

STATE OF NEW YORK

8281--C

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 -- 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.

21 (ii) The provisions of subparagraph (i) of this paragraph may be
22 waived by the head of the covered entity in consultation with the New
23 York state energy research and development authority, determines that
24 the provisions would not be in the public interest, would result in
25 unreasonable costs, or that obtaining such trains, charging infrastruc-

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

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1 ture or equipment and fueling infrastructure or equipment made in the
2 United States would increase the cost of the contract by an unreasonable
3 amount, or such products cannot be produced or made in the United States
4 in sufficient and reasonably available quantities and of satisfactory
5 quality. Such determination must be made on an annual basis no later
6 than December thirty-first after providing notice and an opportunity for
7 public comment, and be made publicly available, in writing, on the
8 applicable covered entity's website with a detailed explanation of the
9 findings leading to such determination. If the head of the covered enti-
10 ty has issued determinations for three consecutive years that no such
11 waiver is warranted pursuant to this paragraph, then the head of such
12 covered entity shall no longer be required to provide the annual deter-
13 mination required by this paragraph.

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

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

55 § 2. This act shall take effect immediately.