

STATE OF NEW YORK

6893

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to transition feasibility analysis for zero-emission school buses

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

1 Section 1. Section 3638 of the education law is amended by adding a
2 new subdivision 1-a to read as follows:

3 1-a. The department shall require every school district to complete a
4 transition feasibility analysis before the end of the current school
5 year as of the effective date of this subdivision, and every five years
6 thereafter, to determine which if any regular routes can feasibly be
7 serviced by zero-emission school buses, provided that existing feasibil-
8 ity studies completed within the two years preceding the adoption of
9 this subdivision shall meet the requirements of this subdivision. The
10 analysis shall assess each district's transportation needs, current bus
11 routes and alternative routes based on distance, topography, bridge and
12 road infrastructure, average low temperatures, and a minimum end-of-
13 route charge requirement of no less than twenty percent, consider the
14 sufficiency of the school district's electric transmission capacity and
15 infrastructure and assess the availability of and accessibility to state
16 and/or federal funding for the purchase of zero-emission school buses
17 and construction of associated infrastructure.

18 § 2. Subdivision 2 of section 3638 of the education law, as added by
19 section 1 of subpart A of part B of chapter 56 of the laws of 2022, is
20 amended to read as follows:

21 2. (a) No later than July first, two thousand twenty-seven, every
22 school district shall abide by the findings of the district's current
23 transition feasibility analysis, completed in accordance with subdivi-
24 sion one-a of this section, as set forth in this subdivision. If the

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

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1 findings of a school district's transition feasibility analysis indicate
2 that:

3 (i) [~~only purchase or lease zero-emission school buses when purchasing~~
4 ~~or leasing new buses,~~

5 ~~(ii) include requirements in any procurement for school transportation~~
6 ~~services that any contractors providing transportation services for the~~
7 ~~school district must only purchase or lease zero-emission school buses~~
8 ~~when purchasing or leasing new school buses, and~~

9 ~~(iii)]~~ fifty percent or more of all regular routes are not deemed
10 feasible for service by zero-emission school buses, then the school
11 district may continue to operate, maintain or contract for non-zero-em-
12 ission school buses and receive transportation aid for non-zero-emission
13 school buses purchased or leased to make required transportation runs;
14 or

15 (ii) less than fifty percent of all regular routes are not deemed
16 feasible for service by zero-emission school buses, then the school
17 district (A) shall operate, maintain or contract for zero-emission
18 school buses and receive transportation aid for zero-emission school
19 buses purchased or leased for such regular routes as are deemed feasibly
20 serviceable by a zero-emission school bus or for an equivalent percent-
21 age of regular routes deemed feasible for service by such buses and (B)
22 may operate, maintain or contract for non-zero-emission school buses for
23 the remaining regular routes and receive transportation aid for non-
24 zero-emission school buses purchased or leased to make required trans-
25 portation runs for such remaining regular routes.

26 (a-1) With respect to any zero-emission school buses operated or main-
27 tained by a school district in accordance with the findings of the
28 district's current transition feasibility analysis, such school district
29 shall include requirements in any procurement for the manufacturing or
30 retrofitting of a zero-emission school bus and charging or fueling
31 infrastructure that the components and parts used or supplied in the
32 performance of the contract or any subcontract thereto shall be produced
33 or made in whole or substantial part in the United States, its territo-
34 ries or possessions and that final assembly of the zero-emission school
35 bus and charging or fueling infrastructure shall occur in the United
36 States, its territories or possessions.

37 (b) The commissioner, in consultation with the New York state energy
38 research and development authority and office of general services, may
39 waive the contracting requirements set forth in [~~subparagraph (iii) of~~]
40 paragraph [~~(a)~~] (a-1) of this subdivision if the commissioner determines
41 that the requirements would not be in the public interest, would result
42 in unreasonable costs, or that obtaining such zero-emission school buses
43 and charging or fueling infrastructure components and parts in the
44 United States would increase the cost of a school district's contract
45 for zero-emission school buses and charging or fueling infrastructure by
46 an unreasonable amount, or such zero-emission school busses and charging
47 or fueling infrastructure components and parts cannot be produced, made,
48 or assembled in the United States in sufficient and reasonably available
49 quantities or of satisfactory quality. Such determination must be made
50 on an annual basis no later than December thirty-first, after providing
51 notice and an opportunity for public comment, and be made publicly
52 available, in writing, on the department's website with a detailed
53 explanation of the findings leading to such determination. If the
54 commissioner has issued determinations for three consecutive years that
55 no such waiver is warranted pursuant to this paragraph, then the commis-

1 sioner shall no longer be required to provide the annual determinations
2 required by this paragraph.

3 (c) Any school district which encumbers funds and places an order for
4 a zero-emission school bus prior to July first, two thousand twen-
5 ty-seven, but which does not receive delivery of such bus before such
6 date, shall be deemed in compliance with the provisions of this subdivi-
7 sion.

8 (d) For the purpose of this subdivision, "regular routes" are defined
9 as daily runs to and from a student's home, child care or bus stop to
10 the district school. Routes to transport students off the primary
11 school campus for boards of cooperative educational services (BOCES)
12 programs, special education placements and to transport homeless
13 students and students to and from extracurricular activities shall be
14 deemed "non regular" routes and exempted from any zero-emission school
15 bus requirement pursuant to this chapter.

16 § 3. Subdivision 4 of section 3638 of the education law, as added by
17 section 1 of subpart A of part B of chapter 56 of the laws of 2022, is
18 amended to read as follows:

19 4. A school district may apply to the commissioner, and the department
20 may grant a one-time extension of up to twenty-four months to comply
21 with the requirements of subdivision [~~two~~] three of this section. The
22 commissioner shall consider a school district's effort to meet the
23 requirements of subdivision [~~two~~] three of this section when granting an
24 extension, including but not limited to, procurement efforts made by the
25 school district, applications for state or federal funds, changes needed
26 to school district operations to meet the requirements of this section,
27 employee training, and receipt of technical assistance, if any. Upon a
28 school district receiving an extension, the New York state energy
29 research and development authority, in consultation with the department,
30 shall provide any additional technical assistance necessary to the
31 district to meet the requirements of subdivision [~~two~~] three of this
32 section.

33 § 4. Subdivision 1 of section 3623-a of the education law is amended
34 by adding a new paragraph a-1 to read as follows:

35 a-1. Zero-emission bus transition feasibility analysis, conducted
36 pursuant to subdivision one-a of section thirty-six hundred thirty-eight
37 of this article;

38 § 5. Paragraph e of subdivision 1 of section 3623-a of the education
39 law is amended by adding two new subparagraphs 1-a and 7-a to read as
40 follows:

41 (1-a) salary for a zero-emission transportation transition planner;
42 (7-a) costs incurred to transport an out-of-service zero-emission bus
43 for storage and repairs;

44 § 6. This act shall take effect immediately.