

STATE OF NEW YORK

622

2023-2024 Regular Sessions

IN ASSEMBLY

January 10, 2023

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to the applicability of certain labor law provisions to the construction of certain parking facilities; and to amend a chapter of the laws of 2022 amending the state finance law relating to requiring the construction of certain parking facilities to be capable of supporting electric vehicle charging stations, as proposed in legislative bills numbers S. 23-B and A. 4386-B, in relation to the effectiveness thereof

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

1 Section 1. Section 19-a of the state finance law, as added by a chap-
2 ter of the laws of 2022 amending the state finance law relating to
3 requiring the construction of certain parking facilities to be capable
4 of supporting electric vehicle charging stations, as proposed in legis-
5 lative bills numbers S. 23-B and A. 4386-B, is amended to read as
6 follows:

7 § 19-a. Parking facilities; support for electric vehicle charging
8 stations. 1. For purposes of this section:

9 (a) the term "construction project" shall mean ~~[any]~~ construction
10 ~~[project performed under private contract that receives state capital~~
11 ~~funding]~~ work involving or including the construction of a new parking
12 facility done under contract which is paid for in whole or in part out
13 of public funds as such term is defined in section two hundred twenty-
14 four-a of the labor law. Any construction associated with the creation
15 or rehabilitation of residential dwelling units or manufactured home
16 parks that are exempted from the definition of "covered projects" as set
17 forth in section two hundred twenty-four-a of the labor law shall also
18 be exempted from this section; and

19 (b) the term "parking facility" shall mean a parking garage, parking
20 structure, or open parking lot that is paved and striped to designate

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

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1 individual parking spaces for vehicles and which has fifty parking spaces or more.

2
3 2. Any construction project undertaken in this state where the scope
4 of such project includes [~~a parking garage, open parking lot, or other~~]
5 the construction of a new parking facility that offers between fifty and
6 two hundred parking spaces shall [~~be~~] deliver a parking facility capable
7 of supporting electric vehicle charging stations for a minimum of ten
8 percent of available parking spaces through [~~an electrical raceway~~] one
9 or more electrical raceways to the electric supply panel serving such
10 [~~parking garage, open parking lot, or other~~] parking facility that shall
11 be capable of providing a minimum of forty [~~amps~~] amperes and two
12 hundred eight volts of electrical capacity to each charging station
13 connected to the raceway. [~~Such~~] A common raceway may be used to serve
14 multiple parking spaces. Each raceway shall terminate in close proximity
15 to the parking spaces designated for electric vehicles and into a suit-
16 able listed cabinet, box, or other enclosure. Each such raceway, cabi-
17 net, box and enclosure and all other components and work appurtenant
18 thereto shall be in accordance with all applicable state, county, city
19 [~~and municipal~~], town, or village electrical codes.

20 3. Any construction project undertaken in this state where the scope
21 of such project includes [~~a parking garage, open parking lot, or other~~]
22 the construction of a new parking facility that offers more than two
23 hundred parking spaces shall [~~be~~] deliver a parking facility capable of
24 supporting electric vehicle charging stations for a minimum of twenty
25 percent of available parking spaces through [~~an electrical raceway~~] one
26 or more electrical raceways to the electric supply panel serving such
27 [~~parking garage, open parking lot, or other~~] parking facility that shall
28 be capable of providing a minimum of forty [~~amps~~] amperes and two
29 hundred eight volts of electrical capacity to each charging station
30 connected to the raceway. [~~Such~~] A common raceway may be used to serve
31 multiple parking spaces. Each raceway shall terminate in close proximity
32 to the parking spaces designated for electric vehicles and into a suit-
33 able listed cabinet, box, or other enclosure. Each such raceway, cabi-
34 net, box, and enclosure and all other components and work appurtenant
35 thereto shall be in accordance with all applicable state, county, city
36 [~~and municipal~~], town, or village electrical codes.

37 4. Nothing in this section shall require the installation of electric
38 vehicle charging stations or any other infrastructure in any [~~parking~~
39 ~~garage, open parking lot or other~~] parking facility except as provided
40 in subdivisions two and three of this section; provided that any
41 construction projects undertaken pursuant to subdivisions two and three
42 of this section shall be subject to the provisions of section two
43 hundred twenty-four-a of the labor law as applicable, provided, however,
44 that any installation of electric vehicle charging stations or any other
45 infrastructure shall comply with the provisions of article eight of the
46 labor law, including the payment of prevailing wage pursuant to section
47 two hundred twenty of the labor law in the locality where such parking
48 facility is located. Provided, further, however, that nothing in this
49 section shall be interpreted to modify the applicability or requirements
50 set forth in article eight of the labor law.

51 [~~Any construction project undertaken pursuant to subdivisions two~~
52 ~~and three of this section shall comply with the provisions of article~~
53 ~~eight of the labor law, including the payment of a wage of not less than~~
54 ~~the prevailing wage pursuant to section two hundred twenty of the labor~~
55 ~~law in the locality where such parking garage, open parking lot, or~~
56 ~~other parking facility is located~~] For any construction project covered

1 by this section, the provisions of subdivision two or three of this
2 section shall not apply if the state entity, political subdivision of
3 the state, or other public authority, public benefit corporation or
4 governmental unit that is providing the public funds for the
5 construction project finds, in consultation with the energy research and
6 development authority and the department of public service, that comply-
7 ing with such provisions would not be in the public interest or would
8 result in unnecessary hardship. In making this determination, the state
9 entity or other governmental unit may consider the availability of
10 sufficient electrical transmission or distribution infrastructure or
11 capacity. The state entity or other governmental unit may consider
12 whether to grant a full or partial exemption from the requirements of
13 subdivision two or three of this section and whether there are alterna-
14 tive means to meet the objectives of this section. Any exemption deter-
15 mination by a state agency or other governmental unit shall be in writ-
16 ing, provided to the project owner, and posted publicly on such state
17 entity or governmental unit website.

18 6. The requirements of this section are intended to set a minimum
19 standard for the installation of electric vehicle charging infrastruc-
20 ture in construction projects. If the construction project is subject to
21 any local, state, or federal law, regulation, code, or ordinance that
22 requires a higher percentage of parking spaces to have charging infras-
23 tructure or requires a greater amount of charging infrastructure, the
24 construction project shall be required to comply with those requirements
25 rather than the requirements of this section.

26 § 2. Section 2 of a chapter of the laws of 2022 amending the state
27 finance law relating to requiring the construction of certain parking
28 facilities to be capable of supporting electric vehicle charging
29 stations, as proposed in legislative bills numbers S. 23-B and A.
30 4386-B, is amended to read as follows:

31 § 2. This act shall take effect [~~April 1, 2023~~] one year after it
32 shall have become a law and shall apply to contracts for new
33 construction entered into on and after such date.

34 § 3. This act shall take effect immediately; provided that section one
35 of this act shall take effect on the same date and in the same manner as
36 a chapter of the laws of 2022 amending the state finance law relating to
37 requiring the construction of certain parking facilities to be capable
38 of supporting electric vehicle charging stations, as proposed in legis-
39 lative bills numbers S. 23-B and A. 4386-B, takes effect.