

STATE OF NEW YORK

6089

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sens. KENNEDY, ADDABBO, BAILEY, BRESLIN, BRISPORT, BROUK, COMRIE, COONEY, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, LIU, MANNION, MAY, MAYER, MYRIE, PARKER, RIVERA, RYAN, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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
11 order to purchase new buses, renovate or replace bus depots, expand
12 utility infrastructure and generation capacity, and other necessary
13 investments to ensure reliable delivery of zero-emission bus services.
14 Furthermore, the legislature recognizes that there are existing revenue
15 sources which currently fund public transit that rely on the consumption

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

LBD10254-03-3

1 of fossil fuels and which will diminish as the number of gas-powered
2 cars decreases.

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

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

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

25 § 17-c. Zero-emission buses. 1. No later than January first, two thou-
26 sand twenty-nine, every public transportation system eligible to receive
27 operating assistance under the provisions of section eighteen-b of this
28 article shall be required to purchase only zero-emission buses and
29 related equipment and facilities as part of the normal replacement of
30 its fleet. No later than January first, two thousand thirty-five, any
31 hydrogen fuel cell zero-emission bus shall be powered by hydrogen
32 derived from zero-emission electricity.

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

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

1 entity; or (iii) transfer of future duties and functions ordinarily
2 performed by employees of authorized entities to a contracting entity.

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

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

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

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

37 (2) an identification and siting plan for charging and fueling infras-
38 tructure;

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

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

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

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

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

50 (8) strategies consistent with the Climate Leadership and Community
51 Protection Act enacted by chapter one hundred six of the laws of two
52 thousand nineteen, that ensure the deployment of zero-emission buses are
53 prioritized in disadvantaged communities, as defined in subdivision
54 five of section 75-0101 of the environmental conservation law;

55 (9) in consultation with the environmental justice working group and
56 the climate action council, shall, to the extent practicable, invest or

1 direct available and relevant programmatic resources in a manner
2 designed to achieve a goal for disadvantaged communities to receive
3 forty percent of overall benefits of spending consistent with section
4 75-0117 of the environmental conservation law;

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

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

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

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

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

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

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

45 (e) No later than one year after the publication and implementation
46 of the roadmap established pursuant to paragraph (d) of this subdivi-
47 sion, public transportation systems eligible to receive operating
48 assistance under the provisions of section eighteen-b of this article,
49 must develop and implement their own transition plans, incorporating the
50 findings, policies, and procedures produced by the working group and
51 identifying possible barriers to implementing this transition, unless
52 granted an extension under subdivision five of this section. Public
53 transportation systems shall solicit public comment in developing tran-
54 sition plans, and are authorized to hold public hearings and meetings in
55 accordance with article seven of the public officers law, and consult
56 with any organization, educational institution, or other government

1 entity or person, to enable them to accomplish their duties. The depart-
2 ment shall publish transition plans on their publicly accessible website
3 within thirty days of the plans being finalized with the department.
4 Transition plans shall be updated every three years after the date they
5 are first published and updated plans shall be updated on the depart-
6 ment's website within thirty days of the updated plans being finalized.

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

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

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

23 (ii) demonstrate that the transition plan required pursuant to subdi-
24 vision four of this section contains all of the required components of a
25 transition plan and includes a request for extension of the attainment
26 date.

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

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

35 (ii) whether the transportation system:

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

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

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

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

53 (i) a timeline for attainment demonstration;

54 (ii) efforts to maximize zero-emission bus purchases and purchase only
55 zero-emission buses prior to two thousand thirty-five;

1 (iii) year-by-year targets for zero-emission bus procurements and
2 infrastructure installation;
3 (iv) contingency measure provisions; and
4 (v) a detailed justification for nonattainment of zero-emission equip-
5 ment review plan provisions.

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

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

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

21 § 18-c. Capital plan requirements. In formulating the five-year
22 department of transportation capital plans, the department shall: (a)
23 consider the requirement of section seventeen-c of this article in its
24 disbursement of payment for the costs of mass transportation capital
25 projects and facilities and give preference in the form of payments to
26 public transportation systems eligible to receive operating assistance
27 under the provisions of section eighteen-b of this article that are able
28 to demonstrate commitments made towards purchasing and retrofitting
29 zero-emission buses and related equipment and facilities; and (b) facil-
30 itate for purposes of meeting the requirement of section seventeen-c of
31 this article the coordination of purchasing, installation and sharing
32 services between public transportation systems serving primarily outside
33 the city of New York.

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

36 3. (a) A transportation authority established under this chapter may,
37 by resolution approved by a two-thirds vote of its members then in
38 office, or by a declaration that competitive bidding is impractical or
39 inappropriate with respect to electric-powered omnibuses, rolling stock,
40 vehicles or other related equipment because the item is available
41 through an existing contract between a vendor and (i) another public
42 authority provided that such other authority utilized a process of
43 competitive bidding or a process of competitive requests for proposals
44 to award such contracts, or (ii) the state of New York, or (iii) a poli-
45 tical subdivision of the state of New York, provided that in any case
46 when under this subdivision the authority determines that obtaining such
47 item thereby would be in the public interest and sets forth the reasons
48 for such determination. The authority shall accept sole responsibility
49 for any payment due the vendor as a result of the authority's order. In
50 each case where the authority declares competitive bidding impractical
51 or inappropriate, it shall state the reason therefor in writing and
52 summarize any negotiations that have been conducted. The authority shall
53 not award any contract pursuant to this subdivision earlier than thirty
54 days from the date on which the authority declares that competitive
55 bidding is impractical or inappropriate. All procurements approved
56 pursuant to this subdivision shall be subject to audit and inspection by

1 the department of audit and control or any successor agencies. For
2 purposes of this subdivision, "transportation authority" shall not
3 include transportation authorities governed under titles nine, nine-A
4 and eleven of article five of this chapter or title three of article
5 three of this chapter. For the purposes of this subdivision, "electric-
6 powered omnibuses" shall include any bus owned, leased, rented or other-
7 wise controlled by the authority that otherwise meets the definition of
8 bus provided in section five hundred nine-a of the vehicle and traffic
9 law that is propelled by an electric motor and associated power elec-
10 tronics which provide acceleration torque to the drive wheels during
11 normal vehicle operation and draws electricity from a hydrogen fuel cell
12 or from a battery which is capable of being recharged from an external
13 source of electricity; or otherwise operates without direct emission of
14 atmospheric pollutants.

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

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

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

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

54 3. (a) Notwithstanding the provisions of section one hundred three of
55 this article or of any other general, special or local law, any chief
56 executive officer of a political subdivision or agency which operates a

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

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

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

1 employees that are impacted by the proposed purchase, and (4) contains
2 an estimated budget to transition, train, or retrain employees that are
3 impacted by the proposed purchase.

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

14 § 6. Section 104 of the general municipal law, as amended by section
15 27 of part L of chapter 55 of the laws of 2012, is amended to read as
16 follows:

17 § 104. Purchase through office of general services. 1. Notwithstanding
18 the provisions of section one hundred three of this article or of any
19 other general, special or local law, any officer, board or agency of a
20 political subdivision, of a district therein, of a fire company or of a
21 voluntary ambulance service is authorized to make purchases of commod-
22 ities and services available pursuant to section one hundred sixty-three
23 of the state finance law, may make such purchases through the office of
24 general services subject to such rules as may be established from time
25 to time pursuant to section one hundred sixty-three of the state finance
26 law or through the general services administration pursuant to section
27 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355;
28 provided that any such purchase shall exceed five hundred dollars and
29 that the political subdivision, district, fire company or voluntary
30 ambulance service for which such officer, board or agency acts shall
31 accept sole responsibility for any payment due the vendor. All purchases
32 shall be subject to audit and inspection by the political subdivision,
33 district, fire company or voluntary ambulance service for which made. No
34 officer, board or agency of a political subdivision, or a district ther-
35 ein, of a fire company or of a voluntary ambulance service shall make
36 any purchase through such office when bids have been received for such
37 purchase by such officer, board or agency, unless such purchase may be
38 made upon the same terms, conditions and specifications at a lower price
39 through such office. Two or more fire companies or voluntary ambulance
40 services may join in making purchases pursuant to this section, and for
41 the purposes of this section such groups shall be deemed "fire companies
42 or voluntary ambulance services."

43 2. (a) Notwithstanding the provisions of section one hundred three of
44 this article or of any other general, special or local law, any chief
45 executive officer of a political subdivision or agency which operates a
46 public transportation system is authorized to make purchases of elec-
47 tric-powered omnibuses or other related equipment upon a resolution
48 approved by a two-thirds vote of its board then in office because the
49 item is available through an existing contract between a vendor and (a)
50 a public authority of the state provided that such other authority
51 utilized a process of competitive bidding or a process of competitive
52 requests for proposals to award such contracts, or (b) the state of New
53 York, or (c) a political subdivision of the state of New York, provided
54 that in any case when under this subdivision the political subdivision
55 determines that obtaining such item thereby would be in the public
56 interest and sets forth the reasons for such determination. The poli-

1 tical subdivision shall not award any contract pursuant to this subdivi-
2 sion earlier than thirty days from the date on which the political
3 subdivision declares that competitive bidding is impractical or inappro-
4 priate. All purchases shall be subject to audit and inspection by the
5 political subdivision for which made, in addition to the department of
6 audit and control of New York state. For purposes of this subdivision,
7 "political subdivision or agency which operates a public transportation
8 system" shall not include transportation authorities governed under
9 titles nine, nine-A and eleven of article five of the public authorities
10 law or title three of article three of the public authorities law. For
11 the purposes of this subdivision, "electric-powered omnibuses" shall
12 include any bus owned, leased, rented or otherwise controlled by the
13 political subdivision that otherwise meets the definition of bus
14 provided in section five hundred nine-a of the vehicle and traffic law
15 that is propelled by an electric motor and associated power electronics
16 which provide acceleration torque to the drive wheels during normal
17 vehicle operation and draws electricity from a hydrogen fuel cell or
18 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
27 partial displacement such as a reduction in the hours of non-overtime
28 work, wages, or employment benefits, or result in the impairment of
29 existing collective bargaining agreements; (2) transfer of existing
30 duties and functions related to maintenance and operations currently
31 performed by existing employees of authorized entities to a contracting
32 entity; or (3) transfer of future duties and functions ordinarily
33 performed by 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 transit agency or municipality shall create and
37 implement a workforce development report that (1) forecasts the number
38 of jobs provided by existing omnibuses, rolling stock, vehicles or
39 equipment that would be eliminated or substantially changed after the
40 purchase, as well as the number of jobs expected to be created at the
41 transit provider by the proposed purchase over a six-year period from
42 the date of the publication of the workforce development report, (2)
43 identifies gaps in skills needed to operate and maintain the new elec-
44 tric-powered omnibuses, rolling stock, vehicles or related equipment,
45 (3) includes a comprehensive plan to transition, train, or retrain
46 employees that are impacted by the proposed purchase, and (4) contains
47 an estimated budget to transition, train, or retrain employees that are
48 impacted by the proposed purchase.

49 (c) Nothing contained herein shall be construed to affect (i) the
50 existing rights of employees pursuant to an existing collective bargain-
51 ing agreement, or (ii) the existing representational relationships among
52 employee organizations or the bargaining relationships between the
53 employer and an employee organization. Prior to beginning the procure-
54 ment process for new electric-powered omnibuses, rolling stock, vehicles
55 or related equipment, the transit agency or municipality shall inform
56 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 § 7. The transportation law is amended by adding a new section 18-d to
4 read as follows:

5 § 18-d. Zero-emission bus procurement contract proposals. 1. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

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

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

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

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

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

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

27 (b) The United States Jobs Plan shall include the following informa-
28 tion:

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

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

36 (iii) The minimum wage levels by job classification for non-superviso-
37 ry workers;

38 (iv) Proposed amounts to be paid for fringe benefits by job classi-
39 fication and the proposed amounts for worker training by job classifica-
40 tion;

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

46 (vi) Information on what steps have been taken and will be taken to
47 implement the workforce development report with respect to training and
48 retraining of existing maintenance, drivers and other identified
49 purchasing agency employees.

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

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

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

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

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

10 5. Contracting entities shall be required to submit annual United
11 States Jobs Plan reports to contracting public agencies demonstrating
12 compliance with their United States Jobs Plan commitments. The terms of
13 the final contract as well as all compliance reporting shall be made
14 available to the public online, either via the contracting agency's
15 website or the department's website, at the election of the contracting
16 agency.

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

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

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

23 § 66-v. Public transportation systems zero-emission electricity
24 infrastructure. Every electric corporation which provides electric
25 service to a public transportation system, as defined in section eigh-
26 teen-b of the transportation law, shall ensure that such corporation has
27 the requisite and appropriate infrastructure, capacity, facilities, and
28 transmission and distribution systems needed to supply power for the
29 electric charging of zero-emission buses of a public transportation
30 system at the locations designated for charging by such public transpor-
31 tation systems. Within one year of the publication of the roadmap
32 required under subdivision four of section seventeen-c of the transpor-
33 tation law, an electric corporation shall have adopted finalized plans
34 and agreements to construct, install or upgrade the infrastructure
35 necessary to support to the deployment and operation of zero-emission
36 buses by a public transportation system by providing the required elec-
37 tric service to the locations designated for charging buses by such
38 public transportation system. All costs associated with the mandates of
39 this section shall be borne by an electric corporation. The commission
40 shall not approve any increases in rates or charges for services of an
41 electric corporation which has not complied with this section by the
42 date set forth herein or pursuant to the roadmap under section seven-
43 teen-c of the transportation law.

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

46 7. The commission shall establish a separate tariff under this section
47 for public transportation systems as defined in section eighteen-b of
48 the transportation law for separately metered utilities for the purpose
49 of charging zero-emission buses as defined in section seventeen-c of
50 such law. The tariff shall provide a waiver of all secondary demand
51 charges for charging zero-emission buses between the hours of ten
52 o'clock p.m. and eight o'clock a.m., as well as low tension service for
53 winter and summer months.

54 § 10. Severability. The provisions of this act shall be severable, and
55 if the application of any clause, sentence, paragraph, subdivision,
56 section or part of this act to any person or circumstance shall be

1 adjudged by any court of competent jurisdiction to be invalid, such
2 judgment shall not necessarily affect, impair or invalidate the applica-
3 tion of any such clause, sentence, paragraph, subdivision, section or
4 part of this act or remainder thereof, as the case may be, to any other
5 person or circumstance, but shall be confined in its operation to the
6 clause, sentence, paragraph, subdivision, section or part thereof
7 directly involved in the controversy in which such judgment shall have
8 been rendered.

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