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2025-2026 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. PALMESANO, BARCLAY, ANGELINO, BEEPHAN, BENDETT, BLANKENBUSH, BOLOGNA, BRABENEC, E. BROWN, DeSTEFANO, DiPIETRO, FRIEND, GALLAHAN, GIGLIO, HAWLEY, JENSEN, LEMONDES, MAHER, MANKTELOW, McDONOUGH, MIKULIN, MILLER, MORINELLO, SIMPSON, SLATER, SMITH, SMULLEN, TAGUE, WALSH -- read once and referred to the Committee on Education

AN ACT to amend the education law and the public authorities law, in relation to the availability and purchase of zero-emission school buses

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

1 Section 1. Section 3638 of the education law, as added by section 1 of
2 subpart A of part B of chapter 56 of the laws of 2022, subdivision 7 as
3 added by section 19 of part A of chapter 56 of the laws of 2023, is
4 amended to read as follows:

5 § 3638. Zero-emission school buses. 1. For the purposes of this
6 section "zero-emission school bus" shall mean a school bus that: is
7 propelled by an electric motor and associated power electronics which
8 provide acceleration torque to the drive wheels during normal vehicle
9 operations and draws electricity from a hydrogen fuel cell or battery;
10 or otherwise operates without direct emission of atmospheric pollutants.

11 2. [~~(a) No later than July first, two thousand twenty-seven, every~~
12 ~~school district shall:~~

13 ~~(i) only purchase or lease zero-emission school buses when purchasing~~
14 ~~or leasing new buses;~~

15 ~~(ii) include requirements in any procurement for school transportation~~
16 ~~services that any contractors providing transportation services for the~~
17 ~~school district must only purchase or lease zero-emission school buses~~
18 ~~when purchasing or leasing new school buses; and~~

19 ~~(iii) include requirements in any procurement for the manufacturing or~~
20 ~~retrofitting of a zero-emission school bus and charging or fueling~~
21 ~~infrastructure that the components and parts used or supplied in the~~

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

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~~performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero-emission school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.~~

~~(b) The commissioner, in consultation with the New York state energy research and development authority and office of general services, may waive the contracting requirements set forth in subparagraph (iii) of paragraph (a) of this subdivision if the commissioner determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such zero-emission school buses and charging or fueling infrastructure components and parts in the United States would increase the cost of a school district's contract for zero-emission school buses and charging or fueling infrastructure by an unreasonable amount, or such zero-emission school busses and charging or fueling infrastructure components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the department's website with a detailed explanation of the findings leading to such determination. If the commissioner has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commissioner shall no longer be required to provide the annual determinations required by this paragraph.~~

~~3.]~~ No later than July first, two thousand ~~[thirty-five]~~ forty-seven, or until all state agencies have transitioned one hundred percent of their medium- and heavy-duty vehicle fleets to zero-emission vehicles, whichever is later, unless a zero-emission school bus is not feasible for a particular application as determined by the commissioner in consultation with the New York state independent system operator, utilities, and the department of public service, every school district shall:

(a) ~~[only operate and maintain zero-emission school buses; and]~~ only purchase or lease zero-emission school buses when purchasing or leasing new buses;

(b) include requirements in any procurement for school transportation services that any contractors providing transportation services for the school district must only ~~[operate zero-emission school buses when providing such transportation services to the school district]~~ purchase or lease zero-emission school buses when purchasing or leasing new school buses; and

(c) include requirements in any procurement for the manufacturing or retrofitting of a zero-emission school bus and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero-emission school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

~~[4. A school district may apply to the commissioner, and the department may grant a one-time]~~ 3. The commissioner, in consultation with the school district business official, shall complete a cost-benefit analysis for each school district that considers ongoing costs necessary to comply with subdivision two of this section, including but not limited to utility infrastructure upgrades, the installation of charging or

1 fueling infrastructure, facility renovations or upgrades, procurement
2 costs related to the purchase of a zero-emission school bus, appropriate
3 fire suppression systems, and any other relevant costs estimated by the
4 school district in their annual zero-emission school bus progress
5 reports as required by subdivision six of this section. Upon completion
6 of such analysis, if it is determined that a school district will be
7 unable to comply with the implementation of zero-emission school bus
8 fleets required by subdivision two of this section, the commissioner
9 shall grant an extension of up to twenty-four months to comply with the
10 requirements of subdivision two of this section. The commissioner shall
11 consider a school district's effort to meet the requirements of subdivi-
12 sion two of this section when granting an extension, including but not
13 limited to, procurement efforts made by the school district, applica-
14 tions for state or federal funds, changes needed to school district
15 operations to meet the requirements of this section, employee training,
16 and receipt of technical assistance, if any. Upon a school district
17 receiving an extension, the New York state energy research and develop-
18 ment authority, in consultation with the department, shall provide any
19 additional technical assistance necessary to the district to meet the
20 requirements of subdivision two of this section.

21 ~~[5-]~~ 4. (a) Nothing in this section shall alter the rights or bene-
22 fits, and privileges, including, but not limited to terms and conditions
23 of employment, civil service status, and collective bargaining unit
24 membership, of any current employees of school districts or any entity
25 contracted to provide pupil transportation services, or services attend-
26 ant thereto, including but not limited to drivers, attendants, dispatch-
27 ers, and mechanics.

28 (b) Nothing in this section shall result in: (i) the discharge,
29 displacement, or loss of position, including partial displacement such
30 as a reduction in the hours of non-overtime work, wages, or employment
31 benefits; (ii) the impairment of existing collective bargaining agree-
32 ments; (iii) the transfer of existing duties and functions; or (iv) the
33 transfer of future duties and functions, of any currently employed work-
34 er impacted by the proposed purchase or lease who agrees to be
35 retained.

36 (c) Prior to the beginning of the procurement process for new zero-em-
37 ission school buses, omnibuses, vehicles, charging infrastructure or
38 equipment, fueling infrastructure or equipment, or other equipment, the
39 school district, private school bus company, or other employer whose
40 workers provide pupil transportation services or services attendant
41 thereto, shall create and implement a workforce development report that:
42 (i) estimates the number of current positions that would be eliminated
43 or substantially changed as a result of the purchase or lease, and the
44 number of positions expected to be created at the school district,
45 private school bus company or other employer whose workers provide pupil
46 transportation services or services attendant thereto by the proposed
47 purchase or lease over the intended life of the proposed purchase or
48 lease; (ii) identifies gaps in skills of its current workforce that are
49 needed to operate and maintain zero-emission school buses, omnibuses,
50 vehicles, charging infrastructure or equipment, fueling infrastructure
51 or equipment, or other equipment; (iii) includes a comprehensive plan to
52 transition, train, or retrain employees that are impacted by the
53 proposed purchase or lease; and (iv) contains an estimated budget to
54 transition, train, or retrain employees that are impacted by the
55 proposed purchase or lease.

1 (d) Nothing in this section shall: (i) limit rights of employees
2 pursuant to a collective bargaining agreement, or (ii) alter the exist-
3 ing representational relationships among collective bargaining represen-
4 tatives or the bargaining relationships between the employer and any
5 collective bargaining representative. Employees of public entities serv-
6 ing in positions in newly created titles shall be assigned to the appro-
7 priate bargaining unit.

8 (e) Prior to beginning the procurement process for zero-emission
9 school buses, omnibuses, vehicles, charging infrastructure or equipment,
10 fueling infrastructure or equipment, or other equipment, any employer of
11 workers covered by this section shall inform its employees' collective
12 bargaining representative of any potential impact on its members or
13 unit, including positions that may be affected, altered, or eliminated
14 as a result of the purchase.

15 [~~6-~~] 5. When purchasing zero-emission school buses and charging or
16 fueling infrastructure, school districts are encouraged to utilize the
17 centralized contracts for zero emission school buses and charging or
18 fueling infrastructure established by the office of general services.

19 [~~7-~~] 6. Beginning in the two thousand twenty-four--two thousand twen-
20 ty-five school year, every school district shall annually submit to the
21 commissioner a progress report on the implementation of zero-emission
22 school buses as required under this section in a format prescribed by
23 the commissioner and approved by the director of the budget. The report
24 shall include, but not be limited to, (i) sufficiency of the school
25 district's electric infrastructure to support anticipated electrical
26 needs, (ii) the availability and installation of charging or fueling
27 stations and other components and capital infrastructure required to
28 support the transition to and full implementation of zero-emission
29 school buses, (iii) whether the workforce development report pursuant to
30 paragraph (c) of subdivision [~~five~~] four of this section has been
31 created and implemented, (iv) the number and proportion of zero-emission
32 school buses the school district or any contractor providing transporta-
33 tion services is utilizing in the current school year, and (v) the
34 number and proportion of zero-emission school buses purchased or leased
35 by the school district or any contractor providing transportation
36 services in the current school year and the total anticipated number for
37 the next two years. The progress report shall be due on or before August
38 first of each year. Beginning October first, two thousand twenty-four,
39 the commissioner shall annually submit a report to the governor, the
40 temporary president of the senate and the speaker of the assembly on the
41 progress of implementation of zero-emission school buses as reported by
42 the school districts.

43 § 2. Subdivision 23 of section 1854 of the public authorities law, as
44 amended by section 19-a of part A of chapter 56 of the laws of 2023, is
45 amended to read as follows:

46 23. No later than December thirty-first, two thousand twenty-five, and
47 annually thereafter, the authority shall issue a report on the avail-
48 ability of zero-emission school buses and charging or fueling infras-
49 tructure that meet the criteria established in [~~subdivision two of~~]
50 section thirty-six hundred thirty-eight of the education law. The
51 authority shall provide technical assistance to school districts, upon
52 request, in pursuing state and federal grants and other funding opportu-
53 nities to support the purchase and contracting requirements set forth in
54 [~~subdivision two of~~] section thirty-six hundred thirty-eight of the
55 education law, and shall consult with the office of fire prevention and

1 control in developing appropriate fire suppression and safety procedures
2 related to lithium and hydrogen-based fires.

3 § 3. This act shall take effect immediately; provided, however, that
4 the amendments to subdivision 6 of section 3638 of the education law
5 made by section one of this act shall not affect the repeal of such
6 subdivision and shall be deemed repealed therewith.