STATE OF NEW YORK

622

2023-2024 Regular Sessions

IN ASSEMBLY

January 10, 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

by this section, the provisions of subdivision two or three of this section shall not apply if the state entity, political subdivision of the state, or other public authority, public benefit corporation or governmental unit that is providing the public funds for the construction project finds, in consultation with the energy research and development authority and the department of public service, that complying with such provisions would not be in the public interest or would result in unnecessary hardship. In making this determination, the state entity or other governmental unit may consider the availability of sufficient electrical transmission or distribution infrastructure or capacity. The state entity or other governmental unit may consider whether to grant a full or partial exemption from the requirements of subdivision two or three of this section and whether there are alternative means to meet the objectives of this section. Any exemption determination by a state agency or other governmental unit shall be in writing, provided to the project owner, and posted publicly on such state entity or governmental unit website.

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

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

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

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