STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. DINOWITZ, SAYEGH, GLICK, CRUZ, LAVINE, R. CARROLL, COLTON, HYNDMAN, SIMON, EPSTEIN, ROSENTHAL, McMAHON, PAULIN, REYES, SEAWRIGHT, OTIS, STECK, JACOBSON, GALLAGHER, GONZALEZ-ROJAS, LUPARDO, JONES, LUNSFORD, ANDERSON, ROZIC, SANTABARBARA, STERN, DAVILA, BARRETT, BURDICK, WOERNER, WALKER, PEOPLES-STOKES, CLARK, STIRPE, HUNTER, GANDOLFO, DURSO, KELLES, WEPRIN, BRAUNSTEIN, RAJKUMAR, SIMPSON, RA, RAMOS, FALL, MAMDANI, K. BROWN, FORREST, DILAN, KIM, SEPTIMO, BICHOTTE HERMELYN, JACKSON, MEEKS, PHEFFER AMATO, MITAYNES, WILLIAMS, HEVESI, RAGA, CUNNINGHAM, SHIMSKY, LEVENBERG, SIMONE, BRONSON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the transportation law, in relation to the purchase of zero-emission buses; to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other related equipment; and to amend the public service law, in relation to infrastructure and capacity related to charging of electric buses and a tariff for zero-emission bus charging

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

Section 1. Legislative intent. In 2019, New York enacted the Climate Leadership and Community Protection Act to reduce the state's volume of greenhouse gas emissions by at least 85% as compared to 1990 levels by the year 2050. According to the Climate Action Council Scoping Plan, the transportation sector is responsible for approximately 28% of New York's total greenhouse gas emissions. Statewide conversion of public transit bus fleets is an important undertaking required to meet this emission reduction mandate.

The legislature recognizes that such a conversion will entail fiscal obligations on the part of transit systems and utility providers in order to purchase new buses, renovate or replace bus depots, expand

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

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utility infrastructure and generation capacity, and other necessary investments to ensure reliable delivery of zero-emission bus services. Furthermore, the legislature recognizes that there are existing revenue sources which currently fund public transit that rely on the consumption of fossil fuels and which will diminish as the number of gas-powered cars decreases.

It is the expectation of the legislature that there will be sufficient funding to support a statewide conversion of public transit bus fleets to zero-emission buses, including continued federal support such as what has been provided in the Inflation Reduction Act, the Bipartisan Infrastructure Law, the Low or No Emission Vehicle Program, the Diesel Emissions Reduction Act, and other federal funding programs, as well as state and miscellaneous funding such as the New York Truck Voucher Incentive Program and the Volkswagen Clean Air Act Civil Settlement.

Additionally, the legislature recognizes that current zero-emission bus technology is still developing, particularly with respect to travel range, cold weather performance, and bus availability. Technological advances will continue accelerating leading up to and during the covered period for zero-emission bus fleet conversion. Finally, one of the greatest harms to local communities are localized emissions which have an acutely negative impact, particularly to disadvantaged communities as defined in the Climate Leadership and Community Protection Act. Therefore a coordinated statewide effort to purchase, manufacture, and utilize zero-emission buses and paratransit vehicles will help facilitate technological advancement, reduce overall costs, and help reduce harm to our local communities.

§ 2. The transportation law is amended by adding a new section 17-c to read as follows:

§ 17-c. Zero-emission buses. 1. No later than January first, two thousand thirty-one, every public transportation system eligible to receive operating assistance under the provisions of section eighteen-b of this article shall be required to purchase only zero-emission buses and related equipment and facilities as part of the normal replacement of its fleet. No later than January first, two thousand thirty-seven, any hydrogen fuel cell zero-emission bus shall be powered by hydrogen derived from zero-emission electricity.

2. For purposes of this section "zero-emission bus" shall mean a motor vehicle that has a seating capacity of fifteen or more passengers in addition to the driver and used for the transportation of persons; is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants. Provided, however, that for purposes of this section, zero-emission buses shall include paratransit vehicles specifically designated by public transportation systems to serve the needs of persons who cannot use fixed route transit buses, subways or rapid transit.

3. (a) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime

work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(b) Upon the effective date of this section, the transit authority, agency or municipality shall create and implement a workforce development report that (i) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (ii) identifies gaps in skills needed to operate and maintain the new zero-emission buses, rolling stock, vehicles or related equipment, (iii) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (iv) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new zero-emission buses, rolling stock, vehicles or related equipment, the transit authority, agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.

4. (a) (i) Within six months of the effective date of this section, the department and the New York State Energy Research and Development Authority ("NYSERDA"), shall convene a working group made up of transit agencies, other relevant public agencies, the department, the New York power authority, educational institutions, relevant community organizations, and other necessary parties, to create a zero-emission roadmap for the state which shall identify the actions needed to meet the transition goals established in subdivision one of this section. The roadmap shall include, but not be limited to:

(1) financial and technical guidance related to the purchasing, retrofitting, operation, and maintenance of zero-emission buses;

(2) an identification and siting plan for charging and fueling infrastructure;

(3) an identification of the necessary investments in the electric transmission and distribution grid;

(4) an identification of how to ensure related facility upgrades are coordinated to maximize the cost effectiveness and overall system reliability;

(5) the available federal, state, and local funding to purchase or lease zero-emission buses or convert existing buses to zero-emissions;

(6) an identification of new incentives and programs to advance the deployment and adoption of zero-emission buses;

(7) streamlining actions to facilitate the conversion of public transportation systems and bus fleets;

(8) strategies consistent with the Climate Leadership and Community Protection Act enacted by chapter one hundred six of the laws of two thousand nineteen, that ensure the deployment of zero-emission buses are

prioritized in disadvantaged communities, as defined in subdivision five of section 75-0101 of the environmental conservation law;

(9) in consultation with the environmental justice working group and the climate action council, shall, to the extent practicable, invest or direct available and relevant programmatic resources in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending consistent with section 75-0117 of the environmental conservation law;

(10) an estimation of the number of public operations and maintenance jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed by the transition goals established in subdivision one of this section;

(11) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment; and

(12) development of a comprehensive plan to transition, train, or retrain public transportation system employees impacted by the transition goals established in subdivision one of this section, including an estimated budget for implementing this plan and the identification of funding streams to fund this transition.

(ii) The department and NYSERDA shall convene a technical advisory group made up of diverse stakeholders to provide the department and NYSERDA with relevant technical, policy, and market expertise. The department and NYSERDA shall further develop a stakeholder engagement process to solicit feedback on the roadmap and raise consumer awareness and education across the state.

(b) No later than one year after the convening of the working group established by subparagraph (i) of paragraph (a) of this subdivision, the department and NYSERDA shall report its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly. This report may be combined with the report required under section eighteen hundred eighty-four of the public authorities law.

(c) Following the submission of the report as required by paragraph (b) of this subdivision, the department and NYSERDA shall solicit public comment for thirty days in developing the roadmap, and are authorized to hold public hearings and meetings in accordance with article seven of the public officers law, and consult with any organization, educational institution, or other government entity or person, to enable them to accomplish their duties.

(d) No later than fifteen months after the convening of the working group established by subparagraph (i) of paragraph (a) of this subdivision, DOT and NYSERDA shall publish a formalized roadmap along with all necessary policies and procedures for implementation, to ensure public transportation systems will be able to meet the transition goals established in subdivision one of this section. DOT and NYSERDA shall publish the roadmap, policies, and procedures, on either of their publicly accessible websites, thirty days prior to the plans being finalized.

(e) No later than one year after the publication and implementation of the roadmap established pursuant to paragraph (d) of this subdivision, public transportation systems eligible to receive operating assistance under the provisions of section eighteen-b of this article, must develop and implement their own transition plans, incorporating the findings, policies, and procedures produced by the working group and identifying possible barriers to implementing this transition, unless granted an extension under subdivision five of this section. Public transportation systems shall solicit public comment in developing transition plans, and are authorized to hold public hearings and meetings in accordance with article seven of the public officers law, and consult with any organization, educational institution, or other government entity or person, to enable them to accomplish their duties. The department shall publish transition plans on their publicly accessible website within thirty days of the plans being finalized with the department. Transition plans shall be updated every three years after the date they are first published and updated plans shall be updated on the department's website within thirty days of the updated plans being finalized.

(f) The working group shall provide technical assistance to public transportation systems upon request, and shall provide assistance to public transportation systems upon request for assistance in pursuing state and federal grants and other funding opportunities. The working group shall prioritize funding opportunity assistance to public transportation systems implementing a zero-emissions purchase requirement prior to January first, two thousand thirty-one. The department shall also facilitate the coordination of purchasing, installation and sharing services between public transportation systems serving primarily outside of cities with a population of one million or more.

5. (a) In order to obtain an extension of the attainment date beyond the statutory date of January first, two thousand thirty-one pursuant to subdivision one of this section, the transportation system shall:

(i) apply for an extension and submit a complete application for such extension attainment date by December thirty-first, two thousand thirty; and

(ii) demonstrate that the transition plan required pursuant to subdivision four of this section contains all of the required components of a transition plan and includes a request for extension of the attainment date.

(b) The department shall determine if the transportation system qualifies for an attainment date extension based on:

(i) whether the transportation system conducted at least a request for information, request for proposal, or combination of both for paratransit vehicles within three years of two thousand thirty-one, proven that such zero-emission paratransit technology is not attainable by two thousand twenty-nine, and the department has determined that a good faith effort has been made by the transportation system; and

(ii) whether the transportation system:

(1) purchased or installed equipment within the last ten years for the purpose of reducing emissions and where buses reliant on such infrastructure constitute a majority of the in-use fleet; or

(2) has already received funds for such equipment and such equipment has not yet reached the end of its useful life or through the lifetime of any existing federal funding obligations for such infrastructure, whichever comes first; and where buses reliant on such infrastructure constitute a majority of the in-use fleet; or

(3) is an intercity bus service or bus service intended to satisfy longer distance travel demand between cities, villages and unincorporated urban places and proven that such zero-emission transition is not attainable by two thousand thirty-one due to technology or infrastructure and the department has determined that a good faith effort has been made.

(c) In order to obtain an exemption from the attainment date requirement pursuant to subdivision one of this section, the transition plan shall include:

(i) a timeline for attainment demonstration;

(ii) efforts to maximize zero-emission bus purchases and purchase only zero-emission buses prior to two thousand thirty-seven;

(iii) year-by-year targets for zero-emission bus procurements and infrastructure installation;

(iv) contingency measure provisions; and

(v) a detailed justification for nonattainment of zero-emission equipment review plan provisions.

(d) Based on the department's assessment of the transportation system's transition plan and extension request, the department may deny the extension if it determines that an adequate attempt was not made or that technology and infrastructure is available for the transportation system to transition to zero-emission buses. Any determination by the department to deny or grant an extension request shall be subject to public notification and comment. Any applications for attainment date extensions shall be subject to the freedom of information law and published on the department's public website.

(e) Transportation systems that qualify for an extension pursuant to this subdivision shall procure only zero-emission buses starting January first, two thousand thirty-seven or sooner once the exemption no longer applies.

§ 3. The transportation law is amended by adding a new section 18-c to read as follows:

§ 18-c. Capital plan requirements. In formulating the five-year department of transportation capital plans, the department shall: (a) consider the requirement of section seventeen-c of this article in its disbursement of payment for the costs of mass transportation capital projects and facilities and give preference in the form of payments to public transportation systems eligible to receive operating assistance under the provisions of section eighteen-b of this article that are able to demonstrate commitments made towards purchasing and retrofitting zero-emission buses and related equipment and facilities; and (b) facilitate for purposes of meeting the requirement of section seventeen-c of this article the coordination of purchasing, installation and sharing services between public transportation systems serving primarily outside the city of New York.

§ 4. Section 2878-a of the public authorities law is amended by adding a new subdivision 3 to read as follows:

3. (a) A transportation authority established under this chapter may, by resolution approved by a two-thirds vote of its members then in office, or by a declaration that competitive bidding is impractical or inappropriate with respect to electric-powered omnibuses, rolling stock, vehicles or other related equipment because the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. The authority shall not award any contract pursuant to this subdivision earlier than thirty

<u>days from the date on which the authority declares that competitive bidding is impractical or inappropriate. All procurements approved pursuant to this subdivision shall be subject to audit and inspection by the department of audit and control or any successor agencies. For purposes of this subdivision, "transportation authority" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of this chapter or title three of article three of this chapter. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the authority that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.</u>

<u>(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.</u>

<u>(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the authority shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the authority by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.</u>

<u>(c) Nothing contained herein shall be construed to affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. Prior to beginning the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall inform the respective collective bargaining agent of any potential jobs that may be affected, altered, or eliminated as a result of the purchase, and it shall be a mandatory subject for collective bargaining.</u>

§ 5. Section 104 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (i) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

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

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

§ 104. Purchase through office of general services. 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service is authorized to make purchases of commodities and services available pursuant to section one hundred sixty-three of the state finance law, may make such purchases through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

2. (a) Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any chief executive officer of a political subdivision or agency which operates a public transportation system is authorized to make purchases of electric-powered omnibuses or other related equipment upon a resolution approved by a two-thirds vote of its board then in office because the item is available through an existing contract between a vendor and (a) a public authority of the state provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (b) the state of New York, or (c) a political subdivision of the state of New York, provided

that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of the public authorities law or title three of article three of the public authorities law. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the political subdivision that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the transit agency or municipality shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the transit provider by the proposed purchase over a six-year period from the date of the publication of the workforce development report, (2) identifies gaps in skills needed to operate and maintain the new electric-powered omnibuses, rolling stock, vehicles or related equipment, (3) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase, and (4) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase.

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

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

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

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

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

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

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

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

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

(b) The United States Jobs Plan shall include the following information:

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

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

(iii) The minimum wage levels by job classification for non-supervisory workers;

(iv) Proposed amounts to be paid for fringe benefits by job classification and the proposed amounts for worker training by job classification;

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

(vi) Information on what steps have been taken and will be taken to implement the workforce development report with respect to training and retraining of existing maintenance, drivers and other identified purchasing agency employees.

3. The requests for proposals established by subdivision two of this section shall include notice to bidders stating that:

(a) the content of United States Jobs Plans shall be incorporated as material terms of the final contract;

(b) the content of United States Jobs Plans and reports required by this section shall be subject to disclosure under the Freedom of Information Law; and

(c) the final contract and compliance documents shall be made available to the public.

4. The department shall promulgate regulations to establish the forms, procedures, and processes necessary for impacted transit agencies to implement the requirements of this section. This shall include a standard and consistent method, such as a workbook or worksheet, to track the quantifiable information required in paragraph (b) of subdivision two of this section and procedures to annually assess contracting entities compliance with the United States Jobs Plan.

5. Contracting entities shall be required to submit annual United States Jobs Plan reports to contracting public agencies demonstrating compliance with their United States Jobs Plan commitments. The terms of the final contract as well as all compliance reporting shall be made available to the public online, either via the contracting agency's website or the department's website, at the election of the contracting agency.

6. The provisions of this section shall not apply to: (a) A contract awarded before January first, two thousand twenty-seven; or

(b) A contract awarded based on a solicitation issued before January first, two thousand twenty-seven.

§ 8. The public service law is amended by adding a new section 66-x to read as follows:

§ 66-x. Public transportation systems zero-emission electricity infrastructure. Every electric corporation which provides electric service to a public transportation system, as defined in section eighteen-b of the transportation law, shall ensure that such corporation has the requisite and appropriate infrastructure, capacity, facilities, and transmission and distribution systems needed to supply power for the electric charging of zero-emission buses of a public transportation system at the locations designated for charging by such public transportation systems. Within one year of the publication of the roadmap required under subdivision four of section seventeen-c of the transportation law, an electric corporation shall have adopted finalized plans and agreements to construct, install or upgrade the infrastructure necessary to support to the deployment and operation of zero-emission buses by a public transportation system by providing the required electric service to the locations designated for charging buses by such public transportation system. All costs associated with the mandates of this section shall be borne by an electric corporation. The commission shall not approve any increases in rates or charges for services of an electric corporation which has not complied with this section by the date set forth herein or pursuant to the roadmap under section seventeen-c of the transportation law.

§ 9. Section 66-s of the public service law is amended by adding a new subdivision 7 to read as follows:

7. The commission shall establish a separate tariff under this section for public transportation systems as defined in section eighteen-b of the transportation law for separately metered utilities for the purpose of charging zero-emission buses as defined in section seventeen-c of such law. The tariff shall provide a waiver of all secondary demand charges for charging zero-emission buses between the hours of ten o'clock p.m. and eight o'clock a.m., as well as low tension service for winter and summer months.

§ 10. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section or part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 11. This act shall take effect immediately, provided, however, that section seven of this act shall take effect on the ninetieth day after it shall have become a law; provided, further, that the amendments to section 104 of the general municipal law made by section five of this act shall be subject to the expiration and reversion of such section pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section six of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.