# STATE OF NEW YORK

2966

2023-2024 Regular Sessions

# IN SENATE

January 26, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, the environmental conservation law, the public authorities law, and the general municipal law, in relation to requiring certain watercraft, aircraft, and trains to be zero-emissions; and to amend the public authorities law, in relation to requiring NYSERDA to conduct certain studies and requiring certain monetary incentives for clean energy vehicles

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

Section 1. The energy law is amended by adding a new section 5-108-b to read as follows:

**§ 5-108-b. Purchase of zero-emission ferries. a. The commissioner shall promulgate rules and regulations which shall require that all ferries purchased by or for the state or any agency or public authority thereof, or any private nonprofit organization in any fiscal year which commences on or after April first two thousand thirty, produce zero-emissions. Privately licensed ferries that receive funding from the state or any agency or public authority thereof, where such funds are provided to subsidize a particular route, shall, in any fiscal year which commences on or after April first two thousand thirty, purchase zero-emission ferries to service that particular route.**

§ 2. The environmental conservation law is amended by adding a new section 19-0306-c to read as follows:

**§ 19-0306-c. Public vessel emissions regulations.**

**1. The commissioner shall promulgate rules and regulations which shall require that all public vessels operating in the navigable waters of the state shall produce zero or near zero-emissions by two thousand forty. Public vessels may only utilize fossil fuel-based engines as range extenders.**

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

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2. The provisions of this section shall not apply to commercial fishing boats, ocean-going ships or public vessels transporting goods through the Great Lakes.

3. For purposes of this section, the following terms shall have the following meanings:

(a) "public vessel" shall have the same meaning as in paragraph (a) of subdivision six of section two of the navigation law;

(b) "navigable waters of the state" shall have the same meaning as in subdivision four of section two of the navigation law;

(c) "fossil fuel" shall mean coal, petroleum products and fuel gases; and

(d) "range extender" shall mean a fuel-based auxiliary power unit that extends the range of an electric vessel by providing power to an electric generator that charges the vessel's battery.

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

§ 1885. Study on zero-emission commercial vessels. 1. The New York state energy research and development authority is hereby authorized and directed to conduct a comprehensive study to analyze the need for charging stations along the Hudson river and the New York state canal system to accommodate zero-emission commercial vessels.

2. Such study shall examine, at a minimum:

(a) the current electric vessel infrastructure, including an evaluation of revenue allocation options to assist in an expansion of such infrastructure;

(b) the volume of commercial barge operations, including an estimate of the number of charging stations necessary to supply such operations upon a transition of commercial barge operations to zero-emission vessels;

(c) any safety implications concerning the development of the electric vessel infrastructure; and

(d) any negative impacts that may result from the installation of charging stations.

3. The authority shall report its findings and any recommendations to the governor, the temporary president of the senate and the speaker of the assembly no later than five years after the effective date of this section.

§ 4. The public authorities law is amended by adding a new section 1886 to read as follows:

§ 1886. Boat clean rebate program. The authority shall establish and administer a parallel program to the drive clean rebate program entitled the boat clean rebate program to permit vessels, as defined in section two of the navigation law, that produce zero-emissions and are no greater than twenty-five feet in length, to be eligible for a maximum rebate amount of two thousand dollars.

§ 5. Subdivision 1 of section 352 of the general municipal law, as amended by chapter 904 of the laws of 1947, is amended to read as follows:

1. Construct, develop, improve, equip, maintain and operate the same, provided that, no later than January first, two thousand thirty, all ground support equipment used by any public airport shall be zero-emission ground support equipment.

§ 6. The public authorities law is amended by adding a new section 1887 to read as follows:

§ 1887. Study on publicly funded airports. 1. The authority shall conduct a study of all publicly funded airports within the state to

assess the financial viability of using renewable energy in such airports. Such study shall examine the use of renewable energy sources, including but not limited to, geothermal energy, solar energy and wind energy, for on-site generation of electricity. Such study shall further examine, at a minimum:

(a) the cost of each such source of renewable energy compared to the cost of non-renewable energy sources;

(b) the efficiency of each such source of renewable energy compared to the efficiency of non-renewable energy sources; and

(c) any safety implications for each such source of renewable energy.

2. The authority shall report its findings and any recommendations to the governor, the temporary president of the senate, and the speaker of the assembly no later than five years after the effective date of this section.

§ 7. Section 1854 of the public authorities law is amended by adding a new subdivision 24 to read as follows:

24. To administer a program, using funds provided for such purpose, to provide a grant to commercial flying school and non-profit flying clubs to install charging infrastructure applicable to federal aviation administration certified electric aircraft. To be eligible for such grant, flying schools and flying clubs shall be based at airports located in this state. Any flying club seeking such grant shall have no less than twenty-five members. Priority shall be given to flying school and non-profit flying clubs that have been in business for at least five consecutive years.

§ 8. The public authorities law is amended by adding a new section 1888 to read as follows:

§ 1888. Study on sustainable aviation fuel. 1. The authority shall conduct a study to determine how to make sustainable aviation fuel, certified per applicable standards such as the roundtable on sustainable biomaterials standards or the American society for testing and materials standards, more widely available at airports in the state, using locally sourced biomass as feedstock for the fuel whenever feasible. Such study shall examine, at a minimum:

(a) the resources available within the state to create such sustainable fuel;

(b) the cost for creating such fuel;

(c) the cost to implement the use of such fuel within the state compared to the cost of maintaining the use of traditional aviation fuel; and

(d) any safety implications concerning the use of sustainable aviation fuel.

2. The authority shall report its findings and any recommendations to the governor, the temporary president of the senate, and the speaker of the assembly no later than five years after the effective date of this section.

§ 9. Section 1266 of the public authorities law is amended by adding a new subdivision 20 to read as follows:

20. No later than January first, two thousand thirty-five, the authority, in consultation with the Metro-North Commuter Railroad Company, the Long Island Railroad and the executive director of the metropolitan transportation authority, shall require that all passenger trains operated by the Metro-North Commuter Railroad Company and the Long Island Railroad, and all work trains in the subway system operated by the metropolitan transportation authority shall be zero-emission trains. Any branch of the Metro-North Commuter Railroad Company that operates

**wholly or partially in New Jersey or Connecticut shall be exempt from the provisions of this subdivision.**

§ 10. This act shall take effect immediately.