STATE OF NEW YORK

4830--C

2023-2024 Regular Sessions

IN SENATE

February 15, 2023

Introduced by Sens. KENNEDY, COMRIE, COONEY, GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, MAYER, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to conducting a highway and depot charging needs evaluation

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

Section 1. Legislative findings. In order to achieve targets set forth by the climate leadership and community protection act, zero-emissions vehicle sales target and regulations, including the advanced clean truck and advanced clean cars II rules, zero-emissions school bus mandate, and other relevant goals, the interests of the people of the state would be served by:

1. Coordinating efforts to plan for electric vehicle fast-charging deployment on New York's highways;

2. Identifying priority sites for the deployment of fast chargers along New York's highways, estimating future charging demand at these sites for all vehicle classes, and identifying necessary electric grid transmission and distribution infrastructure and interconnection upgrades at these sites;

3. Expediting electric grid transmission and distribution infrastructure and interconnection upgrades at sites controlled by the New York state thruway authority, sufficient to future-proof thruway sites for accelerated fast charger deployment to serve light duty, medium duty and heavy duty vehicles; and

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

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4. Identifying additional high priority areas for the deployment of charging for medium and heavy duty vehicles, such as school buses, transit buses, and other light, medium and heavy duty commercial fleet depots, including taxi and ride-share vehicle fleets, and removing barriers to charging deployment, including electric infrastructure constraints.

5. Identifying additional priority areas for deployment of charging infrastructure designed to support building of charging in densely populated urban areas where access to charging is currently or may be limited.

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

§ 1885. Highway and depot charging needs evaluation. 1. Within nine months of the effective date of this section, and every three years thereafter, the authority, in consultation with the department of transportation, the department of motor vehicles, the New York state thruway authority, the New York power authority, the Long Island power authority, the department of environmental conservation, the electric distribution and local transmission utilities, the New York Association for Pupil Transportation, and freight logistics experts shall conduct a needs evaluation to:

(a) consider planning by the department of transportation for fast charger deployment along alternative fuel corridors and major freight corridors;

(b) identify the number and location of fast chargers along priority highway corridors and major freight corridors, including fast chargers currently in operation and in development;

(c) estimate future need for fast charger deployment along priority highway and major freight corridors for the purposes of (i) facilitating the cost-effective and timely achievement of mandates under (1) article seventy-five of the environmental conservation law, (2) section 19-0306-b of the environmental conservation law regarding zero-emissions vehicle sales targets, (3) rules and regulations for zero-emissions vehicles adopted by the commissioner of environmental conservation, and (4) other relevant and applicable federal and state rules or regulations or local goals to reduce transportation sector emissions; and (ii) supporting electric vehicle adoption by consumers and fleet operators;

(d) identify the number and location of highway charging hubs, including but not limited to thruway charging hubs and freight charging hubs, currently in operation and in development along priority highway and major freight corridors;

(e) estimate total charging capacity required to serve light duty, medium duty, and heavy duty electric vehicles at each highway and freight charging hub through at least the year two thousand fifty;

(f) identify, to the extent practicable, the number and location of commercial and public fleet vehicles in operation, including their body type, fuel type, model year, zip code, and other relevant information needed to forecast the number and location of zero-emissions vehicles, per state policy;

(g) identify the number and location of fleet charging zones;

(h) estimate future need for charging deployment and charging capacity in the fleet charging zones, sufficient to satisfy the targets and regulations identified in paragraph (c) of this subdivision;

(i) examine ways to optimize fast charger deployment among the highway charging hubs, the freight charging hubs, and all such charging hubs, and charging development among the fleet charging zones to reduce the

cost of interconnection, if deemed necessary, and electric distribution and local transmission upgrades while serving projected vehicle traffic volumes;

(j) analyze and asses the total potential costs associated with any identified need;

(k) analyze and assess federal or state funding opportunities to minimize such costs to rate payers; and

(l) identify the number and location of critical public charging sites and estimate future need for charging deployment and charging capacity for critical public charging sites.

2. The authority shall develop a stakeholder engagement process to raise consumer awareness and education across the state and solicit feedback from the public, local government, representatives or residents of environmental justice or disadvantaged communities, electric vehicle manufacturers, electric vehicle supply equipment manufacturers, fleet operators, school district transportation directors and others on the highway and depot charging needs evaluation. To the extent practicable and consistent with applicable timelines, the authority may coordinate the highway and depot charging needs evaluation stakeholder input process with the process set forth in section eighteen hundred eighty-four of this article.

3. The needs evaluation shall be made publicly available on the authority's website.

4. When conducting the needs evaluation, the following locations shall be considered for designation as highway and/or freight charging hubs:

(a) All thruway charging hubs.

(b) Additional sites or geographic areas based on (i) eligibility for federal, state, or other funding opportunities, including but not limited to needs identified through the NEVI formula program planning process, (ii) proximity to electric transmission infrastructure, (iii) projected vehicle traffic, (iv) charging network coverage, (v) interstate and intrastate commerce, (vi) benefits to environmental justice and disadvantaged communities, (vii) benefits of increased charging accessibility in host communities, (viii) real property ownership or control of potential sites, (ix) relevant commitments from site and/or charging operators, and (x) other factors deemed relevant for the development and successful implementation of the highway charging needs evaluation.

(c) Locations within one mile of the priority highway corridors, spaced no more than fifty miles apart along the priority highway corridors and reasonably accessible regardless of direction of travel.

(d) Privately operated sites which are open to the public or multiple commercial entities as eligible for designation as a highway charging hub or freight charging hub, subject to reasonable restrictions.

(e) A single highway or freight charging hub comprised of multiple charging service areas within a reasonable distance from one another.

5. When conducting the needs evaluation, the following geographic area criteria shall be considered when determining designations as fleet charging zones:

(a) total number of commercial and public fleet vehicles in operation and/or total number of fleet operators in the geographic area,

(b) projected vehicle traffic in the geographic area,

(c) benefits to public fleets, such as school bus operators,

(d) benefits to environmental justice and disadvantaged communities,

(e) relevant commitments from fleet and/or site operators to install charging equipment,

(f) available capacity on the electric distribution and local transmission network to serve vehicle chargers,

(g) ensuring equitable coverage and access to fleet charging throughout the state, and

(h) sites where private or public fleet vehicles are regularly parked, maintained, or otherwise dispatched for service, including school bus garages.

6. As used in this section, the following terms shall have the following meanings:

(a) "Alternative fuel corridors" shall mean highways designated within the state pursuant to the national electric vehicle infrastructure formula program under 23 U.S.C. 151 and previously designated under the federal Fixing America's Surface Transportation Act of 2015.

(b) "Charging needs evaluation" shall mean the highway and depot charging needs evaluation.

(c) "Critical public charging site" shall mean a priority site for the deployment of charging infrastructure designed to support buildout of charging in densely populated urban areas where access to charging may be limited.

(d) "Fast charger" shall mean a direct current electric vehicle charging port which can charge at a level of at least one hundred fifty kilowatts.

(e) "Fleet charging zone" shall mean a priority geographic area for the deployment of charging infrastructure for public and commercial fleet operators or owners, including school bus fleets, taxi and ride-share vehicle fleets.

(f) "Freight charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability at or above six hundred kilowatts and supports at least one hundred fifty kilowatts per port simultaneously across four ports for charging. These sites may include highway charging hubs.

(g) "Highway and depot charging needs evaluation" shall mean the needs evaluation developed pursuant to subdivision two of this section.

(h) "Highway charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure, which has minimum station power capability at or above six hundred kilowatts and supports at least one hundred fifty kilowatts per port simultaneously across four ports for charging. These sites shall include but are not limited to thruway charging hubs.

(i) "Major freight corridor" shall mean segments of the freight transportation network identified by the federal highway administration that carry more than fifty million tons per year, including highway segments that carry at least eight thousand five hundred trucks per day, additional highway segments and parallel rail lines that together carry at least eight thousand five hundred truck, trailer-on-flatcar, and container-on-flatcar payloads of typically high-value, time sensitive cargo, and rail lines and waterways that carry fifty million tons in bulk cargo per year.

(j) "NEVI" shall mean the national electric vehicle infrastructure program established under the federal Infrastructure Investment and Jobs Act of 2021.

(k) "Priority highway corridor" shall mean alternative fuel corridors and other state and county highways identified in the charging needs evaluation as appropriate to ensure sufficient and equitable charging access throughout the state.

(l) "Thruway charging hubs" shall mean all highway service areas controlled, leased, owned, or operated by the New York state thruway authority.

§ 3. This act shall take effect immediately.