

# STATE OF NEW YORK

---

5052--C

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

---

Introduced by M. of A. WOERNER, McDONALD, GUNTHER, STIRPE, HUNTER, THIELE, GLICK, STERN, JACOBSON, MAGNARELLI, BENDETT, K. BROWN, CUNNINGHAM, FAHY, DURSO, GANDOLFO -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to conducting a highway and depot charging needs evaluation

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

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

LBD09078-09-3

1 accelerated fast charger deployment to serve light duty, medium duty and  
2 heavy duty vehicles; and

3 4. Identifying additional high priority areas for the deployment of  
4 charging for medium and heavy duty vehicles, such as school buses, tran-  
5 sit buses, and other light, medium and heavy duty commercial fleet  
6 depots, including taxi and ride-share vehicle fleets, and removing  
7 barriers to charging deployment, including electric infrastructure  
8 constraints.

9 5. Identifying additional priority areas for deployment of charging  
10 infrastructure designed to support building of charging in densely popu-  
11 lated urban areas where access to charging is currently or may be limit-  
12 ed.

13 § 2. The public authorities law is amended by adding a new section  
14 1885 to read as follows:

15 § 1885. Highway and depot charging needs evaluation. 1. Within nine  
16 months of the effective date of this section, and every three years  
17 thereafter, the authority, in consultation with the department of trans-  
18 portation, the department of motor vehicles, the New York state thruway  
19 authority, the New York power authority, the Long Island power authori-  
20 ty, the department of environmental conservation, the electric distrib-  
21 ution and local transmission utilities, the New York Association for  
22 Pupil Transportation, and freight logistics experts shall conduct a  
23 needs evaluation to:

24 (a) consider planning by the department of transportation for fast  
25 charger deployment along alternative fuel corridors and major freight  
26 corridors;

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

30 (c) estimate future need for fast charger deployment along priority  
31 highway and major freight corridors for the purposes of (i) facilitating  
32 the cost-effective and timely achievement of mandates under (1) article  
33 seventy-five of the environmental conservation law, (2) section  
34 19-0306-b of the environmental conservation law regarding zero-emissions  
35 vehicle sales targets, (3) rules and regulations for zero-emissions  
36 vehicles adopted by the commissioner of environmental conservation, and  
37 (4) other relevant and applicable federal and state rules or regulations  
38 or local goals to reduce transportation sector emissions; and (ii)  
39 supporting electric vehicle adoption by consumers and fleet operators;

40 (d) identify the number and location of highway charging hubs, includ-  
41 ing but not limited to thruway charging hubs and freight charging hubs,  
42 currently in operation and in development along priority highway and  
43 major freight corridors;

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

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

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

53 (h) estimate future need for charging deployment and charging capacity  
54 in the fleet charging zones, sufficient to satisfy the targets and regu-  
55 lations identified in paragraph (c) of this subdivision;

(i) examine ways to optimize fast charger deployment among the highway charging hubs, the freight charging hubs, and all such charging hubs, and charging development among the fleet charging zones to reduce the cost of interconnection, if deemed necessary, and electric distribution and local transmission upgrades while serving projected vehicle traffic volumes;

(j) analyze and assess the total potential costs associated with any identified need;

(k) analyze and assess federal or state funding opportunities to minimize such costs to rate payers; and

(l) identify the number and location of critical public charging sites and estimate future need for charging deployment and charging capacity for critical public charging sites.

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

3. The needs evaluation shall be made publicly available on the authority's website.

4. When conducting the needs evaluation, the following locations shall be considered for designation as highway and/or freight charging hubs:

(a) All thruway charging hubs.

(b) Additional sites or geographic areas based on (i) eligibility for federal, state, or other funding opportunities, including but not limited to needs identified through the NEVI formula program planning process, (ii) proximity to electric transmission infrastructure, (iii) projected vehicle traffic, (iv) charging network coverage, (v) interstate and intrastate commerce, (vi) benefits to environmental justice and disadvantaged communities, (vii) benefits of increased charging accessibility in host communities, (viii) real property ownership or control of potential sites, (ix) relevant commitments from site and/or charging operators, and (x) other factors deemed relevant for the development and successful implementation of the highway charging needs evaluation.

(c) Locations within one mile of the priority highway corridors, spaced no more than fifty miles apart along the priority highway corridors and reasonably accessible regardless of direction of travel.

(d) Privately operated sites which are open to the public or multiple commercial entities as eligible for designation as a highway charging hub or freight charging hub, subject to reasonable restrictions.

(e) A single highway or freight charging hub comprised of multiple charging service areas within a reasonable distance from one another.

5. When conducting the needs evaluation, the following geographic area criteria shall be considered when determining designations as fleet charging zones:

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

(b) projected vehicle traffic in the geographic area,

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

1 (d) benefits to environmental justice and disadvantaged communities,  
2 (e) relevant commitments from fleet and/or site operators to install  
3 charging equipment,

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

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

8 (h) sites where private or public fleet vehicles are regularly parked,  
9 maintained, or otherwise dispatched for service, including school bus  
10 garages.

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

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

17 (b) "Charging needs evaluation" shall mean the highway and depot  
18 charging needs evaluation.

19 (c) "Critical public charging site" shall mean a priority site for the  
20 deployment of charging infrastructure designed to support buildout of  
21 charging in densely populated urban areas where access to charging may  
22 be limited.

23 (d) "Fast charger" shall mean a direct current electric vehicle charg-  
24 ing port which can charge at a level of at least one hundred fifty kilo-  
25 watts.

26 (e) "Fleet charging zone" shall mean a priority geographic area for  
27 the deployment of charging infrastructure for public and commercial  
28 fleet operators or owners, including school bus fleets, taxi and ride-  
29 share vehicle fleets.

30 (f) "Freight charging hub" shall mean a priority site for the deploy-  
31 ment of large scale, fast charging infrastructure, which has minimum  
32 station power capability at or above six hundred kilowatts and supports  
33 at least one hundred fifty kilowatts per port simultaneously across four  
34 ports for charging. These sites may include highway charging hubs.

35 (g) "Highway and depot charging needs evaluation" shall mean the needs  
36 evaluation developed pursuant to subdivision two of this section.

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

43 (i) "Major freight corridor" shall mean segments of the freight trans-  
44 portation network identified by the federal highway administration that  
45 carry more than fifty million tons per year, including highway segments  
46 that carry at least eight thousand five hundred trucks per day, addi-  
47 tional highway segments and parallel rail lines that together carry at  
48 least eight thousand five hundred truck, trailer-on-flatcar, and  
49 container-on-flatcar payloads of typically high-value, time sensitive  
50 cargo, and rail lines and waterways that carry fifty million tons in  
51 bulk cargo per year.

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

55 (k) "Priority highway corridor" shall mean alternative fuel corridors  
56 and other state and county highways identified in the charging needs

1 evaluation as appropriate to ensure sufficient and equitable charging  
2 access throughout the state.

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

6 § 3. This act shall take effect immediately.