

# STATE OF NEW YORK

6414

2023-2024 Regular Sessions

## IN ASSEMBLY

April 6, 2023

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

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

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

21 § 6. Section 104 of the general municipal law, as amended by section  
22 27 of part L of chapter 55 of the laws of 2012, is amended to read as  
23 follows:

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

50 2. (a) Notwithstanding the provisions of section one hundred three of  
51 this article or of any other general, special or local law, any chief  
52 executive officer of a political subdivision or agency which operates a  
53 public transportation system is authorized to make purchases of elec-  
54 tric-powered omnibuses or other related equipment upon a resolution  
55 approved by a two-thirds vote of its board then in office because the  
56 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.

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

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

13 § 18-d. Zero-emission bus procurement contract proposals. 1. For the  
14 purposes of this section, the following terms shall have the following  
15 meanings:

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

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

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

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

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

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

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

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

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

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

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

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

54 (vi) Information on what steps have been taken and will be taken to  
55 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.