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:

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

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

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

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

(i) Provided, any state or public authority thereof subject to the provisions of this section shall ensure that such contract for the procurement of trains, charging infrastructure or equipment and fueling infrastructure or equipment shall contain a provision that such trains, charging infrastructure or equipment and fueling infrastructure or equipment are produced or made in whole or substantial part in the United States, its territories or possessions.

(ii) The provisions of subparagraph (i) of this paragraph may be waived by the head of the covered entity in consultation with the New York state energy research and development authority, determines that the provisions would not be in the public interest, would result in 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.

LBD14634-06-2

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

(iii) Nothing in this section shall alter the rights or benefits, and privileges, including, but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership, of any current employees impacted by the proposed purchase contained in this provision. Nothing in this section shall result in: discharge, displacement, or loss of position, including partial displacement such as reduction in the hours of non-overtime work, wages, or employment benefits; the impairment of existing collective bargaining agreements; the transfer of existing duties and functions; or the transfer of future duties or functions, of any currently employed worker impacted by the proposed purchase who agrees to be retained. Prior to the beginning of the procurement process for new zero-emission trains, charging infrastructure or equipment, fueling infrastructure or equipment, or other equipment, the covered entity shall create and implement a workforce development report that: estimates the number of current positions that would be eliminated or substantially changed as a result of the purchase; identifies gaps in skills of its current workforce that are needed to operate and maintain zero-emission trains, charging infrastructure or equipment, fueling infrastructure or equipment, or other equipment; includes a comprehensive plan to transition, train or retrain employees that are impacted by the proposed purchase; and contains an estimated budget to transition, train, or retain employees that are impacted by the proposed purchase. Nothing in this section shall limit the rights of employees pursuant to a collective bargaining agreement or alter the existing representational relationship among collective bargaining representatives or the bargaining representative. Employees of public entities serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Prior to beginning the procurement process for zero-emission trains, charging infrastructure or equipment, fueling infrastructure or equipment, or other equipment, any employer of workers covered by this section shall inform its employees' collective bargaining representative of any potential impact on its members or unit, including positions that may be affected, altered, or eliminated as a result of the purchase.

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

§ 2. This act shall take effect immediately.