

STATE OF NEW YORK

5552

2025-2026 Regular Sessions

IN SENATE

February 24, 2025

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the public authorities law, in relation to establishing the green accessible transition authority; to amend the tax law, in relation to establishing a for-hire vehicle improvement surcharge; and making an appropriation therefor

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "green accessible transition act".
- 3 § 2. Legislative findings and declaration. The legislature finds and
4 declares that:
- 5 1. New York State's For-Hire Vehicle (FHV) industry is at the center
6 of three interlinked crises that impact FHV drivers, people with disa-
7 bilities, and the environment.
- 8 a. FHV driver poverty. Rideshare driver earnings are in the lowest 10%
9 of all occupations in the United States. This led the City of New York
10 to establish the first-ever pay regulations for app-based drivers, but
11 long hours and low pay remain the norm for most of the for-hire vehicle
12 industry's 91% immigrant, predominantly people of color workforce of
13 over 60,000 active drivers in NYC and for thousands more drivers across
14 the state. Earnings from trips are only half the problem. Union surveys
15 indicate that on average, each driver must spend \$31,000 per year for
16 the things they need to do their job: a vehicle, gas, repairs, and
17 insurance. Vehicle costs push drivers into poverty. Unfunded mandates
18 to transition to electric vehicles, such as that of the City of New
19 York's "Green Rides" program, risk deepening this crisis.
- 20 b. Climate change. New York's fleet of rideshare vehicles is a major
21 source of greenhouse gas emissions that drive climate change. In New
22 York City alone, a fleet of 81,000 gasoline-fueled rideshare vehicles
23 puts 1.4 million tons of CO2 into the atmosphere every year, a 62%

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

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1 increase from 2013 to 2018 as the FHV fleet ballooned. Transportation
2 generates approximately 30% of New York City's total carbon emissions,
3 with the FHV fleet responsible for a substantial portion of this total.
4 The massive increase in emissions from the FHV fleet has moved New York
5 City away from the goal established by the City Council of zero carbon
6 emissions by 2050. Statewide, rideshare vehicles are a disproportionate
7 driver of greenhouse gas emissions that cause climate change because
8 they are on the road more hours than privately-used vehicles. Addi-
9 tionally, the State is far behind the curve in meeting its emissions
10 reductions and renewable energy production established by the Climate
11 Leadership and Community Protection Act (CLCPA).

12 c. Wheelchair accessibility. Very few rideshare vehicles are wheel-
13 chair accessible across New York State. In 2011, people with disabili-
14 ties launched a campaign to bring New York City's taxicab fleet into
15 line with the requirements of the Americans with Disabilities Act (ADA).
16 In 2014, the campaign won a consent decree that mandated that half of
17 the taxicab fleet of 13,587 vehicles would be made up of Wheelchair
18 Accessible Vehicles (WAVs) by 2020. The 2013 decree was enhanced by an
19 August 29, 2024 court order requiring all new taxis to be wheelchair
20 accessible until half of all taxis are accessible. To fund this mandate,
21 in 2014 the City of New York created a 30-cent surcharge on all yellow
22 and green cab rides to establish a Taxicab Improvement Fund (TIF) which
23 would issue grants of up to \$30,000 to medallion owners to buy and main-
24 tain accessible vehicles. This surcharge was recently increased to
25 \$1/trip. To date, 3,564 WAV vehicles, which is less than half the fleet
26 of 13,587 taxis, have been purchased and deployed as taxis. Only around
27 half the medallion fleet has come back on the road since the start of
28 the pandemic. The Taxis For All Campaign advocated for accessibility in
29 New York City's FHV fleets; in response, the New York City Taxi and
30 Limousine Commission approved performance standards for these fleets,
31 requiring them to serve wheelchair users within 15 minutes of a ride
32 request. However, with no funding available on the for-hire vehicle side
33 of the industry, only 3,373 out of a total of 94,000 FHVs in New York
34 City are wheelchair accessible. Statewide, there is no mandate for taxi
35 or for-hire vehicle accessibility, and wheelchair accessible vehicles
36 are essentially non-existent, in spite of efforts by advocates to
37 require wheelchair accessibility when the state passed legislation to
38 allow FHVs to operate. In practical terms, the failure to provide wheel-
39 chair accessible FHVs and taxis means that persons with disabilities who
40 need to use WAVs are unable to get jobs, attend school, or otherwise
41 fully participate in the civic and public life of their communities.
42 Instead, they must rely on woefully inadequate paratransit systems or
43 infrequent and unreliable bus service, or are just isolated at home.

44 2. It is in the interest of the state to establish a dedicated public
45 authority, the Green Accessible Transition Authority, to address the
46 three crises of driver poverty, climate change, and lack of wheelchair
47 accessible vehicles in the FHV industry. The Green Accessible Transition
48 Authority will manage funding collected through a surcharge on FHV
49 rides, additional government appropriations, and bond issuances to:

50 a. Work with and incentivize auto manufacturers and retrofitters to
51 rapidly develop and market zero-emissions wheelchair accessible vehi-
52 cles;

53 b. Establish a co-investment program to incentivize and enable FHV
54 drivers to purchase or retrofit zero-emission and wheelchair accessible
55 vehicles;

- 1 c. Develop zero-emission vehicle charging infrastructure and maintenance facilities for zero-emission and wheelchair accessible vehicles;
- 2
- 3 d. Establish a voluntary transition program for drivers who wish to
- 4 leave the FHV industry to receive paid training for employment in green
- 5 jobs or jobs in disability advocacy;
- 6 e. Fund other initiatives to advance economic development with the
- 7 goal of decarbonizing the transportation sector and creating good, green
- 8 jobs and jobs in disability advocacy; and
- 9 f. Improve paratransit service across New York State.

10 3. It is critical that the Green Accessible Transition Authority

11 represent the public, drivers, autoworkers, environmental justice advocates,

12 and disability justice advocates, and be transparent and accountable to these

13 stakeholders in managing funding and programs.

14 § 3. Article 8 of the public authorities law is amended by adding a

15 new title 7 to read as follows:

16 TITLE 7

17 GREEN ACCESSIBLE TRANSITION AUTHORITY

18 Section 1750. Definitions.

19 1751. Green accessible transition authority.

20 1752. Members.

21 1753. Purposes, powers and duties of the authority.

22 1754. Additional powers of the authority.

23 1755. Green accessible transition fund.

24 1756. Accounts and funding.

25 1757. Exemption from taxes, assessments and certain fees.

26 1758. Audit and annual report.

27 1759. Labor and procurement standards.

28 1760. Bonds and notes.

29 1761. Reserve funds and appropriations.

30 1762. Exemption from taxation of bonds and notes.

31 1763. Bonds and notes legal investments for fiduciaries.

32 1764. Right of state to require redemption of bonds.

33 1765. Rights and remedies of bondholders and noteholders.

34 1766. State not liable on bonds and notes.

35 § 1750. Definitions. As used or referred to in this title, unless a

36 different meaning clearly appears from the context:

37 1. "Authority" means the green accessible transition authority established

38 pursuant to section seventeen hundred fifty-one of this title.

39 2. "Disadvantaged communities" means communities that bear the burdens

40 of negative public health effects, environmental pollution, and impacts

41 of climate change, and possess certain socioeconomic criteria, as identified

42 pursuant to section 75-0111 of the environmental conservation

43 law.

44 3. "Disadvantaged or underrepresented worker" means a resident of New

45 York state who:

46 (a) is a woman, when considering construction and building contracts;

47 (b) has a household income of less than fifty percent of the area

48 median income;

49 (c) is an individual residing in an area of concentrated poverty;

50 (d) has a disability;

51 (e) is a veteran;

52 (f) is a person previously incarcerated or convicted of a criminal

53 offense; or

54 (g) is long-term unemployed.

1 4. "Downstate region" means that portion of the state that includes
2 each of the following counties: Nassau, Suffolk, Putnam, Rockland, West-
3 chester, Dutchess, Orange, Bronx, Kings, New York, Queens, and Richmond.

4 5. "Electric vehicle" means a vehicle powered only by an electric
5 motor that draws current from rechargeable storage batteries, fuel
6 cells, photovoltaic arrays, or other sources of electric current.

7 6. "Electric vehicle charging infrastructure" means any physical
8 infrastructure required for the construction of electric vehicle charg-
9 ing stations.

10 7. "Electric vehicle charging station" means stations that deliver
11 electricity from a source outside an electric vehicle into one or more
12 electric vehicles, or any related equipment needed to facilitate charg-
13 ing electric vehicles.

14 8. "Environmentally sustainable practices" means practices that prior-
15 itize the responsible use of natural resources to maintain ecological
16 balance and ensure the conservation of resources for future generations.

17 9. "For-hire vehicle" means any transportation network company vehicle
18 (TNC vehicle) as defined in section sixteen hundred ninety-one of the
19 vehicle and traffic law and any for-hire vehicle as defined in section
20 19-502 of the administrative code of the city of New York.

21 10. "For-hire vehicle improvement surcharge" means the surcharge on
22 for-hire vehicle transportation trips imposed under article
23 twenty-nine-E of the tax law.

24 11. "Green job" means employment within industries that employ envi-
25 ronmentally sustainable practices.

26 12. "Upstate region" means that portion of the state that includes
27 each and every county of the state not included in the downstate region,
28 as defined in subdivision four of this section.

29 13. "Wheelchair accessible vehicle" means a vehicle equipped with a
30 hydraulic lift or ramps designed for the purpose of transporting persons
31 using wheelchairs or a vehicle containing any other physical device or
32 alteration designed to permit access to and enable the transportation of
33 persons using wheelchairs and which meets the federal Americans with
34 Disabilities Act requirements for a wheelchair accessible vehicle.

35 14. "Zero-emission vehicle" means a vehicle that produces no direct
36 exhaust or tailpipe emissions and includes, but is not limited to, elec-
37 tric vehicles.

38 15. "Paratransit" means transportation services required by the
39 federal Americans with Disabilities Act for individuals with disabili-
40 ties who are unable to use fixed route transportation systems as defined
41 in 49 CFR § 37.3.

42 16. "President" means the chief executive officer of the authority.

43 § 1751. Green accessible transition authority. There is hereby created
44 the green accessible transition authority (GreATA). The authority shall
45 be a body corporate and politic constituting a public benefit corpo-
46 ration.

47 § 1752. Members. 1. The authority shall consist of nine voting
48 members, who shall be appointed as follows: two shall be representatives
49 of environmental justice organizations, one of whom shall be appointed
50 by the governor, and one of whom shall be appointed by the speaker of
51 the assembly; two shall be representatives of disability justice organ-
52 izations and shall be paratransit users, one of whom shall be appointed
53 by the governor, and one of whom shall be appointed by the temporary
54 president of the senate; one shall be a representative of drivers of
55 for-hire vehicles who is a member of a New York state worker cooperative
56 corporation owned by drivers licensed by the New York city taxi and

1 limousine commission and shall be appointed by the governor; one shall
2 be a representative of an organization with a track record of advocacy
3 for a just, green transition of the for-hire vehicle industry and shall
4 be appointed by the speaker of the assembly; one shall be a represen-
5 tative of automotive workers' union and shall be appointed by the tempo-
6 rary president of the senate; one shall be a representative of a build-
7 ing trades union and shall be appointed by the governor; and one shall
8 be appointed by the governor as an at-large representative of the public
9 with consent from both houses of the legislature. Four of the members
10 shall reside in the upstate region of the state and five of the members
11 shall reside in the downstate region. All of the appointed members
12 shall have relevant experience in any or all of the following areas:
13 environmental justice, disability justice, energy markets, energy
14 systems, organized labor, workforce development, sustainable land use,
15 transportation, and clean energy.

16 2. All members shall continue to hold office until their successors
17 are appointed and qualify. Of the appointed members, six of the members
18 appointed by the governor shall serve initial terms of four years, while
19 the remaining five members shall serve initial terms of three years.
20 Thereafter, all terms shall be for a period of four years.

21 3. Vacancies shall be filled in the manner provided for original
22 appointments. Members may be removed from office for the same reasons
23 and in the same manner as may be provided by law for the removal of
24 officers of a county.

25 4. The members of the authority shall designate the chair. The chair
26 shall preside over meetings of the authority and shall serve as the
27 primary liaison between the members and authority staff. A vice-chair
28 may be elected by the authority from among its other members to serve as
29 such at the pleasure of the authority. The vice-chair shall preside over
30 all meetings of the authority in the absence of the chair and shall have
31 such other duties as the authority may prescribe. The president shall be
32 the chief executive officer of the authority and shall be primarily
33 responsible for the discharge of the executive and administrative func-
34 tions of the authority.

35 5. The members of the authority shall receive no compensation for
36 their services but shall be reimbursed for all other actual and neces-
37 sary expenses incurred in connection with the carrying out of the
38 purposes of this title.

39 § 1753. Purposes, powers and duties of the authority. 1. The
40 purposes of the authority shall be to promote the simultaneous transi-
41 tion of the for-hire vehicle and other state industries to environ-
42 mentally sustainable practices and increase universal accessibility of
43 for-hire vehicles, paratransit services, and taxi services statewide.

44 2. Except as otherwise limited by this title, the authority shall
45 have the power to:

46 (a) Sue and be sued;

47 (b) Have a seal or alter such seal at pleasure;

48 (c) Make and alter by-laws for its organization and management and to
49 make and alter rules and regulations governing the exercise of its
50 powers and fulfillment of its purposes under this title;

51 (d) Make rules and regulations governing the exercise of its corporate
52 powers and the fulfillment of its corporate purposes under this title
53 and title nine-A of this article, which shall be filed with the depart-
54 ment of state in the manner provided by section one hundred two of the
55 executive law;

1 (e) Appoint such officers, agents, and employees, without regard to
2 any personnel or civil service law, rule or regulation of the state and
3 in accordance with guidelines adopted by the authority, as it may
4 require for the performance of its duties and to fix and determine their
5 qualifications, duties and compensation;

6 (f) Acquire, lease, hold, and dispose of real and personal property,
7 whether tangible or intangible, or any interest therein, by any method;

8 (g) Make and execute agreements, contracts or other instruments neces-
9 sary or convenient for the exercise of its functions, powers and duties
10 under this title;

11 (h) Fix and collect fees, rentals and charges for the use of any prop-
12 erty or facility under its jurisdiction, or for the sale of any product,
13 by-product or service produced in or provided by any such facility, and
14 establish the rights and privileges created upon payment thereof. Such
15 fees, rentals and charges shall be established by the authority so as to
16 produce, in the judgment of the authority, revenues sufficient, together
17 with any other funds available to the authority, to meet the expenses of
18 maintenance and operation of the facilities of the authority, to repay
19 any moneys repayable to the state, to fulfill the terms of agreements
20 with the holders of its bonds, notes, or other obligations, and to
21 provide funds for such other corporate purposes as the authority may
22 deem appropriate;

23 (i) Borrow money and issue such notes, bonds, or other obligations in
24 relation to such indebtedness, and secure any of its obligations by
25 mortgage or pledge of all or any of its property or any interest there-
26 in, wherever situated;

27 (j) Arrange for guarantees of its bonds, notes, or other obligations
28 by the federal government or by any private insurer or otherwise and to
29 pay any premiums therefor;

30 (k) Purchase bonds, notes, or other obligations of the authority at
31 such price or prices as the authority may determine;

32 (l) Lend money, invest and reinvest its funds, and take and hold real
33 and personal property as security for the payment of funds so loaned or
34 invested;

35 (m) Procure insurance or obtain indemnification from the federal
36 government or other persons against any loss in connection with its
37 properties or operations in such amount or amounts and from such insur-
38 ers, including the federal government, as it may deem necessary or
39 desirable, and to pay any premiums therefor;

40 (n) Accept any gifts or grants or loans of funds or property or finan-
41 cial or other aid in any form from the federal government or any agency
42 or instrumentality thereof, the state, or any other source, and to
43 comply with the provisions of this title and the terms and conditions
44 thereof;

45 (o) Engage the services of bond counsel, financial advisors, account-
46 ants, engineers, attorneys, and other private consultants on a contract
47 basis for rendering professional and technical assistance and advice;

48 (p) Create or acquire one or more wholly-owned subsidiaries as may be
49 necessary to carry out the provisions of this title;

50 (q) Negotiate and enter into agreements with trustees or receivers
51 appointed by United States bankruptcy courts or federal district courts
52 or in other proceedings involving adjustment of debts, and to authorize
53 legal counsel for the authority to appear in any such proceedings;

54 (r) File a petition under chapter nine of title eleven of the United
55 States bankruptcy code, or take other similar action for the adjustment
56 of its debts;

1 (s) Enter into management agreements for the operation of all or any
2 of the property or facilities owned by the authority;

3 (t) Maintain an office or offices at such place or places in the state
4 as it may determine;

5 (u) Make any inquiry, investigation, survey, or study which the
6 authority may deem necessary to enable it to effectively carry out the
7 provisions of this title and to require the production of records,
8 books, papers, accounts, and other documents, including public records,
9 and to make copies thereof or extracts therefrom;

10 (v) Adopt, revise, amend, and repeal rules and regulations with
11 respect to its operations, properties, facilities, and projects as may
12 be necessary or convenient to carry out the purposes of this title,
13 subject to the provisions of the state administrative procedure act;

14 (w) From time to time enter into agreements with the New York state
15 energy research and development authority, the department of environ-
16 mental conservation, the New York power authority, the department of
17 labor, the department of state, the metropolitan transportation authori-
18 ty, other state transit authorities, the New York city taxi and limou-
19 sine commission or any other relevant entity to finance the capital
20 costs of projects authorized pursuant to section eighty-eight-b of the
21 state finance law, and to issue bonds and notes for capital projects
22 approved by the board; provided, however, that each provision of this
23 title relating to bonds and notes which are not inconsistent with the
24 provisions of this section shall apply to the bonds and notes authorized
25 by this section;

26 (x) Request support and services to the authority from any other state
27 agency or authority;

28 (y) Levy fines and fees;

29 (z) Establish and issue grants for programs, jobs, upgrades, or for
30 any other purpose within the scope of the authority;

31 (aa) Prioritize granting funds to projects, programs and initiatives
32 in disadvantaged communities or disadvantaged workers; and

33 (bb) Assist other state and local agencies and authorities in the
34 procurement of zero-emission wheelchair accessible vehicles.

35 3. (a) The authority shall not give, grant, gift, or loan money to any
36 projects, jobs, programs, or initiatives that further dependence on
37 fossil fuels or are not in compliance with the Americans with Disabili-
38 ties Act.

39 (b) The authority shall not grant or gift money to any projects, jobs,
40 programs, or initiatives whose shares contain a fifty percent or greater
41 interest from a fossil fuel company or that are being led by a fossil
42 fuel company.

43 (c) The authority shall not give, grant, gift, or loan money to any
44 projects, jobs, programs or initiatives that use blue, turquoise,
45 brown/black, yellow, white or grey hydrogen, or any combination thereof,
46 or the production thereof in any amount. Any use of such colors of
47 hydrogen that are combined with green hydrogen shall not receive any
48 funding from the authority.

49 (d) The authority shall have the ability to establish and issue grants
50 for programs, jobs, upgrades, or anything else that falls within the
51 scope of the authority, and at a minimum, shall grant fifty percent of
52 vehicle purchase funds to support the purchase or retrofit of zero-emis-
53 sion wheelchair accessible for-hire vehicles in the first year, and
54 increase the percentage by ten percent every year thereafter until one
55 hundred percent of vehicle at purchase funds have been dedicated to
56 zero-emission wheelchair accessible for-hire vehicles.

1 (e) The authority shall ensure that at least forty percent of spending
2 on transportation and clean energy benefits disadvantaged communities in
3 accordance with section 75-0117 of the environmental conservation law.

4 § 1754. Additional powers of the authority. In addition to the powers
5 enumerated in section seventeen hundred fifty-three of this title, the
6 authority shall have the power and obligation to:

7 1. Collect data from transportation network company providers operat-
8 ing in the state including, but not limited to: (a) the number of wheel-
9 chair-accessible and electric vehicles operating in each county or
10 region; (b) the number of trips, and mileage driven by for-hire vehicles
11 and taxis; (c) the annual estimated emissions of for-hire vehicles and
12 taxis statewide; and (d) the number of wheelchair accessible trips
13 requested and completed by for-hire vehicles and taxis statewide.

14 2. Conduct and publish annual studies of the for-hire vehicle industry
15 to set standards and goals for the transition of the for-hire vehicle
16 and paratransit fleets to the exclusive use of zero-emission and wheel-
17 chair accessible vehicles;

18 3. Convene a green accessible vehicle taskforce, including environ-
19 mental justice, disability justice, and labor advocates to: (a) assess
20 the availability of zero-emission and wheelchair accessible vehicles;
21 (b) work with government authorities and automakers to ensure that vehi-
22 cles meeting appropriate environmental and accessibility standards are
23 brought to market, including issuing a request for proposal to incentiv-
24 ize production of zero-emission wheelchair accessible vehicles within
25 six months of the effective date of this article; and (c) vet vehicles
26 eligible for inclusion in the co-investment program pursuant to subdivi-
27 sion four of this section based on their available features and the
28 automakers' commitment to labor, social and environmental benefits;

29 4. Administer a co-investment program for the purchase of qualifying
30 vehicles, under the terms of which for-hire vehicle drivers and para-
31 transit agencies and programs shall be eligible for a voucher of an
32 amount and under the terms to be determined by the authority toward the
33 purchase of zero-emission vehicles and wheelchair accessible vehicles
34 approved for inclusion in the program by the green accessible vehicle
35 taskforce pursuant to subdivision three of this section. In the event
36 the authority makes a determination that insufficient accessible zero-
37 emissions vehicles are available for purchase or retrofit to meet this
38 goal in a given year, the authority may instead utilize funds to support
39 expansion of on-demand paratransit service statewide and electrification
40 of dedicated paratransit fleets;

41 5. After the zero-emission and wheelchair accessible vehicle transi-
42 tion goals are met, develop and administer a voluntary program for driv-
43 ers of for-hire vehicles to receive training and financial support to
44 enter into alternative employment in public service, green, or disabili-
45 ty justice jobs;

46 6. Fund the development of infrastructure required to support the
47 expanding use of zero-emission vehicles, including but not limited to
48 electric vehicle charging infrastructure;

49 7. Fund the purchase of zero-emission and wheelchair accessible vehi-
50 cles, excluding any hydrogen-based vehicles that operate on any color of
51 hydrogen other than green hydrogen, and infrastructure needed to rapidly
52 transition public paratransit services to zero-emission vehicles;

53 8. Fund any and all other activities that promote and facilitate: (a)
54 the transition of New York state toward one hundred percent zero-emis-
55 sion wheelchair accessible vehicles; (b) after the primary goal of a
56 transition of the for-hire vehicle industry to zero-emission wheelchair

1 accessible vehicles has been substantially achieved, other initiatives
2 that help achieve compliance with the state's greenhouse gas emissions
3 reductions mandates under the climate leadership and community
4 protection act, the city of New York's 80 x 2050 initiative and local
5 law ninety-seven, and/or future requirements for additional reductions
6 in greenhouse gas or co-pollutant emissions that the legislature may
7 impose; and (c) the infrastructure to environmentally sustainable prac-
8 tices, and in the public interest;

9 9. Fund programs to expand and improve reliability of paratransit
10 services in the state including, but not limited to: (a) purchase and
11 operation of zero-emission wheelchair accessible vehicles by paratransit
12 agencies and their contractors; (b) adoption of, expansion of, and ongo-
13 ing support for on-demand paratransit service statewide; (c) expansion
14 of paratransit service to broader geographic areas; and (d) other inno-
15 vative projects that seek to enhance paratransit service quality through
16 improved technology, education, and other strategies. The authority
17 shall ensure that at least twenty percent of overall funds are used to
18 support paratransit services and shall further ensure that at least
19 fifty percent of such funds are allocated to supporting paratransit
20 services operating in the upstate region, with the goal of making on-de-
21 mand paratransit service available statewide with availability twenty-
22 four hours a day, seven days a week, at least three miles beyond exist-
23 ing public transit routes; and

24 10. Provide ten percent of overall funds to grants for organizations
25 to provide training and assistance for drivers to access and operate
26 zero-emission wheelchair accessible vehicles and subsidies, with awards
27 to no less than five providers annually. Awarded providers shall be
28 nonprofit organizations or labor unions, and shall have a track record
29 of providing services for for-hire vehicle drivers in New York state.

30 § 1755. Green accessible transition fund. 1. The authority shall
31 create and establish a fund to be known as the "green accessible transi-
32 tion fund" which shall be kept separate from and shall not be commingled
33 with any other moneys of the authority. The green accessible transition
34 fund shall consist of moneys received by the authority pursuant to the
35 provisions of section twelve hundred ninety-nine-ff of the tax law in
36 accordance with the provisions thereof.

37 2. Moneys in the fund shall be used for the exclusive purpose of
38 funding programs administered by the authority.

39 3. Any revenues deposited in the green accessible transition fund
40 pursuant to subdivision one of this section shall be used exclusively
41 for the purposes described in subdivision two of this section. Such
42 revenues shall only supplement and shall not supplant any federal,
43 state, or local funds expended by the authority or such authority's
44 affiliates or subsidiaries for such purposes.

45 4. Any revenues deposited into the green accessible transition fund
46 pursuant to subdivision one of this section shall not be diverted into
47 the general fund of the state, any other fund maintained for the support
48 of any other governmental purpose, or for any other purpose not author-
49 ized by subdivision two of this section.

50 5. The authority shall report on the receipt and uses of all funds
51 received by the green accessible transition fund to the director of the
52 budget, the temporary president of the senate, and the speaker of the
53 assembly, on an annual basis no later than the first day of February.

54 § 1756. Accounts and funding. 1. The programs administered by the
55 authority shall be funded in part by the green accessible transition
56 fund established pursuant to section seventeen hundred fifty-five of

1 this title and any other moneys received by the authority, including
2 payments, gifts, or appropriations to the authority from any other
3 source.

4 2. The authority shall be authorized to set a standard rate for vehi-
5 cle charging stations owned by the authority and to collect any revenue
6 generated from such charging stations.

7 3. The authority shall have the power and is hereby authorized from
8 time to time to issue its negotiable bonds in conformity with applicable
9 provisions of the uniform commercial code for any purpose authorized by
10 this title.

11 § 1757. Exemption from taxes, assessments and certain fees. It is
12 hereby determined that the creation of the authority and the carrying
13 out of its corporate purposes is in all respects for the benefit of the
14 people of the municipality and the state and is a public purpose and the
15 authority shall be regarded as performing a governmental function in the
16 exercise of the powers conferred upon it by this title and shall not be
17 required to pay any taxes, special ad valorem levies or special assess-
18 ments upon any property owned by it or under its jurisdiction, control
19 or supervision or upon its activities or any filing, recording or trans-
20 fer fees or taxes in relation to instruments filed, recorded or trans-
21 ferred by it or on its behalf. The construction, use, occupation or
22 possession of any property owned by the authority or the municipality,
23 including improvements thereon, by any person or public corporation
24 under a lease, lease and sublease or any other agreement shall not oper-
25 ate to abrogate or limit the foregoing exemption, notwithstanding that
26 the lessee, user, occupant or person in possession shall claim ownership
27 for federal income tax purposes. Mortgages made or financed, directly or
28 indirectly, by the authority shall be exempt from the mortgage recording
29 taxes imposed by article eleven of the tax law. The authority shall be
30 deemed a public authority for the purposes of section four hundred
31 twelve of the real property tax law.

32 § 1758. Audit and annual report. In conformity with the provisions of
33 section five of article ten of the constitution, the accounts of the
34 authority shall be subject to the supervision of the state comptroller
35 and an annual audit shall be performed by an independent certified
36 accountant. The authority shall annually submit to the governor, state
37 comptroller and state legislature a detailed report pursuant to the
38 provisions of section twenty-eight hundred of this chapter, and a copy
39 of such report shall be filed with every municipality included in the
40 report. The authority shall comply with the provisions of sections twen-
41 ty-eight hundred one, twenty-eight hundred two and twenty-eight hundred
42 three of this chapter.

43 § 1759. Labor and procurement standards. 1. Any project that is funded
44 by the authority shall:

45 (a) Be deemed a public work project subject to article eight of the
46 labor law;

47 (b) Require that any materials used in the project are produced or
48 made in whole or substantial part in the United States, its territories
49 or possessions; provided, however, that the provisions of this paragraph
50 shall not apply in any case or category of cases in which the head of
51 the contracting public entity finds that: (i) applying this paragraph
52 would be inconsistent with the public interest; (ii) products are not
53 produced in the United States in sufficient and reasonably available
54 quantities and of a satisfactory quality; or (iii) inclusion of products
55 produced in the United States will increase the cost of the overall
56 project by more than twenty-five percent. If the head of the contracting

1 public entity receives a request for a waiver from the requirements of
2 this paragraph, such person shall make available to the public on an
3 informal basis a copy of the request and information available to such
4 person concerning the request, and shall allow for informal public input
5 on the request for at least fifteen days prior to making a finding based
6 on the request. The head of the contracting public entity shall make the
7 request and accompanying information available by electronic means,
8 including on the official public website of the public entity; provided
9 further, however, that the provisions of this paragraph shall not apply
10 to products purchased prior to the effective date of this title. The
11 head of the contracting public entity may, at the contracting public
12 entity's sole discretion, provide for a solicitation of a request for
13 proposal, invitation for bid, or solicitation of proposal, or any other
14 method provided for by law or regulation for soliciting a response from
15 offerors intending to result in a contract pursuant to this paragraph
16 involving a competitive process in which the evaluation of competing
17 bids gives significant consideration in the evaluation process to the
18 procurement of equipment and supplies from businesses located in New
19 York state;

20 (c) Require that any public owner or third party acting on the behalf
21 of a public owner enter into a project labor agreement as defined by
22 section two hundred twenty-two of the labor law for all construction
23 work;

24 (d) Require the payment of prevailing wage standards consistent with
25 article nine of the labor law for building services work; and

26 (e) Require that all rights or benefits, including terms and condi-
27 tions of employment, and protection of civil service and collective
28 bargaining status of all existing public employees and the work juris-
29 isdiction, covered job titles, and work assignments, set forth in the
30 civil service law and collective bargaining agreements with labor organ-
31 izations representing public employees shall be preserved and protected.

32 2. Any such project shall not result in the:

33 (a) Displacement of any currently employed worker or loss of position,
34 including partial displacement such as a reduction in the hours of non-
35 overtime work, wages, or employment benefits, or result in the impair-
36 ment of existing collective bargaining agreements;

37 (b) Transfer of existing duties and functions related to maintenance
38 and operations performed by existing employees of authorized entities to
39 a contracting entity; or

40 (c) Transfer of future duties and functions ordinarily performed by
41 employees of authorized entities to a contracting entity.

42 3. Any project funded by the authority shall certify that the materi-
43 als, components, parts or vehicles are produced or made in whole or
44 substantial part in the United States, its territories or possessions;
45 provided, however, that the president of the authority, or the presi-
46 dent's designee may waive the procurement requirements set forth in this
47 subdivision if such official determines that: (a) the requirements
48 would result in unreasonable costs; (b) obtaining such infrastructure-
49 related materials, components or parts in the United States would
50 increase the cost of a project by an unreasonable amount; or (c) any
51 such vehicles, parts, or components cannot be produced, made, or assem-
52 bled in the United States in sufficient and reasonably available quanti-
53 ties or of satisfactory quality. Any such waiver shall remain in effect
54 only so long as the conditions necessitating the waiver are in effect.
55 All determinations on waivers shall be made on an annual basis no later
56 than December thirty-first, after providing notice and opportunity for

1 public comment, and such determination shall be made publicly available,
2 in writing, on the authority's website with a detailed explanation of
3 the findings leading to such a determination. If the president or the
4 president's designee has issued determinations for three consecutive
5 years finding that no such waiver is warranted pursuant to this subdivi-
6 sion, then the authority shall no longer be required to provide the
7 annual determination required by this subdivision.

8 4. (a) For the purposes of this subdivision, the following terms shall
9 have the following meanings:

10 (i) "Contractor" means an entity that sells an approved eligible vehi-
11 cle to a vehicle purchaser and that meets the following criteria:

12 (1) Is any of the following types of entities:

13 (A) A zero-emission wheelchair accessible vehicle dealership that has
14 a written agreement with a zero-emission wheelchair accessible vehicle
15 original equipment manufacturer and that sells or leases complete eligi-
16 ble vehicles to vehicle owner-operators;

17 (B) An original equipment manufacturer that builds and sells or leases
18 complete eligible vehicles directly to fleets or vehicle owner-ope-
19 rators;

20 (C) An automotive vehicle upfit or retrofit manufacturer that has a
21 written agreement with an original equipment manufacturer and that
22 upfits, retrofits, or performs final equipment installations on new
23 replacement or repowered vehicles and sells or leases the completed
24 eligible vehicle to a leasing company, fleet, or vehicle owner-operator;
25 or

26 (D) A retrofit kit company that produces and installs such kits on
27 existing vehicles, such as a battery electric vehicle kit on an existing
28 diesel-powered vehicle;

29 (2) Has a valid business license for the past two years; and

30 (3) Is the entity that sells or leases the fully assembled and
31 completed new eligible vehicle or repowered vehicle.

32 (ii) "Disadvantaged communities" shall have the same meaning as
33 defined by section 75-0101 of the environmental conservation law.

34 (iii) "Displaced workers" means workers who have lost their jobs in
35 the previous five years due to lack of business, a reduction in work-
36 force, or other economic, non-disciplinary reasons related to a pandemic
37 or to the transition from the fossil fuel industry to renewable energy
38 or electric transportation, and who have not been able to secure a
39 comparably compensated position.

40 (iv) "Eligible vehicle" means a zero-emission wheelchair accessible
41 vehicle that meets all of the rules and requirements of the authority.

42 (v) "New York jobs plan" means a component of the documentation
43 submitted during the eligibility application process and that shall be
44 used to determine certain plus-ups and deductions from the base incen-
45 tive amount. The New York jobs plan shall include the information
46 submitted by the contractor, the contractor's supplier, and the contrac-
47 tor's major supplier, which states: (1) the minimum number of jobs; (2)
48 proposed wages, benefits, and investment in training; (3) targeted
49 hiring plans for disadvantaged workers, displaced workers, and individ-
50 uals facing barriers to employment for jobs created or retained in the
51 state; (4) lifecycle emissions analysis; (5) use of recycled content;
52 (6) plans to maximize reuse and recycling of batteries; and (7) the use
53 of recycled or responsibly-mined minerals.

54 (vi) "Original equipment manufacturer" means a manufacturer that
55 builds or assembles, at a minimum, the completed drivetrain and chassis
56 for an eligible vehicle.

1 (vii) "Supplier" means a company that sells vehicles or component
2 parts of vehicles to an original equipment manufacturer or an upfit or
3 retrofit manufacturer.

4 (viii) "Responsible mineral sourcing" means original equipment
5 manufacturer procurement practices for components and raw materials that
6 enable the original equipment manufacturer to accurately assess and
7 report the social and environmental impact of mined minerals used in the
8 production of the vehicle, and in which the original equipment manufac-
9 turer takes active steps to improve the social and environmental impact
10 of the mined minerals used in the production of such vehicle by ensuring
11 that any mined minerals used in the vehicle conform to the highest
12 possible standards of social responsibility, including free, prior, and
13 informed consent, human rights, labor rights, worker and community
14 health and safety, conflict involvement, community engagement and
15 consultation, and cultural heritage, and environmental responsibility,
16 including water management, air quality, greenhouse gas emissions, noise
17 management, protection of ecosystems and biodiversity, and management of
18 toxins including mercury and cyanide. Whenever available, standards and
19 evaluations shall conform to those of the initiative for responsible
20 mining assurance.

21 (ix) "Upfit or retrofit manufacturer" means a manufacturer that
22 installs equipment on an automotive vehicle chassis purchased from an
23 original equipment manufacturer. The upfit or retrofit manufacturer
24 shall bear full responsibility under federal law for any vehicle defects
25 and shall be responsible for certifying that the vehicle meets all
26 applicable federal safety standards.

27 (b) The authority shall establish guidelines governing the qualifica-
28 tions of eligible vehicles and shall consider prospective vehicle
29 contractors' experience, financial capability and responsibility, and
30 past performance, including performance on meeting New York jobs plan
31 commitments.

32 (c) The authority shall develop procedures for determining incentive
33 amounts for eligible vehicles. As part of the eligibility qualification
34 process, the authority shall require prospective contractors to submit
35 New York jobs plan information for themselves as well as their suppli-
36 ers. If a contractor is a zero-emission vehicle dealership that has a
37 written agreement with a zero-emission vehicle original equipment
38 manufacturer, then the contractor shall submit New York jobs plan infor-
39 mation from the original equipment manufacturer. At a minimum, the New
40 York jobs plan shall require prospective contractors and their suppliers
41 to provide the following information:

42 (i) The minimum number of full-time equivalent permanent jobs in
43 production occupations to be retained and created per ten vehicle sales;

44 (ii) The minimum wage levels by job classification;

45 (iii) The minimum amounts that will be paid for fringe benefits by job
46 classification;

47 (iv) The minimum amounts that will be paid for worker training by job
48 classification;

49 (v) Information on recruitment and training programs targeted specif-
50 ically towards individuals facing barriers to employment, displaced
51 workers, and disadvantaged workers;

52 (vi) Lifecycle emissions analysis of the vehicles;

53 (vii) The minimum percent total values of recycled content in the
54 chassis, body, battery, and motor, along with the total value of each of
55 these components;

1 (viii) A plan to maximize reuse and recycling of the traction battery
2 at end of use in vehicles; and

3 (ix) A plan to purchase motors manufactured using recycled (first
4 priority) or responsibly-mined (second priority) copper and batteries
5 using recycled or responsibly-mined lithium, nickel, and cobalt, accord-
6 ing to the standards and assessments established by the initiative for
7 responsible mining assurance.

8 (d) Upon certification of an eligible vehicle, the New York jobs plan
9 information shall be incorporated as a material term of the contract.

10 (e) To determine the incentive amount for each eligible vehicle, the
11 authority shall score the contractor's and the contractor's suppliers'
12 New York jobs plan commitments from zero to one hundred, according to a
13 formula which includes comparative assessments of:

14 (i) Economic benefits: fifty percent. Economic benefits shall be
15 calculated as the product of full-time equivalent positions created or
16 retained at each classification and the square of each classification's
17 total compensation, wages, and monetary fringe benefits.

18 (ii) Workforce development: ten percent. Workforce development shall
19 be calculated as the total amount of investment in worker training for
20 employees of the original equipment manufacturer over the twelve-month
21 period prior to final delivery of the vehicle. Workforce development
22 shall account for ten percent of the comparative assessment.

23 (iii) Inclusion: fifteen percent. Inclusion shall be calculated as a
24 qualitative evaluation of the original equipment manufacturer's recruit-
25 ing and training programs targeted specifically towards individuals
26 facing barriers to employment and displaced workers.

27 (iv) Environmental sustainability: twenty-five percent. Environmental
28 sustainability shall be calculated as an integrated evaluation of
29 sustainable manufacturing practices, including the following factors:

30 (1) Lifecycle emissions analysis: twenty-five percent;

31 (2) Commitments for percent of total value of recycled content in the
32 chassis, body, battery, and motor: twenty-five percent;

33 (3) Qualitative evaluation of the plan to maximize reuse and recycling
34 of the traction battery: twenty-five percent; and

35 (4) Qualitative evaluation of the plan for responsible sourcing of
36 motor and battery minerals and/or reducing mineral use in the vehicle:
37 twenty-five percent.

38 (v) New York's regional employment benefits: up to ten bonus points.

39 (f) Contractors shall be required to provide quarterly reports to the
40 authority for the first year after a contract is awarded and then annu-
41 ally thereafter. Such reports shall detail progress and compliance with
42 the contractor's New York jobs plan commitments and the commitments of
43 their suppliers on forms provided by the authority. If any such report
44 indicates a failure to comply with the contractor's New York jobs plan
45 commitments, the authority shall notify such contractor of their noncom-
46 pliance and the time frame within which compliance must be met. Failure
47 to comply with their New York jobs plan commitments within the given
48 time frame shall result in forfeiture of the entire value of the vouch-
49 er.

50 (g) The authority shall publish New York jobs plan commitments and
51 reports to the authority's website within two weeks of vehicle certif-
52 ication and shall publish quarterly reports within two weeks of receipt
53 by the authority.

54 § 1760. Bonds and notes. 1. The authority shall have the power and is
55 hereby authorized to issue at one time or in series from time to time
56 its negotiable bonds and notes in conformity with applicable provisions

1 of the uniform commercial code in such principal amounts as, in the
2 opinion of the authority, shall be necessary to provide sufficient
3 moneys for achieving the authority's corporate purposes, including the
4 establishment of reserves to secure the bonds and notes and the payment
5 of interest on bonds and notes.

6 2. The authority shall have power from time to time to renew bonds or
7 notes or to issue renewal bonds or notes for such purpose, to issue
8 bonds or notes to pay bonds or notes, and, whenever it deems refunding
9 expedient, to refund any bond or note by the issuance of new bonds or
10 notes, whether the bonds or notes to be refunded have or have not
11 matured, and may issue bonds or notes partly to refund bonds or notes
12 then outstanding and partly for any other corporate purpose of the
13 authority. Bonds or notes issued for refunding purposes shall be sold
14 and the proceeds applied to the purchase, redemption or payment of the
15 bonds or notes to be refunded.

16 3. Except as may otherwise be expressly provided by the authority,
17 every issue of bonds or notes shall be general obligations payable out
18 of any moneys or revenues of the authority, subject only to any agree-
19 ments with the holders of bonds or notes pledging any receipts or reven-
20 ues.

21 4. The bonds and notes shall be authorized by resolution of the
22 authority, shall bear such date or dates and mature at such time or
23 times as such resolution shall provide, except that notes and any
24 renewals thereof shall mature within five years from their respective
25 dates of issuance or renewal, as the case may be, and bonds shall mature
26 within forty years from their respective dates of issuance or renewal,
27 as the case may be. The bonds and notes shall bear interest at such rate
28 or rates, be in such denomination, be in such form, either coupon or
29 registered, carry such registration privileges, be executed in such
30 manner, be payable in such medium of payment at such place or places,
31 and be subject to such terms of redemption as such resolution or resol-
32 utions may provide.

33 5. Bonds and notes shall be sold by the authority, at public or
34 private sale, at such price or prices as the authority may determine.
35 Bonds and notes of the authority shall not be sold by the authority at
36 private sale unless such sale and the terms thereof have been approved
37 in writing by the comptroller, where such sale is not to the comp-
38 troller, or by the director of the budget, where such sale is to the
39 comptroller.

40 6. In the discretion of the authority any bonds or issue of bonds or
41 notes or issue of notes may be secured by such resolution or by a trust
42 indenture by and between the authority and a corporate trustee which may
43 be any trust company or bank having the powers of a trust company in the
44 state or by a secured loan agreement or other instrument. Such resol-
45 ution, trust indenture, loan agreement or other instrument may contain
46 any usual or customary provisions, covenants or limitations for bonds or
47 notes of similar nature which shall be a part of the contract with the
48 holders thereof, including such provisions for protecting and enforcing
49 the rights and remedies of bondholders and noteholders as may be reason-
50 able and proper and not in violation of law.

51 7. Any resolution or resolutions authorizing any notes or bonds or any
52 issue thereof may contain provisions, which shall be a part of the
53 contract with the holders thereof, as to:

54 (a) pledging all or part of the fees, charges, gifts, grants, rents,
55 revenues or other moneys received or to be received and leases or agree-
56 ments to secure the payment of the notes or bonds or of any issue there-

1 of subject to such agreements with bondholders and noteholders as may
2 then exist;

3 (b) the rates of the fees or charges to be established, and the
4 amounts to be raised in each year thereby and the use and disposition of
5 the fees, charges, gifts, grants, rents, revenues or other moneys
6 received or to be received;

7 (c) the setting aside of reserves or sinking funds, and the regulation
8 and disposition thereof;

9 (d) limitations on the purpose to which the proceeds of sale of any
10 issue of notes or bonds then or thereafter to be issued may be applied
11 and pledging such proceeds to secure the payment of the notes or bonds
12 or of any issue thereof;

13 (e) limitations on the issuance of additional notes or bonds; the
14 terms upon which additional notes or bonds may be issued and secured;
15 the refunding of outstanding or other notes or bonds;

16 (f) the procedure, if any, by which the terms of any contract with
17 bondholders or noteholders may be amended or abrogated, the amount of
18 notes or bonds the holders of which must consent thereto, and the manner
19 in which such consent may be given; and

20 (g) any other matters, of like or different character, which in any
21 way affect the security or protection of the notes or bonds.

22 8. It is the intention hereof that any pledge made by the authority
23 shall be valid and binding from the time when the pledge is made, that
24 the moneys so pledged and thereafter received by the authority shall
25 immediately be subject to the lien of such pledge without any physical
26 delivery thereof or further act, and that the lien of any such pledge
27 shall be valid and binding as against all parties having claims of any
28 kind in tort, contract or otherwise against the authority irrespective
29 of whether such parties have notice thereof. Neither the resolution nor
30 any other instrument by which a pledge is created need be recorded.

31 9. Neither the members of the authority nor any person executing the
32 bonds or notes shall be liable personally on the bonds or notes or be
33 subject to any personal liability or accountability by reason of the
34 issuance thereof.

35 10. Subject to such agreements with bondholders or noteholders as may
36 then exist, the authority shall have power out of any funds available
37 therefor to purchase bonds or notes at a price not exceeding (a) if the
38 notes or bonds are then redeemable, the redemption price then applicable
39 plus accrued interest to the next interest payment date thereon, or (b)
40 if the notes or bonds are not then redeemable, the redemption price
41 applicable on the first date after such purchase upon which the notes or
42 bonds become subject to redemption plus accrued interest to said date.
43 Bonds and notes so purchased shall thereupon be cancelled.

44 11. The state does hereby pledge to and agree with the holders of any
45 bonds or notes that the state will not limit or alter the rights and
46 powers vested in the authority by this title to fulfill the terms of any
47 contract made by the authority with such holders, or in any way impair
48 the rights and remedies of such holders until such bonds and notes,
49 together with the interest thereon, with interest on any unpaid install-
50 ments of interest, and all costs and expenses in connection with any
51 action or proceeding by or on behalf of such holders, are fully met and
52 discharged. The authority is authorized to include this pledge and
53 agreement of the state, insofar as it refers to holders of any bonds or
54 notes, in any contract with such holders.

55 § 1761. Reserve funds and appropriations. 1. The authority may create
56 and establish one or more reserve funds to be known as debt service

1 reserve funds and may pay into such reserve funds (a) any moneys appro-
2 priated and made available by the state for the purposes of such funds,
3 (b) any proceeds of sale of bonds and notes to the extent provided in
4 the resolution of the authority authorizing the issuance thereof, (c)
5 any moneys directed to be transferred by the authority to such funds,
6 and (d) any other moneys which may be made available to the authority
7 for the purposes of such funds from any other source or sources. The
8 moneys held in or credited to any debt service reserve fund established
9 under this subdivision, except as hereinafter provided, shall be used
10 solely for the payment of the principal of bonds of the authority
11 secured by such reserve fund, as the same mature, required payments to
12 any sinking fund established for the amortization of such bonds (herein-
13 after referred to as "sinking fund payments"), the purchase or redemp-
14 tion of such bonds of the authority, the payment of interest on such
15 bonds of the authority or the payment of any redemption premium required
16 to be paid when such bonds are redeemed prior to maturity; provided,
17 however, that moneys in any such fund shall not be withdrawn therefrom
18 at any time in such amount as would reduce the amount of such fund to
19 less than the maximum amount of principal and interest maturing and
20 becoming due in any succeeding calendar year on the bonds of the author-
21 ity then outstanding and secured by such reserve fund, except for the
22 purpose of paying principal and interest on the bonds of the authority
23 secured by such reserve fund maturing and becoming due and sinking fund
24 payments for the payment of which other moneys of the authority are not
25 available. Any income or interest earned by, or increment to, any such
26 debt service reserve fund due to the investment thereof may be trans-
27 ferred to any other fund or account of the authority to the extent it
28 does not reduce the amount of such debt service reserve fund below the
29 maximum amount of principal and interest maturing and becoming due in
30 any succeeding calendar year on all bonds of the authority then
31 outstanding and secured by such reserve fund. In computing the amount
32 of any debt service reserve fund for the purposes of this section, secu-
33 rities in which all or a portion of such reserve fund are invested shall
34 be valued at par or, if purchased at less than par, at their cost to the
35 authority.

36 2. The authority shall not issue bonds at any time if the maximum
37 amount of principal and interest maturing and becoming due in a succeed-
38 ing calendar year on the bonds outstanding and then to be issued and
39 secured by a debt service reserve fund will exceed the amount of such
40 reserve fund at the time of issuance, unless the authority, at the time
41 of issuance of such bonds, shall deposit in such reserve fund from the
42 proceeds of the bonds so to be issued, or otherwise, an amount which
43 together with the amount then in such reserve fund, will be not less
44 than the maximum amount of principal and interest maturing and becoming
45 due in any succeeding calendar year on the bonds then to be issued and
46 on all other bonds of the authority then outstanding and secured by such
47 reserve fund.

48 3. To assure the continued operation and solvency of the authority for
49 the carrying out of the public purposes of this title provision is made
50 in subdivision one of this section for the accumulation in each debt
51 service reserve fund of an amount equal to the maximum amount of princi-
52 pal and interest maturing and becoming due in any succeeding calendar
53 year on all bonds of the authority then outstanding and secured by such
54 reserve fund. In order further to assure the maintenance of such debt
55 service reserve funds, there shall be annually apportioned and paid to
56 the authority for deposit in each debt service reserve fund such sum, if

1 any, as shall be certified by the chair of the authority to the governor
2 and state director of the budget as necessary to restore such reserve
3 fund to an amount equal to the maximum amount of principal and interest
4 maturing and becoming due in any succeeding calendar year on the bonds
5 of the authority then outstanding and secured by such reserve fund. The
6 chair of the authority shall annually, on or before December first, make
7 and deliver to the governor and state director of the budget a certifi-
8 cate stating the sum, if any, required to restore each such debt
9 service reserve fund to the amount aforesaid, and the sum or sums so
10 certified, if any, shall be apportioned and paid to the authority during
11 the then current state fiscal year. The principal amount of bonds
12 secured by a debt service reserve fund or funds to which state funds are
13 apportionable pursuant to this subdivision shall be limited to the total
14 amount of bonds and notes outstanding on the effective date of this
15 title, plus the total amount of bonds and notes contracted after the
16 effective date of this title to finance projects in progress on the
17 effective date of this title as determined by the New York state public
18 authorities control board created pursuant to section fifty of this
19 chapter whose affirmative determination shall be conclusive as to all
20 matters of law and fact solely for the purposes of the limitations
21 contained in this subdivision, but in no event shall the total amount of
22 bonds so secured by such a debt service reserve fund or funds exceed
23 nine million six hundred sixty thousand dollars, excluding bonds issued
24 to refund such outstanding bonds until the date of redemption of such
25 outstanding bonds. As outstanding bonds so secured are paid, the amount
26 so secured shall be reduced accordingly but the redemption of such
27 outstanding bonds from the proceeds of refunding bonds shall not reduce
28 the amount so secured.

29 4. All amounts paid over to the authority by the state pursuant to the
30 provisions of this section shall constitute and be accounted for as
31 advances by the state to the authority and, subject only to the rights
32 of the holders of any bonds or notes of the authority theretofore or
33 thereafter issued, shall be repaid to the state from all available oper-
34 ating revenues of the authority in excess of debt service reserve fund
35 requirements and operating expenses.

36 5. As used in this section, (a) the term "operating expenses" shall
37 mean ordinary expenditures for operation and administration of the
38 authority, including maintenance, repair and replacement of authority
39 property; and (b) the term "available operating revenues" shall mean all
40 amounts received on account of rentals and fees charged by the authori-
41 ty, if any, and income or interest earned or added to funds of the
42 authority due to the investment thereof, and not required under the
43 terms or provisions of any covenant or agreement with holders of any
44 bonds or notes of the authority to be applied to any purposes other than
45 payment of operating expenses of the authority.

46 § 1762. Exemption from taxation of bonds and notes. The state coven-
47 ants with the purchasers and with all subsequent holders and transferees
48 of bonds and notes, in consideration of the acceptance of and payment
49 for the bonds and notes, that the bonds and notes and the income there-
50 from, and all moneys, funds and revenues pledged to pay or secure the
51 payment of such bonds and notes shall at all times be free from taxa-
52 tion, except for estate and gift taxes and taxes on transfers.

53 § 1763. Bonds and notes legal investments for fiduciaries. The bonds
54 and notes are hereby made securities in which all public officers and
55 bodies of the state and all municipalities and municipal subdivisions,
56 all insurance companies and associations and other persons carrying on

1 an insurance business, all banks, bankers, trust companies, savings
2 banks, savings associations, including savings and loan associations and
3 building and loan associations, investment companies and other persons
4 carrying on a banking business, all administrators, guardians, execu-
5 tors, trustees and other fiduciaries, and all other persons whatsoever
6 who are now or who may hereafter be authorized to invest in bonds or
7 other obligations of the state, may properly and legally invest funds
8 including capital in their control or belonging to them. Notwithstanding
9 any other provisions of law, the bonds and notes of the authority are
10 also hereby made securities which may be deposited with and may be
11 received by all public officers and bodies of this state and all munici-
12 palities and municipal subdivisions for any purpose for which the depos-
13 it of bonds or other obligations of the state is now or may hereafter be
14 authorized.

15 § 1764. Right of state to require redemption of bonds. Notwithstanding
16 and in addition to any provisions for the redemption of bonds which may
17 be contained in any contract with the holders of the bonds, the state
18 may, upon furnishing sufficient funds therefor, require the authority to
19 redeem, prior to maturity, as a whole, any issue of bonds on any inter-
20 est payment date not less than twenty years after the date of the bonds
21 of such issue at one hundred five percent of their face value and
22 accrued interest or at such lesser redemption price as may be provided
23 in the bonds in case of the redemption thereof as a whole on the redemp-
24 tion date. Notice of such redemption shall be published in at least two
25 newspapers published and circulating respectively in the cities of Alba-
26 ny and New York at least twice, the first publication to be at least
27 thirty days before the date of redemption.

28 § 1765. Rights and remedies of bondholders and noteholders. The hold-
29 ers of bonds and notes shall have the following rights and remedies,
30 subject to the terms of the resolution authorizing such bonds and notes
31 or any trust indenture, secured loan agreement or other instrument
32 related thereto:

33 1. In the event that the authority shall default in the payment of
34 principal of or interest on any issue of bonds or notes after the same
35 shall become due, whether at maturity or upon call for redemption, and
36 such default shall continue for a period of thirty days, or in the event
37 that the authority shall fail or refuse to comply with the provisions of
38 this title, or shall default in any contract made with the holders of
39 any issue of bonds or notes, the holders of twenty-five per centum in
40 aggregate principal amount of the bonds or notes of such issue then
41 outstanding, by instrument or instruments filed in the office of the
42 clerk in the county of Albany and approved or acknowledged in the same
43 manner as a deed to be recorded, may appoint a trustee to represent the
44 holders of such bonds or notes for the purposes herein provided.

45 2. Such trustee may, and upon written request of the holders of twen-
46 ty-five per centum in principal amount of such bonds or notes then
47 outstanding shall, in such trustee's or its own name:

48 (a) by suit, action or special proceeding, enforce all rights of the
49 bondholders or noteholders, including the right to require the authority
50 to collect fees, rentals and charges adequate to carry out any agree-
51 ments with the holders of such bonds or notes and to perform its duties
52 under this title;

53 (b) bring suit upon such bonds or notes;

54 (c) by action or suit in equity, require the authority to account as
55 if it were the trustee of an express trust for the holders of such bonds
56 or notes;

1 (d) by action or suit in equity, enjoin any act or things which may be
 2 unlawful or in violation of the rights of the holders of such bonds or
 3 notes; and

4 (e) declare all such bonds or notes due and payable, and if all
 5 defaults shall be made good then with the consent of the holders of
 6 twenty-five per centum of the principal amount of such bonds or notes
 7 then outstanding, to annul such declaration and its consequences.

8 3. Such trustee, whether or not the issuance of bonds or notes repres-
 9 ented by such trustee had been declared due and payable, shall be enti-
 10 itled as of right to the appointment of a receiver of any property of the
 11 authority, the fees, rentals, charges or other revenues of which are
 12 pledged for the security of the bonds or notes of such issue and such
 13 receiver may enter and take possession of such property, or any part or
 14 parts thereof and operate and maintain the same and receive all fees,
 15 charges, rentals and other revenues thereafter arising therefrom and
 16 exercise such other powers of the authority as the court may deem advis-
 17 able and perform the public duties and carry out the agreements and
 18 obligations of the authority under the direction of the court. In any
 19 suit, action or proceeding by the trustee the fees, counsel fees and
 20 expenses of the trustee and of the receiver, if any, shall constitute
 21 taxable disbursements and all costs and disbursements allowed by the
 22 court shall be a first charge on any fees, charges, rentals and other
 23 revenues derived from such properties.

24 4. Such trustee shall in addition to the foregoing have and possess
 25 all of the powers necessary or appropriate for the exercise of any func-
 26 tions specifically set forth herein or incident to the general represen-
 27 tation of bondholders or noteholders in the enforcement and protection
 28 of their rights.

29 5. The supreme court shall have jurisdiction of any suit, action or
 30 proceeding by the trustee on behalf of such bondholders or noteholders.
 31 The venue of any such suit, action or proceeding shall be laid in the
 32 county of Albany.

33 6. Before declaring the principal of bonds or notes due and payable,
 34 the trustee shall first give thirty days' notice in writing to the
 35 governor, to the authority, to the comptroller and to the attorney
 36 general of the state.

37 § 1766. State not liable on bonds and notes. The bonds and notes shall
 38 not be a debt of the state of New York nor shall the state be liable
 39 thereon and such bonds and notes shall contain on the face thereof a
 40 statement to that effect.

41 § 4. The tax law is amended by adding a new article 29-E to read as
 42 follows:

43 ARTICLE 29-E

44 FOR-HIRE VEHICLE IMPROVEMENT SURCHARGE

45 Section 1299-aa. Definitions.

46 1299-bb. Imposition of tax.

47 1299-cc. Liability for surcharge.

48 1299-dd. Returns and payment of surcharge.

49 1299-ee. Records to be kept.

50 1299-ff. Deposit and disposition of revenue.

51 § 1299-aa. Definitions. As used or referred to in this article, unless
 52 a different meaning clearly appears from the context:

53 (a) "Person" means an individual, partnership, limited liability
 54 company, society, association, joint stock company, corporation, estate,
 55 receiver, trustee, assignee, referee or any other person acting in a
 56 fiduciary or representative capacity, whether appointed by a court or

1 otherwise, any combination of individuals and any other form of unincor-
2 porated enterprise owned or conducted by two or more persons.

3 (b) "Authority" means the green accessible transition authority
4 established pursuant to section seventeen hundred fifty-one of the
5 public authorities law.

6 (c) "For-hire vehicle" means any transportation network company vehi-
7 cle (TNC vehicle) as defined in section sixteen hundred ninety-one of
8 the vehicle and traffic law and any for-hire vehicle as defined in
9 section 19-502 of the administrative code of the city of New York.

10 (d) "For-hire transportation trip" means transportation provided in a
11 for-hire vehicle as defined in subdivision (c) of this section, for
12 which a charge is made.

13 (e) "High-volume for-hire service" shall have the same meaning as
14 defined in section 19-502 of the administrative code of the city of New
15 York.

16 § 1299-bb. Imposition of tax. (a) In addition to any other tax or
17 assessment imposed by this chapter or other law, there is hereby imposed
18 a surcharge of one dollar for each for-hire transportation trip
19 conducted in a transportation network company vehicle or by a high-vo-
20 lume for-hire service, other than trips dispatched by a paratransit
21 service.

22 (b) Receipts subject to tax under paragraph ten of subdivision (c) of
23 section eleven hundred five of this chapter shall be deemed to exclude
24 any surcharge imposed by this article.

25 § 1299-cc. Liability for surcharge. (a) Notwithstanding any provision
26 of law to the contrary, any person who dispatches a motor vehicle by any
27 means that provides transportation that is subject to a surcharge
28 imposed by this article shall be liable for the surcharge imposed by
29 this article.

30 (b) Notwithstanding any law to the contrary: (1) The surcharge imposed
31 by this article shall be passed along to passengers and separately stat-
32 ed on any receipt that is provided to such passengers. The passing along
33 of such surcharge shall not be construed by any court or administrative
34 body as the imposition of the surcharge on the person or entity that
35 pays for the for-hire transportation trip. All regulatory agencies shall
36 adjust any fares that are authorized by such agencies to include the
37 surcharge imposed by this article and shall require that any meter or
38 other instrument used in any for-hire vehicle regulated by such agency
39 to calculate fares be adjusted to include the surcharge.

40 (2) Neither the failure of a regulatory agency to adjust fares nor the
41 failure to adjust a meter or other instrument used in a for-hire vehicle
42 to calculate fares shall relieve any person liable for the surcharge
43 imposed by this article from the obligation to pay such surcharge.

44 § 1299-dd. Returns and payment of surcharge. (a) Every person liable
45 for the surcharge imposed by this article shall file a return with the
46 commissioner on a monthly basis. Each return shall show the number of
47 for-hire transportation trips subject to the surcharge imposed by this
48 article in the month for which the return is filed, along with such
49 other information as the commissioner may require. The returns required
50 by this section shall be filed within twenty days after the end of the
51 month covered thereby. If the commissioner deems it necessary to ensure
52 the payment of the surcharge imposed by this article, the commissioner
53 may require returns to be made for shorter periods than prescribed by
54 the provisions of this section, and upon such dates as may be specified.
55 The form of returns shall be prescribed by the commissioner and shall
56 contain such information as the commissioner may deem necessary for the

1 proper administration of this article. The commissioner may require that
2 returns be filed electronically.

3 (b) Every person liable for the surcharge imposed by this article
4 shall, at the time of filing such return, pay to the commissioner the
5 total amount of all surcharges due under this article. Such amount shall
6 be due and payable on the date specified for the filing of the return
7 for such period, without regard to whether a return is filed, or whether
8 the return that is filed correctly shows the correct number of for-hire
9 trips that are subject to the surcharge, or the correct surcharge amount
10 due thereon. The commissioner may require that the surcharge be paid
11 electronically.

12 (c) In addition to any other penalty or interest provided for under
13 this article or other law, and unless it is shown that such failure is
14 due to reasonable cause and not due to willful neglect, any person
15 liable for the surcharge imposed by this article that fails to pay such
16 surcharge when due shall be liable for a penalty in an amount equal to
17 two hundred percent of the total surcharge amount that is due.

18 § 1299-ee. Records to be kept. Every person liable for the surcharge
19 imposed by this article shall keep, and shall make available for review
20 upon demand by the commissioner:

21 (a) records of every trip provided or arranged by such person, or
22 provided through the use of a for-hire vehicle owned or leased by such
23 person, including all amounts paid, charged, or due thereon, in such
24 form as the commissioner may require;

25 (b) true and complete copies of any records required to be kept by any
26 applicable regulatory department or agency; and

27 (c) such other records and information as the commissioner may require
28 to perform their duties under this article.

29 § 1299-ff. Deposit and disposition of revenue. (a) Any surcharge,
30 interest, and penalties collected or received by the commissioner shall
31 be deposited daily with such responsible banks, banking houses, or trust
32 companies, as may be designated by the comptroller, to the credit of the
33 comptroller in trust for the green accessible transition authority. An
34 account may be established in one or more of such depositories. Such
35 deposits shall be kept separate and apart from all other money in the
36 possession of the comptroller. The comptroller shall require adequate
37 security from all such depositories. Of the total revenue collected or
38 received under this article, the comptroller shall retain such amount as
39 the commissioner may determine to be necessary for refunds under this
40 article. The commissioner is authorized and directed to deduct from the
41 amounts the department receives under this article, before deposit into
42 the trust accounts designated by the comptroller, a reasonable amount
43 necessary to effectuate refunds of appropriations of the department to
44 reimburse the department for the costs incurred to administer, collect
45 and distribute the surcharge, interest, and penalties imposed by this
46 article.

47 (b) On or before the twelfth day of each month, after reserving such
48 amount for such refunds and deducting such amounts for such costs, as
49 provided for in subdivision (a) of this section, the commissioner shall
50 certify to the comptroller the amount of revenues so received during the
51 prior month as a result of the surcharge, interest, and penalties so
52 imposed. Notwithstanding any provision of law to the contrary, after
53 deducting the amounts specified in this subdivision, the remaining funds
54 collected shall be deposited by the comptroller, without appropriation,
55 into the green accessible transition fund established pursuant to
56 section seventeen hundred fifty-five of the public authorities law.

1 § 5. The sum of ten million dollars (\$10,000,000), or so much thereof
2 as may be necessary, is hereby appropriated to the green accessible
3 transition authority from any moneys in the state treasury in the gener-
4 al fund to the credit of the state purposes account not otherwise appro-
5 priated for the purposes of carrying out the provisions of this act.
6 Such sum shall be payable on the audit and warrant of the state comp-
7 troller on vouchers certified or approved by the secretary of state or
8 such secretary's duly designated representative in the manner provided
9 by law.

10 § 6. This act shall take effect immediately.