

STATE OF NEW YORK

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IN ASSEMBLY

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Introduced by M. of A. DINOWITZ, SAYEGH, THIELE, GLICK, CRUZ, LAVINE, CARROLL, COLTON, HYNDMAN, DICKENS, SIMON, EPSTEIN, L. ROSENTHAL, McMAHON, PAULIN, FAHY, REYES, SEAWRIGHT, OTIS, STECK, JACOBSON, WALLACE, GALLAGHER, GONZALEZ-ROJAS, LUPARDO, JONES, ZEBROWSKI, LUNSFORD, ANDERSON, ROZIC, SANTABARBARA, STERN, DAVILA, D. ROSENTHAL, BARRETT, BURDICK, WOERNER, WALKER, PEOPLES-STOKES, CLARK, STIRPE, HUNTER, GANDOLFO, DURSO, KELLES, WEPRIN, JEAN-PIERRE, BRAUNSTEIN, RAJKUMAR, SIMPSON, BURGOS, RA, RAMOS, FALL, MAMDANI, K. BROWN, SILLITTI, JOYNER, FORREST, DILAN, KIM, SEPTIMO, BICHOTTE HERMELYN, JACKSON, MEEKS, PHEFFER AMATO, MITAYNES, WILLIAMS, HEVESI -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the transportation law, in relation to the purchase of zero-emission buses; to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other related equipment; and to amend the public service law, in relation to infrastructure and capacity related to charging of electric buses and a tariff for zero-emission bus charging

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

1 Section 1. Legislative intent. In 2019, New York enacted the Climate
2 Leadership and Community Protection Act to reduce the state's volume of
3 greenhouse gas emissions by at least 85% as compared to 1990 levels by
4 the year 2050. According to the Climate Action Council Scoping Plan,
5 the transportation sector is responsible for approximately 28% of New
6 York's total greenhouse gas emissions. Statewide conversion of public
7 transit bus fleets is an important undertaking required to meet this
8 emission reduction mandate.
9 The legislature recognizes that such a conversion will entail fiscal
10 obligations on the part of transit systems and utility providers in

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

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1 order to purchase new buses, renovate or replace bus depots, expand
2 utility infrastructure and generation capacity, and other necessary
3 investments to ensure reliable delivery of zero-emission bus services.
4 Furthermore, the legislature recognizes that there are existing revenue
5 sources which currently fund public transit that rely on the consumption
6 of fossil fuels and which will diminish as the number of gas-powered
7 cars decreases.

8 It is the expectation of the legislature that there will be sufficient
9 funding to support a statewide conversion of public transit bus fleets
10 to zero-emission buses, including continued federal support such as what
11 has been provided in the Inflation Reduction Act, the Bipartisan Infras-
12 tructure Law, the Low or No Emission Vehicle Program, the Diesel Emis-
13 sions Reduction Act, and other federal funding programs, as well as
14 state and miscellaneous funding such as the New York Truck Voucher
15 Incentive Program and the Volkswagen Clean Air Act Civil Settlement.

16 Additionally, the legislature recognizes that current zero-emission
17 bus technology is still developing, particularly with respect to travel
18 range, cold weather performance, and bus availability. Technological
19 advances will continue accelerating leading up to and during the covered
20 period for zero-emission bus fleet conversion. Finally, one of the
21 greatest harms to local communities are localized emissions which have
22 an acutely negative impact, particularly to disadvantaged communities as
23 defined in the Climate Leadership and Community Protection Act. There-
24 fore a coordinated statewide effort to purchase, manufacture, and
25 utilize zero-emission buses and paratransit vehicles will help facili-
26 tate technological advancement, reduce overall costs, and help reduce
27 harm to our local communities.

28 § 2. The transportation law is amended by adding a new section 17-c to
29 read as follows:

30 § 17-c. Zero-emission buses. 1. No later than January first, two thou-
31 sand twenty-nine, every public transportation system eligible to receive
32 operating assistance under the provisions of section eighteen-b of this
33 article shall be required to purchase only zero-emission buses and
34 related equipment and facilities as part of the normal replacement of
35 its fleet. No later than January first, two thousand thirty-five, any
36 hydrogen fuel cell zero-emission bus shall be powered by hydrogen
37 derived from zero-emission electricity.

38 2. For purposes of this section "zero-emission bus" shall mean a motor
39 vehicle that has a seating capacity of fifteen or more passengers in
40 addition to the driver and used for the transportation of persons; is
41 propelled by an electric motor and associated power electronics which
42 provide acceleration torque to the drive wheels during normal vehicle
43 operation and draws electricity from a hydrogen fuel cell or from a
44 battery which is capable of being recharged from an external source of
45 electricity; or otherwise operates without direct emission of atmospher-
46 ic pollutants. Provided, however, that for purposes of this section,
47 zero-emission buses shall include paratransit vehicles specifically
48 designated by public transportation systems to serve the needs of
49 persons who cannot use fixed route transit buses, subways or rapid tran-
50 sit.

51 3. (a) Notwithstanding any provision of law to the contrary, all
52 rights or benefits, including terms and conditions of employment, and
53 protection of civil service and collective bargaining status of all
54 existing employees of authorized entities shall be preserved and
55 protected. Nothing in this section shall result in the: (i) displacement
56 of any currently employed worker or loss of position (including

1 partial displacement such as a reduction in the hours of non-overtime
2 work, wages, or employment benefits) or result in the impairment of
3 existing collective bargaining agreements; (ii) transfer of existing
4 duties and functions related to maintenance and operations currently
5 performed by existing employees of authorized entities to a contracting
6 entity; or (iii) transfer of future duties and functions ordinarily
7 performed by employees of authorized entities to a contracting entity.

8 (b) Upon the effective date of this section, the transit authority,
9 agency or municipality shall create and implement a workforce develop-
10 ment report that (i) forecasts the number of jobs provided by existing
11 omnibuses, rolling stock, vehicles or equipment that would be eliminated
12 or substantially changed after the purchase, as well as the number of
13 jobs expected to be created at the transit provider by the proposed
14 purchase over a six-year period from the date of the publication of the
15 workforce development report, (ii) identifies gaps in skills needed to
16 operate and maintain the new zero-emission buses, rolling stock, vehi-
17 cles or related equipment, (iii) includes a comprehensive plan to tran-
18 sition, train, or retrain employees that are impacted by the proposed
19 purchase, and (iv) contains an estimated budget to transition, train, or
20 retrain employees that are impacted by the proposed purchase.

21 (c) Nothing contained herein shall be construed to affect (i) the
22 existing rights of employees pursuant to an existing collective bargain-
23 ing agreement, or (ii) the existing representational relationships among
24 employee organizations or the bargaining relationships between the
25 employer and an employee organization. Prior to beginning the procure-
26 ment process for new zero-emission buses, rolling stock, vehicles or
27 related equipment, the transit authority, agency or municipality shall
28 inform the respective collective bargaining agent of any potential jobs
29 that may be affected, altered, or eliminated as a result of the
30 purchase, and it shall be a mandatory subject for collective bargaining.

31 4. (a) (i) Within six months of the effective date of this section,
32 the department and the New York State Energy Research and Development
33 Authority ("NYSERDA"), shall convene a working group made up of transit
34 agencies, other relevant public agencies, the department, the New York
35 power authority, educational institutions, relevant community organiza-
36 tions, and other necessary parties, to create a zero-emission roadmap
37 for the state which shall identify the actions needed to meet the tran-
38 sition goals established in subdivision one of this section. The road-
39 map shall include, but not be limited to:

40 (1) financial and technical guidance related to the purchasing, retro-
41 fitting, operation, and maintenance of zero-emission buses;

42 (2) an identification and siting plan for charging and fueling infras-
43 tructure;

44 (3) an identification of the necessary investments in the electric
45 transmission and distribution grid;

46 (4) an identification of how to ensure related facility upgrades are
47 coordinated to maximize the cost effectiveness and overall system reli-
48 ability;

49 (5) the available federal, state, and local funding to purchase or
50 lease zero-emission buses or convert existing buses to zero-emissions;

51 (6) an identification of new incentives and programs to advance the
52 deployment and adoption of zero-emission buses;

53 (7) streamlining actions to facilitate the conversion of public trans-
54 portation systems and bus fleets;

55 (8) strategies consistent with the Climate Leadership and Community
56 Protection Act enacted by chapter one hundred six of the laws of two

1 thousand nineteen, that ensure the deployment of zero-emission buses are
2 prioritized in disadvantaged communities, as defined in subdivision
3 five of section 75-0101 of the environmental conservation law;

4 (9) in consultation with the environmental justice working group and
5 the climate action council, shall, to the extent practicable, invest or
6 direct available and relevant programmatic resources in a manner
7 designed to achieve a goal for disadvantaged communities to receive
8 forty percent of overall benefits of spending consistent with section
9 75-0117 of the environmental conservation law;

10 (10) an estimation of the number of public operations and maintenance
11 jobs provided by existing omnibuses, rolling stock, vehicles or equip-
12 ment that would be eliminated or substantially changed by the transition
13 goals established in subdivision one of this section;

14 (11) identifies gaps in skills needed to operate and maintain the new
15 electric-powered omnibuses, rolling stock, vehicles or related equip-
16 ment; and

17 (12) development of a comprehensive plan to transition, train, or
18 retrain public transportation system employees impacted by the transi-
19 tion goals established in subdivision one of this section, including an
20 estimated budget for implementing this plan and the identification of
21 funding streams to fund this transition.

22 (ii) The department and NYSERDA shall convene a technical advisory
23 group made up of diverse stakeholders to provide the department and
24 NYSERDA with relevant technical, policy, and market expertise. The
25 department and NYSERDA shall further develop a stakeholder engagement
26 process to solicit feedback on the roadmap and raise consumer awareness
27 and education across the state.

28 (b) No later than one year after the convening of the working group
29 established by subparagraph (i) of paragraph (a) of this subdivision,
30 the department and NYSERDA shall report its findings and recommendations
31 to the governor, the temporary president of the senate, and the speaker
32 of the assembly. This report may be combined with the report required
33 under section eighteen hundred eighty-four of the public authorities
34 law.

35 (c) Following the submission of the report as required by paragraph
36 (b) of this subdivision, the department and NYSERDA shall solicit public
37 comment for thirty days in developing the roadmap, and are authorized to
38 hold public hearings and meetings in accordance with article seven of
39 the public officers law, and consult with any organization, educational
40 institution, or other government entity or person, to enable them to
41 accomplish their duties.

42 (d) No later than fifteen months after the convening of the working
43 group established by subparagraph (i) of paragraph (a) of this subdivi-
44 sion, DOT and NYSERDA shall publish a formalized roadmap along with all
45 necessary policies and procedures for implementation, to ensure public
46 transportation systems will be able to meet the transition goals estab-
47 lished in subdivision one of this section. DOT and NYSERDA shall publish
48 the roadmap, policies, and procedures, on either of their publicly
49 accessible websites, thirty days prior to the plans being finalized.

50 (e) No later than one year after the publication and implementation
51 of the roadmap established pursuant to paragraph (d) of this subdivi-
52 sion, public transportation systems eligible to receive operating
53 assistance under the provisions of section eighteen-b of this article,
54 must develop and implement their own transition plans, incorporating the
55 findings, policies, and procedures produced by the working group and
56 identifying possible barriers to implementing this transition, unless

1 granted an extension under subdivision five of this section. Public
2 transportation systems shall solicit public comment in developing tran-
3 sition plans, and are authorized to hold public hearings and meetings in
4 accordance with article seven of the public officers law, and consult
5 with any organization, educational institution, or other government
6 entity or person, to enable them to accomplish their duties. The depart-
7 ment shall publish transition plans on their publicly accessible website
8 within thirty days of the plans being finalized with the department.
9 Transition plans shall be updated every three years after the date they
10 are first published and updated plans shall be updated on the depart-
11 ment's website within thirty days of the updated plans being finalized.

12 (f) The working group shall provide technical assistance to public
13 transportation systems upon request, and shall provide assistance to
14 public transportation systems upon request for assistance in pursuing
15 state and federal grants and other funding opportunities. The working
16 group shall prioritize funding opportunity assistance to public trans-
17 portation systems implementing a zero-emissions purchase requirement
18 prior to January first, two thousand twenty-nine. The department shall
19 also facilitate the coordination of purchasing, installation and sharing
20 services between public transportation systems serving primarily outside
21 of cities with a population of one million or more.

22 5. (a) In order to obtain an extension of the attainment date beyond
23 the statutory date of January first, two thousand twenty-nine pursuant
24 to subdivision one of this section, the transportation system shall:

25 (i) apply for an extension and submit a complete application for such
26 extension attainment date by December thirty-first, two thousand twen-
27 ty-eight; and

28 (ii) demonstrate that the transition plan required pursuant to subdivi-
29 sion four of this section contains all of the required components of a
30 transition plan and includes a request for extension of the attainment
31 date.

32 (b) The department shall determine if the transportation system quali-
33 fies for an attainment date extension based on:

34 (i) whether the transportation system conducted at least a request for
35 information, request for proposal, or combination of both for paratran-
36 sit vehicles within three years of two thousand twenty-nine, proven that
37 such zero-emission paratransit technology is not attainable by two thou-
38 sand twenty-nine, and the department has determined that a good faith
39 effort has been made by the transportation system; and

40 (ii) whether the transportation system:

41 (1) purchased or installed equipment within the last ten years for the
42 purpose of reducing emissions and where buses reliant on such infras-
43 tructure constitute a majority of the in-use fleet; or

44 (2) has already received funds for such equipment and such equipment
45 has not yet reached the end of its useful life or through the lifetime
46 of any existing federal funding obligations for such infrastructure,
47 whichever comes first; and where buses reliant on such infrastructure
48 constitute a majority of the in-use fleet; or

49 (3) is an intercity bus service or bus service intended to satisfy
50 longer distance travel demand between cities, villages and unincorporat-
51 ed urban places and proven that such zero-emission transition is not
52 attainable by two thousand twenty-nine due to technology or infrastruc-
53 ture and the department has determined that a good faith effort has been
54 made.

1 (c) In order to obtain an exemption from the attainment date require-
2 ment pursuant to subdivision one of this section, the transition plan
3 shall include:

- 4 (i) a timeline for attainment demonstration;
5 (ii) efforts to maximize zero-emission bus purchases and purchase only
6 zero-emission buses prior to two thousand thirty-five;
7 (iii) year-by-year targets for zero-emission bus procurements and
8 infrastructure installation;
9 (iv) contingency measure provisions; and
10 (v) a detailed justification for nonattainment of zero-emission equip-
11 ment review plan provisions.

12 (d) Based on the department's assessment of the transportation
13 system's transition plan and extension request, the department may deny
14 the extension if it determines that an adequate attempt was not made or
15 that technology and infrastructure is available for the transportation
16 system to transition to zero-emission buses. Any determination by the
17 department to deny or grant an extension request shall be subject to
18 public notification and comment. Any applications for attainment date
19 extensions shall be subject to the freedom of information law and
20 published on the department's public website.

21 (e) Transportation systems that qualify for an extension pursuant to
22 this subdivision shall procure only zero-emission buses starting January
23 first, two thousand thirty-five or sooner once the exemption no longer
24 applies.

25 § 3. The transportation law is amended by adding a new section 18-c to
26 read as follows:

27 § 18-c. Capital plan requirements. In formulating the five-year
28 department of transportation capital plans, the department shall: (a)
29 consider the requirement of section seventeen-c of this article in its
30 disbursement of payment for the costs of mass transportation capital
31 projects and facilities and give preference in the form of payments to
32 public transportation systems eligible to receive operating assistance
33 under the provisions of section eighteen-b of this article that are able
34 to demonstrate commitments made towards purchasing and retrofitting
35 zero-emission buses and related equipment and facilities; and (b) facil-
36 itate for purposes of meeting the requirement of section seventeen-c of
37 this article the coordination of purchasing, installation and sharing
38 services between public transportation systems serving primarily outside
39 the city of New York.

40 § 4. Section 2878-a of the public authorities law is amended by adding
41 a new subdivision 3 to read as follows:

42 3. (a) A transportation authority established under this chapter may,
43 by resolution approved by a two-thirds vote of its members then in
44 office, or by a declaration that competitive bidding is impractical or
45 inappropriate with respect to electric-powered omnibuses, rolling stock,
46 vehicles or other related equipment because the item is available
47 through an existing contract between a vendor and (i) another public
48 authority provided that such other authority utilized a process of
49 competitive bidding or a process of competitive requests for proposals
50 to award such contracts, or (ii) the state of New York, or (iii) a poli-
51 tical subdivision of the state of New York, provided that in any case
52 when under this subdivision the authority determines that obtaining such
53 item thereby would be in the public interest and sets forth the reasons
54 for such determination. The authority shall accept sole responsibility
55 for any payment due the vendor as a result of the authority's order. In
56 each case where the authority declares competitive bidding impractical

1 or inappropriate, it shall state the reason therefor in writing and
2 summarize any negotiations that have been conducted. The authority shall
3 not award any contract pursuant to this subdivision earlier than thirty
4 days from the date on which the authority declares that competitive
5 bidding is impractical or inappropriate. All procurements approved
6 pursuant to this subdivision shall be subject to audit and inspection by
7 the department of audit and control or any successor agencies. For
8 purposes of this subdivision, "transportation authority" shall not
9 include transportation authorities governed under titles nine, nine-A
10 and eleven of article five of this chapter or title three of article
11 three of this chapter. For the purposes of this subdivision, "electric-
12 powered omnibuses" shall include any bus owned, leased, rented or other-
13 wise controlled by the authority that otherwise meets the definition of
14 bus provided in section five hundred nine-a of the vehicle and traffic
15 law that is propelled by an electric motor and associated power elec-
16 tronics which provide acceleration torque to the drive wheels during
17 normal vehicle operation and draws electricity from a hydrogen fuel cell
18 or from a battery which is capable of being recharged from an external
19 source of electricity; or otherwise operates without direct emission of
20 atmospheric pollutants.

21 (b) (i) Notwithstanding any provision of law to the contrary, all
22 rights or benefits, including terms and conditions of employment, and
23 protection of civil service and collective bargaining status of all
24 existing employees of authorized entities shall be preserved and
25 protected. Nothing in this section shall result in the: (1) displacement
26 of any currently employed worker or loss of position, including partial
27 displacement such as a reduction in the hours of non-overtime work,
28 wages, or employment benefits, or result in the impairment of existing
29 collective bargaining agreements; (2) transfer of existing duties and
30 functions related to maintenance and operations currently performed by
31 existing employees of authorized entities to a contracting entity; or
32 (3) transfer of future duties and functions ordinarily performed by
33 employees of authorized entities to a contracting entity.

34 (ii) At least one year prior to the beginning of the procurement proc-
35 ess for new electric-powered omnibuses, rolling stock, vehicles or
36 related equipment, the authority shall create and implement a workforce
37 development report that (1) forecasts the number of jobs provided by
38 existing omnibuses, rolling stock, vehicles or equipment that would be
39 eliminated or substantially changed after the purchase, as well as the
40 number of jobs expected to be created at the authority by the proposed
41 purchase over a six-year period from the date of the publication of the
42 workforce development report, (2) identifies gaps in skills needed to
43 operate and maintain the new electric-powered omnibuses, rolling stock,
44 vehicles or related equipment, (3) includes a comprehensive plan to
45 transition, train, or retrain employees that are impacted by the
46 proposed purchase, and (4) contains an estimated budget to transition,
47 train, or retrain employees that are impacted by the proposed purchase.

48 (c) Nothing contained herein shall be construed to affect (i) the
49 existing rights of employees pursuant to an existing collective bargain-
50 ing agreement, or (ii) the existing representational relationships among
51 employee organizations or the bargaining relationships between the
52 employer and an employee organization. Prior to beginning the procure-
53 ment process for new electric-powered omnibuses, rolling stock, vehicles
54 or related equipment, the transit agency or municipality shall inform
55 the respective collective bargaining agent of any potential jobs that

1 may be affected, altered, or eliminated as a result of the purchase, and
2 it shall be a mandatory subject for collective bargaining.

3 § 5. Section 104 of the general municipal law is amended by adding a
4 new subdivision 3 to read as follows:

5 3. (a) Notwithstanding the provisions of section one hundred three of
6 this article or of any other general, special or local law, any chief
7 executive officer of a political subdivision or agency which operates a
8 public transportation system is authorized to make purchases of elec-
9 tric-powered omnibuses or other related equipment upon a resolution
10 approved by a two-thirds vote of its board then in office because the
11 item is available through an existing contract between a vendor and (i)
12 a public authority of the state provided that such other authority
13 utilized a process of competitive bidding or a process of competitive
14 requests for proposals to award such contracts, or (ii) the state of New
15 York, or (iii) a political subdivision of the state of New York,
16 provided that in any case when under this subdivision the political
17 subdivision determines that obtaining such item thereby would be in the
18 public interest and sets forth the reasons for such determination. The
19 political subdivision shall not award any contract pursuant to this
20 subdivision earlier than thirty days from the date on which the poli-
21 tical subdivision declares that competitive bidding is impractical or
22 inappropriate. All purchases shall be subject to audit and inspection by
23 the political subdivision for which made, in addition to the department
24 of audit and control of New York state. For purposes of this subdivi-
25 sion, "political subdivision or agency which operates a public transpor-
26 tation system" shall not include transportation authorities governed
27 under titles nine, nine-A and eleven of article five of the public
28 authorities law or title three of article three of the public authori-
29 ties law. For the purposes of this subdivision, "electric-powered omni-
30 buses" shall include any bus owned, leased, rented or otherwise
31 controlled by the political subdivision that otherwise meets the defi-
32 nition of bus provided in section five hundred nine-a of the vehicle and
33 traffic law that is propelled by an electric motor and associated power
34 electronics which provide acceleration torque to the drive wheels during
35 normal vehicle operation and draws electricity from a hydrogen fuel cell
36 or from a battery which is capable of being recharged from an external
37 source of electricity; or otherwise operates without direct emission of
38 atmospheric pollutants.

39 (b) (i) Notwithstanding any provision of law to the contrary, all
40 rights or benefits, including terms and conditions of employment, and
41 protection of civil service and collective bargaining status of all
42 existing employees of authorized entities shall be preserved and
43 protected. Nothing in this section shall result in the: (1) displacement
44 of any currently employed worker or loss of position, including
45 partial displacement such as a reduction in the hours of non-overtime
46 work, wages, or employment benefits, or result in the impairment of
47 existing collective bargaining agreements; (2) transfer of existing
48 duties and functions related to maintenance and operations currently
49 performed by existing employees of authorized entities to a contracting
50 entity; or (3) transfer of future duties and functions ordinarily
51 performed by employees of authorized entities to a contracting entity.

52 (ii) At least one year prior to the beginning of the procurement proc-
53 ess for new electric-powered omnibuses, rolling stock, vehicles or
54 related equipment, the transit agency or municipality shall create and
55 implement a workforce development report that (1) forecasts the number
56 of jobs provided by existing omnibuses, rolling stock, vehicles or

equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 6. Section 104 of the general municipal law, as amended by section 27 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

§ 104. Purchase through office of general services. 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service is authorized to make purchases of commodities and services available pursuant to section one hundred sixty-three of the state finance law, may make such purchases through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

2. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (a)

1 a public authority of the state provided that such other authority
2 utilized a process of competitive bidding or a process of competitive
3 requests for proposals to award such contracts, or (b) the state of New
4 York, or (c) a political subdivision of the state of New York, provided
5 that in any case when under this subdivision the political subdivision
6 determines that obtaining such item thereby would be in the public
7 interest and sets forth the reasons for such determination. The poli-
8 tical subdivision shall not award any contract pursuant to this subdivi-
9 sion earlier than thirty days from the date on which the political
10 subdivision declares that competitive bidding is impractical or inappro-
11 priate. All purchases shall be subject to audit and inspection by the
12 political subdivision for which made, in addition to the department of
13 audit and control of New York state. For purposes of this subdivision,
14 "political subdivision or agency which operates a public transportation
15 system" shall not include transportation authorities governed under
16 titles nine, nine-A and eleven of article five of the public authorities
17 law or title three of article three of the public authorities law. For
18 the purposes of this subdivision, "electric-powered omnibuses" shall
19 include any bus owned, leased, rented or otherwise controlled by the
20 political subdivision that otherwise meets the definition of bus
21 provided in section five hundred nine-a of the vehicle and traffic law
22 that is propelled by an electric motor and associated power electronics
23 which provide acceleration torque to the drive wheels during normal
24 vehicle operation and draws electricity from a hydrogen fuel cell or
25 from a battery which is capable of being recharged from an external
26 source of electricity; or otherwise operates without direct emission of
27 atmospheric pollutants.

28 (b) (i) Notwithstanding any provision of law to the contrary, all
29 rights or benefits, including terms and conditions of employment, and
30 protection of civil service and collective bargaining status of all
31 existing employees of authorized entities shall be preserved and
32 protected. Nothing in this section shall result in the: (1) displacement
33 of any currently employed worker or loss of position, including
34 partial displacement such as a reduction in the hours of non-overtime
35 work, wages, or employment benefits, or result in the impairment of
36 existing collective bargaining agreements; (2) transfer of existing
37 duties and functions related to maintenance and operations currently
38 performed by existing employees of authorized entities to a contracting
39 entity; or (3) transfer of future duties and functions ordinarily
40 performed by employees of authorized entities to a contracting entity.

41 (ii) At least one year prior to the beginning of the procurement proc-
42 ess for new electric-powered omnibuses, rolling stock, vehicles or
43 related equipment, the transit agency or municipality shall create and
44 implement a workforce development report that (1) forecasts the number
45 of jobs provided by existing omnibuses, rolling stock, vehicles or
46 equipment that would be eliminated or substantially changed after the
47 purchase, as well as the number of jobs expected to be created at the
48 transit provider by the proposed purchase over a six-year period from
49 the date of the publication of the workforce development report, (2)
50 identifies gaps in skills needed to operate and maintain the new elec-
51 tric-powered omnibuses, rolling stock, vehicles or related equipment,
52 (3) includes a comprehensive plan to transition, train, or retrain
53 employees that are impacted by the proposed purchase, and (4) contains
54 an estimated budget to transition, train, or retrain employees that are
55 impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

§ 7. The transportation law is amended by adding a new section 18-d to read as follows:

§ 18-d. Zero-emission bus procurement contract proposals. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Displaced worker" means any employee whose most recent separation from active service was due to lack of business, a reduction in force, or other economic, nondisciplinary reason related to the transition from the fossil-fuel reliant buses to zero-emission buses.

(b) "Individual facing barriers to employment" means either of the following:

(i) An individual facing barriers to employment as defined by the commissioner or, otherwise

(ii) An individual from a demographic group that represents less than thirty percent of their relevant industry workforce according to the United States Bureau of Labor Statistics.

(c) "Non-temporary job" means a job other than those classified as "temporary" as defined in article eleven of the general business law.

2. (a) Beginning January first, two thousand twenty-five, every public transportation system eligible to receive operating assistance pursuant to section eighteen-b of this article shall award contracts for zero-emission buses and related equipment using a competitive best-value procurement process; and shall require bidders to submit a United States Jobs Plan as part of their solicitation responses.

(b) The United States Jobs Plan shall include the following information:

(i) The number of full-time non-temporary jobs proposed to be retained and created, including an accounting of the positions classified as employees, as defined in section seven hundred forty of the labor law, and positions classified as independent contractors;

(ii) The number of jobs specifically reserved for individuals facing barriers to employment and the number reserved for displaced workers and workers from disadvantaged communities;

(iii) The minimum wage levels by job classification for non-supervisory workers;

(iv) Proposed amounts to be paid for fringe benefits by job classification and the proposed amounts for worker training by job classification;

(v) In the event that a federal authority specifically authorizes use of a geographic preference or when state or local funds are used to fund a contract, proposed local jobs created in the state or within an existing facility in the state that are related to the manufacturing of zero-emission buses and related equipment; and

(vi) Information on what steps have been taken and will be taken to implement the workforce development report with respect to training and

1 retraining of existing maintenance, drivers and other identified
2 purchasing agency employees.

3 3. The requests for proposals established by subdivision two of this
4 section shall include notice to bidders stating that:

5 (a) the content of United States Jobs Plans shall be incorporated as
6 material terms of the final contract;

7 (b) the content of United States Jobs Plans and reports required by
8 this section shall be subject to disclosure under the Freedom of Infor-
9 mation Law; and

10 (c) the final contract and compliance documents shall be made avail-
11 able to the public.

12 4. The department shall promulgate regulations to establish the forms,
13 procedures, and processes necessary for impacted transit agencies to
14 implement the requirements of this section. This shall include a stand-
15 ard and consistent method, such as a workbook or worksheet, to track the
16 quantifiable information required in paragraph (b) of subdivision two of
17 this section and procedures to annually assess contracting entities
18 compliance with the United States Jobs Plan.

19 5. Contracting entities shall be required to submit annual United
20 States Jobs Plan reports to contracting public agencies demonstrating
21 compliance with their United States Jobs Plan commitments. The terms of
22 the final contract as well as all compliance reporting shall be made
23 available to the public online, either via the contracting agency's
24 website or the department's website, at the election of the contracting
25 agency.

26 6. The provisions of this section shall not apply to: (a) A contract
27 awarded before January first, two thousand twenty-five; or

28 (b) A contract awarded based on a solicitation issued before January
29 first, two thousand twenty-five.

30 § 8. The public service law is amended by adding a new section 66-v to
31 read as follows:

32 § 66-v. Public transportation systems zero-emission electricity
33 infrastructure. Every electric corporation which provides electric
34 service to a public transportation system, as defined in section eigh-
35 teen-b of the transportation law, shall ensure that such corporation has
36 the requisite and appropriate infrastructure, capacity, facilities, and
37 transmission and distribution systems needed to supply power for the
38 electric charging of zero-emission buses of a public transportation
39 system at the locations designated for charging by such public transpor-
40 tation systems. Within one year of the publication of the roadmap
41 required under subdivision four of section seventeen-c of the transpor-
42 tation law, an electric corporation shall have adopted finalized plans
43 and agreements to construct, install or upgrade the infrastructure
44 necessary to support to the deployment and operation of zero-emission
45 buses by a public transportation system by providing the required elec-
46 tric service to the locations designated for charging buses by such
47 public transportation system. All costs associated with the mandates of
48 this section shall be borne by an electric corporation. The commission
49 shall not approve any increases in rates or charges for services of an
50 electric corporation which has not complied with this section by the
51 date set forth herein or pursuant to the roadmap under section seven-
52 teen-c of the transportation law.

53 § 9. Section 66-s of the public service law is amended by adding a new
54 subdivision 7 to read as follows:

55 7. The commission shall establish a separate tariff under this section
56 for public transportation systems as defined in section eighteen-b of

1 the transportation law for separately metered utilities for the purpose
2 of charging zero-emission buses as defined in section seventeen-c of
3 such law. The tariff shall provide a waiver of all secondary demand
4 charges for charging zero-emission buses between the hours of ten
5 o'clock p.m. and eight o'clock a.m., as well as low tension service for
6 winter and summer months.

7 § 10. Severability. The provisions of this act shall be severable, and
8 if the application of any clause, sentence, paragraph, subdivision,
9 section or part of this act to any person or circumstance shall be
10 adjudged by any court of competent jurisdiction to be invalid, such
11 judgment shall not necessarily affect, impair or invalidate the applica-
12 tion of any such clause, sentence, paragraph, subdivision, section or
13 part of this act or remainder thereof, as the case may be, to any other
14 person or circumstance, but shall be confined in its operation to the
15 clause, sentence, paragraph, subdivision, section or part thereof
16 directly involved in the controversy in which such judgment shall have
17 been rendered.

18 § 11. This act shall take effect immediately, provided, however, that
19 section seven of this act shall take effect on the ninetieth day after
20 it shall have become a law; provided, further, that the amendments to
21 section 104 of the general municipal law made by section five of this
22 act shall be subject to the expiration and reversion of such section
23 pursuant to section 9 of subpart A of part C of chapter 97 of the laws
24 of 2011, as amended, when upon such date the provisions of section six
25 of this act shall take effect. Effective immediately, the addition,
26 amendment and/or repeal of any rule or regulation necessary for the
27 implementation of this act on its effective date are authorized to be
28 made and completed on or before such effective date.