or otherwise dispatched for service, including school bus garages. A single depot may serve multiple fleets.

(d) "Fast charger" shall mean a direct current electric vehicle charging port which can charge at a level of at least one hundred fifty kilowatts.

(e) "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.

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

(g) "Highway charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure for all vehicle classes, 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. The authority shall determine when a need exists to increase the minimum station power and port capabilities established under this section to account for medium- and heavy-duty vehicle charging demands and may increase the minimum station power and port capabilities as appropriate.

(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. The charging plan shall identify how thruway charging hubs can serve charging needs of all vehicle classes.

§ 3. The public service law is amended by adding a new section 66-v to read as follows:

§ 66-v. Electric network and interconnection upgrades to enable the highway and depot charging action plan. 1. Within ninety days of the submission of the highway and 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 identified in the highway and depot charging action plan. 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;

1 (c) expedite interconnection, electric distribution, and local trans-
2 mission upgrades at highway charging hubs and shall include future-
3 proofing upgrades at all thruway charging hubs;

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

7 (e) identify a schedule for upgrades, provided such schedule shall be
8 subject to reasonable constraints such as availability of land, permit-
9 ting, relevant commitments from site operators, updates to the highway
10 and depot charging action plan, or other factors; and

11 (f) identify barriers to the timely interconnection of charging sites
12 addressed in the utility capital plan, such as permitting or electric
13 infrastructure supply chain dependencies, and, where identified, recom-
14 mend actions to address those barriers.

15 2. To reduce costs of the capital plans to utility customers, the
16 commission shall consider mechanisms including, but not limited to,
17 funding made available by the state and/or federal government. The
18 commission shall develop a plan to ensure cost-effectiveness of invest-
19 ments in the capital plan, and shall consider benefits made available to
20 utility customers through investments in the capital plan.

21 3. The commission shall act to ensure that upgrades are implemented in
22 a timely and cost-effective manner to meet the charging requirements
23 identified in the highway and depot charging action plan at all highway
24 charging hubs and in all fleet charging zones. Provided, in evaluating
25 the benefits of proposed upgrades, the commission may consider, among
26 other factors:

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

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

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

32 (d) opportunities for the upgrades to serve additional electric load
33 growth, including but not limited to adjacent fleet depot charging or
34 charging for host communities;

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

37 (f) potential for upgrades at highway charging hubs or in fleet charg-
38 ing zones to defer the need for upgrades at other existing charging
39 locations; and

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

42 4. In establishing the capital plan, the electric utilities shall
43 evaluate benefits of utilizing distributed energy resources, including
44 but not limited to, energy storage or managed charging programs. Such
45 benefits may include, but are not limited to, lowering the total cost of
46 the capital plan, providing increased resiliency at a highway charging
47 hub or in a fleet charging zone, and providing interim solutions to
48 enable charging deployment where grid infrastructure is not yet in
49 place. Interconnection, electric distribution, and local transmission
50 upgrades in the capital plan may include utility ownership and operation
51 of energy storage facilities, including, but not limited to, mobile or
52 temporary storage facilities.

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

1 6. (a) The commission, in consultation with the commissioner of envi-
2 ronmental conservation, may issue such rules and regulations as the
3 commission determines necessary for the purposes of carrying out the
4 provisions of this section, including rules that expedite the intercon-
5 nection process for electric vehicle supply equipment.

6 (b) The public service commission shall consider opportunities to
7 expedite the interconnection process for highway charging hubs and elec-
8 tric vehicle charging sites, including depots, identified in the fleet
9 charging zones.

10 7. In the proceeding established in subdivision one of this section,
11 or in another proceeding designated by the commission, the commission
12 shall act to identify and remove the barriers to the efficient and time-
13 ly deployment of charging infrastructure needed to electrify New York's
14 commercial and public fleet vehicles and support charging deployment at
15 depots in the fleet charging zones. The commission shall consider,
16 among other factors:

17 (a) revisions to utility infrastructure planning for electric vehicles
18 to encourage proactive investments in the fleet charging zones, espe-
19 cially where investments support and are supported by disadvantaged and
20 environmental justice communities;

21 (b) implementing necessary transmission and distribution upgrades to
22 meet the charging capacity requirements in the fleet charging zones;

23 (c) revisions to utility programs and capital planning to eliminate
24 barriers to charging deployment, reduce interconnection costs, and
25 provide required electric service to school bus operators and other
26 public fleet operators;

27 (d) revisions to utility programs and capital planning to reduce
28 interconnection costs for private fleet operators and charging site
29 operators, including sites which serve multiple medium- and heavy-duty
30 fleets;

31 (e) appropriate benchmarks for resilience and redundancy of power
32 supply in selected areas;

33 (f) opportunities for the upgrades to improve system reliability and
34 resiliency, or address existing asset condition needs;

35 (g) opportunities for the upgrades to serve additional electric load
36 growth;

37 (h) opportunities for the upgrades to facilitate renewable generation,
38 distributed energy resources, or hydrogen production;

39 (i) opportunities for future-proofing upgrades;

40 (j) availability of complementary funding or incentives for make ready
41 infrastructure to promote charging development; and

42 (k) benefits of distributed energy resources, including energy stor-
43 age.

44 8. Utility capital plans created under this section shall demonstrate
45 that the electric utility has entered into a labor peace agreement with
46 a bona fide labor organization of jurisdiction that is actively engaged
47 in representing electric utility employees.

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

50 § 1020-gg. Energy plan. The authority shall complete a biennial energy
51 plan in accordance with the provisions of article six of the energy law.
52 In addition to any requirements of article six of the energy law, the
53 authority shall provide copies of its biennial energy plan to the gover-
54 nor, the temporary president of the senate, the speaker of the assembly,
55 the chair of the assembly committee on energy and the chair of the
56 senate committee on energy and telecommunications. Further, the authori-

1 ty shall cooperate and participate in the state energy planning proce-
2 dures as enumerated in article six of the energy law. Notwithstanding
3 the foregoing, the authority shall establish or amend an existing capi-
4 tal plan to implement upgrades in its service territory in accordance
5 with the dictates of a proceeding implemented by the public service
6 commission pursuant to section sixty-six-v of the public service law.
7 The authority and the New York state energy research and development
8 authority shall identify no fewer than two highway charging hubs in the
9 authority's service territory where future-proofing upgrades shall be
10 implemented on a similar timeline as at the thruway charging hubs, as
11 defined in section eighteen hundred eighty-five of this chapter, subject
12 to reasonable constraints.

13 § 5. This act shall take effect immediately.