

STATE OF NEW YORK

6635--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. GONZALEZ-ROJAS -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 York City alone, a fleet of 81,000 gasoline-fueled rideshare vehicles
2 puts 1.4 million tons of CO₂ into the atmosphere every year, a 62%
3 increase from 2013 to 2018 as the FHV fleet ballooned. Transportation
4 generates approximately 30% of New York City's total carbon emissions,
5 with the FHV fleet responsible for a substantial portion of this total.
6 The massive increase in emissions from the FHV fleet has moved New York
7 City away from the goal established by the City Council of zero carbon
8 emissions by 2050. Statewide, rideshare vehicles are a disproportionate
9 driver of greenhouse gas emissions that cause climate change because
10 they are on the road more hours than privately-used vehicles. Addi-
11 tionally, the State is far behind the curve in meeting its emissions
12 reductions and renewable energy production established by the Climate
13 Leadership and Community Protection Act (CLCPA).

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

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

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

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

c. Develop zero-emission vehicle charging infrastructure and maintenance facilities for zero-emission and wheelchair accessible vehicles;

d. Establish a voluntary transition program for drivers who wish to leave the FHV industry to receive paid training for employment in green jobs or jobs in disability advocacy;

e. Fund other initiatives to advance economic development with the goal of decarbonizing the transportation sector and creating good, green jobs and jobs in disability advocacy; and

f. Improve paratransit service across New York State.

3. It is critical that the Green Accessible Transition Authority represent the public, drivers, autoworkers, environmental justice advocates, and disability justice advocates, and be transparent and accountable to these stakeholders in managing funding and programs.

§ 3. Article 8 of the public authorities law is amended by adding a new title 7 to read as follows:

TITLE 7

GREEN ACCESSIBLE TRANSITION AUTHORITY

Section 1750. Definitions.

1751. Green accessible transition authority.

1752. Members.

1753. Purposes, powers and duties of the authority.

1754. Additional powers of the authority.

1755. Green accessible transition fund.

1756. Accounts and funding.

1757. Exemption from taxes, assessments and certain fees.

1758. Audit and annual report.

1759. Labor and procurement standards.

1760. Bonds and notes.

1761. Reserve funds and appropriations.

1762. Exemption from taxation of bonds and notes.

1763. Bonds and notes legal investments for fiduciaries.

1764. Right of state to require redemption of bonds.

1765. Rights and remedies of bondholders and noteholders.

1766. State not liable on bonds and notes.

§ 1750. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Authority" means the green accessible transition authority established pursuant to section seventeen hundred fifty-one of this title.

2. "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, and impacts of climate change, and possess certain socioeconomic criteria, as identified pursuant to section 75-0111 of the environmental conservation law.

3. "Disadvantaged or underrepresented worker" means a resident of New York state who:

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

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

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

(d) has a disability;

(e) is a veteran;

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

1 (g) is long-term unemployed.

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

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

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

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

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

18 9. "For-hire vehicle" means any transportation network company vehicle
19 (TNC vehicle) as defined in section sixteen hundred ninety-one of the
20 vehicle and traffic law and any for-hire vehicle as defined in section
21 19-502 of the administrative code of the city of New York.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 47 (a) Sue and be sued;
- 48 (b) Have a seal or alter such seal at pleasure;
- 49 (c) Make and alter by-laws for its organization and management and to
50 make and alter rules and regulations governing the exercise of its
51 powers and fulfillment of its purposes under this title;
- 52 (d) Make rules and regulations governing the exercise of its corporate
53 powers and the fulfillment of its corporate purposes under this title
54 and title nine-A of this article, which shall be filed with the depart-
55 ment of state in the manner provided by section one hundred two of the
56 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 the
54 transition of New York state toward one hundred percent zero-emission
55 wheelchair accessible vehicles;

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

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

22 § 1755. Green accessible transition fund. 1. The authority shall
23 create and establish a fund to be known as the "green accessible transi-
24 tion fund" which shall be kept separate from and shall not be commingled
25 with any other moneys of the authority. The green accessible transition
26 fund shall consist of moneys received by the authority pursuant to the
27 provisions of section twelve hundred ninety-nine-ff of the tax law in
28 accordance with the provisions thereof.

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

31 3. Any revenues deposited in the green accessible transition fund
32 pursuant to subdivision one of this section shall be used exclusively
33 for the purposes described in subdivision two of this section. Such
34 revenues shall only supplement and shall not supplant any federal,
35 state, or local funds expended by the authority or such authority's
36 affiliates or subsidiaries for such purposes.

37 4. Any revenues deposited into the green accessible transition fund
38 pursuant to subdivision one of this section shall not be diverted into
39 the general fund of the state, any other fund maintained for the support
40 of any other governmental purpose, or for any other purpose not author-
41 ized by subdivision two of this section.

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

46 § 1756. Accounts and funding. 1. The programs administered by the
47 authority shall be funded in part by the green accessible transition
48 fund established pursuant to section seventeen hundred fifty-five of
49 this title and any other moneys received by the authority, including
50 payments, gifts, or appropriations to the authority from any other
51 source.

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

55 3. The authority shall have the power and is hereby authorized from
56 time to time to issue its negotiable bonds in conformity with applicable

1 provisions of the uniform commercial code for any purpose authorized by
2 this title.

3 § 1757. Exemption from taxes, assessments and certain fees. It is
4 hereby determined that the creation of the authority and the carrying
5 out of its corporate purposes is in all respects for the benefit of the
6 people of the municipality and the state and is a public purpose and the
7 authority shall be regarded as performing a governmental function in the
8 exercise of the powers conferred upon it by this title and shall not be
9 required to pay any taxes, special ad valorem levies or special assess-
10 ments upon any property owned by it or under its jurisdiction, control
11 or supervision or upon its activities or any filing, recording or trans-
12 fer fees or taxes in relation to instruments filed, recorded or trans-
13 ferred by it or on its behalf. The construction, use, occupation or
14 possession of any property owned by the authority or the municipality,
15 including improvements thereon, by any person or public corporation
16 under a lease, lease and sublease or any other agreement shall not oper-
17 ate to abrogate or limit the foregoing exemption, notwithstanding that
18 the lessee, user, occupant or person in possession shall claim ownership
19 for federal income tax purposes. Mortgages made or financed, directly or
20 indirectly, by the authority shall be exempt from the mortgage recording
21 taxes imposed by article eleven of the tax law. The authority shall be
22 deemed a public authority for the purposes of section four hundred
23 twelve of the real property tax law.

24 § 1758. Audit and annual report. In conformity with the provisions of
25 section five of article ten of the constitution, the accounts of the
26 authority shall be subject to the supervision of the state comptroller
27 and an annual audit shall be performed by an independent certified
28 accountant. The authority shall annually submit to the governor, state
29 comptroller and state legislature a detailed report pursuant to the
30 provisions of section twenty-eight hundred of this chapter, and a copy
31 of such report shall be filed with every municipality included in the
32 report. The authority shall comply with the provisions of sections twen-
33 ty-eight hundred one, twenty-eight hundred two and twenty-eight hundred
34 three of this chapter.

35 § 1759. Labor and procurement standards. 1. Any project that is funded
36 by the authority shall:

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

39 (b) Require that any materials used in the project are produced or
40 made in whole or substantial part in the United States, its territories
41 or possessions; provided, however, that the provisions of this paragraph
42 shall not apply in any case or category of cases in which the head of
43 the contracting public entity finds that: (i) applying this paragraph
44 would be inconsistent with the public interest; (ii) products are not
45 produced in the United States in sufficient and reasonably available
46 quantities and of a satisfactory quality; or (iii) inclusion of products
47 produced in the United States will increase the cost of the overall
48 project by more than twenty-five percent. If the head of the contracting
49 public entity receives a request for a waiver from the requirements of
50 this paragraph, such person shall make available to the public on an
51 informal basis a copy of the request and information available to such
52 person concerning the request, and shall allow for informal public input
53 on the request for at least fifteen days prior to making a finding based
54 on the request. The head of the contracting public entity shall make the
55 request and accompanying information available by electronic means,
56 including on the official public website of the public entity; provided

1 further, however, that the provisions of this paragraph shall not apply
2 to products purchased prior to the effective date of this title. The
3 head of the contracting public entity may, at the contracting public
4 entity's sole discretion, provide for a solicitation of a request for
5 proposal, invitation for bid, or solicitation of proposal, or any other
6 method provided for by law or regulation for soliciting a response from
7 offerors intending to result in a contract pursuant to this paragraph
8 involving a competitive process in which the evaluation of competing
9 bids gives significant consideration in the evaluation process to the
10 procurement of equipment and supplies from businesses located in New
11 York state;

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

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

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

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

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

29 (b) Transfer of existing duties and functions related to maintenance
30 and operations performed by existing employees of authorized entities to
31 a contracting entity; or

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

34 3. Any project funded by the authority shall certify that the materi-
35 als, components, parts or vehicles are produced or made in whole or
36 substantial part in the United States, its territories or possessions;
37 provided, however, that the president of the authority, or the presi-
38 dent's designee may waive the procurement requirements set forth in this
39 subdivision if such official determines that: (a) the requirements
40 would result in unreasonable costs; (b) obtaining such infrastructure-
41 related materials, components or parts in the United States would
42 increase the cost of a project by an unreasonable amount; or (c) any
43 such vehicles, parts, or components cannot be produced, made, or assem-
44 bled in the United States in sufficient and reasonably available quanti-
45 ties or of satisfactory quality. Any such waiver shall remain in effect
46 only so long as the conditions necessitating the waiver are in effect.
47 All determinations on waivers shall be made on an annual basis no later
48 than December thirty-first, after providing notice and opportunity for
49 public comment, and such determination shall be made publicly available,
50 in writing, on the authority's website with a detailed explanation of
51 the findings leading to such a determination. If the president or the
52 president's designee has issued determinations for three consecutive
53 years finding that no such waiver is warranted pursuant to this subdivi-
54 sion, then the authority shall no longer be required to provide the
55 annual determination required by this subdivision.

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

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

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

6 (A) A zero-emission wheelchair accessible vehicle dealership that has
7 a written agreement with a zero-emission wheelchair accessible vehicle
8 original equipment manufacturer and that sells or leases complete eligi-
9 ble vehicles to vehicle owner-operators;

10 (B) An original equipment manufacturer that builds and sells or leases
11 complete eligible vehicles directly to fleets or vehicle owner-opera-
12 tors;

13 (C) An automotive vehicle upfit or retrofit manufacturer that has a
14 written agreement with an original equipment manufacturer and that
15 upfits, retrofits, or performs final equipment installations on new
16 replacement or repowered vehicles and sells or leases the completed
17 eligible vehicle to a leasing company, fleet, or vehicle owner-operator;
18 or

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

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

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

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

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

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

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

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

50 (vii) "Supplier" means a company that sells vehicles or component
51 parts of vehicles to an original equipment manufacturer or an upfit or
52 retrofit manufacturer.

53 (viii) "Responsible mineral sourcing" means original equipment
54 manufacturer procurement practices for components and raw materials that
55 enable the original equipment manufacturer to accurately assess and
56 report the social and environmental impact of mined minerals used in the

1 production of the vehicle, and in which the original equipment manufac-
2 turer takes active steps to improve the social and environmental impact
3 of the mined minerals used in the production of such vehicle by ensuring
4 that any mined minerals used in the vehicle conform to the highest
5 possible standards of social responsibility, including free, prior, and
6 informed consent, human rights, labor rights, worker and community
7 health and safety, conflict involvement, community engagement and
8 consultation, and cultural heritage, and environmental responsibility,
9 including water management, air quality, greenhouse gas emissions, noise
10 management, protection of ecosystems and biodiversity, and management of
11 toxins including mercury and cyanide. Whenever available, standards and
12 evaluations shall conform to those of the initiative for responsible
13 mining assurance.

14 (ix) "Upfit or retrofit manufacturer" means a manufacturer that
15 installs equipment on an automotive vehicle chassis purchased from an
16 original equipment manufacturer. The upfit or retrofit manufacturer
17 shall bear full responsibility under federal law for any vehicle defects
18 and shall be responsible for certifying that the vehicle meets all
19 applicable federal safety standards.

20 (b) The authority shall establish guidelines governing the qualifica-
21 tions of eligible vehicles and shall consider prospective vehicle
22 contractors' experience, financial capability and responsibility, and
23 past performance, including performance on meeting New York jobs plan
24 commitments.

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

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

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

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

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

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

45 (vi) Lifecycle emissions analysis of the vehicles;

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

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

51 (ix) A plan to purchase motors manufactured using recycled (first
52 priority) or responsibly-mined (second priority) copper and batteries
53 using recycled or responsibly-mined lithium, nickel, and cobalt, accord-
54 ing to the standards and assessments established by the initiative for
55 responsible mining assurance.

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

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

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

11 (ii) Workforce development: ten percent. Workforce development shall
12 be calculated as the total amount of investment in worker training for
13 employees of the original equipment manufacturer over the twelve-month
14 period prior to final delivery of the vehicle. Workforce development
15 shall account for ten percent of the comparative assessment.

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

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

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

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

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

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

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

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

43 (g) The authority shall publish New York jobs plan commitments and
44 reports to the authority's website within two weeks of vehicle certif-
45 ication and shall publish quarterly reports within two weeks of receipt
46 by the authority.

47 § 1760. Bonds and notes. 1. The authority shall have the power and is
48 hereby authorized to issue at one time or in series from time to time
49 its negotiable bonds and notes in conformity with applicable provisions
50 of the uniform commercial code in such principal amounts as, in the
51 opinion of the authority, shall be necessary to provide sufficient
52 moneys for achieving the authority's corporate purposes, including the
53 establishment of reserves to secure the bonds and notes and the payment
54 of interest on bonds and notes.

55 2. The authority shall have power from time to time to renew bonds or
56 notes or to issue renewal bonds or notes for such purpose, to issue

1 bonds or notes to pay bonds or notes, and, whenever it deems refunding
2 expedient, to refund any bond or note by the issuance of new bonds or
3 notes, whether the bonds or notes to be refunded have or have not
4 matured, and may issue bonds or notes partly to refund bonds or notes
5 then outstanding and partly for any other corporate purpose of the
6 authority. Bonds or notes issued for refunding purposes shall be sold
7 and the proceeds applied to the purchase, redemption or payment of the
8 bonds or notes to be refunded.

9 3. Except as may otherwise be expressly provided by the authority,
10 every issue of bonds or notes shall be general obligations payable out
11 of any moneys or revenues of the authority, subject only to any agree-
12 ments with the holders of bonds or notes pledging any receipts or reven-
13 ues.

14 4. The bonds and notes shall be authorized by resolution of the
15 authority, shall bear such date or dates and mature at such time or
16 times as such resolution shall provide, except that notes and any
17 renewals thereof shall mature within five years from their respective
18 dates of issuance or renewal, as the case may be, and bonds shall mature
19 within forty years from their respective dates of issuance or renewal,
20 as the case may be. The bonds and notes shall bear interest at such rate
21 or rates, be in such denomination, be in such form, either coupon or
22 registered, carry such registration privileges, be executed in such
23 manner, be payable in such medium of payment at such place or places,
24 and be subject to such terms of redemption as such resolution or resolu-
25 tions may provide.

26 5. Bonds and notes shall be sold by the authority, at public or
27 private sale, at such price or prices as the authority may determine.
28 Bonds and notes of the authority shall not be sold by the authority at
29 private sale unless such sale and the terms thereof have been approved
30 in writing by the comptroller, where such sale is not to the comp-
31 troller, or by the director of the budget, where such sale is to the
32 comptroller.

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

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

47 (a) pledging all or part of the fees, charges, gifts, grants, rents,
48 revenues or other moneys received or to be received and leases or agree-
49 ments to secure the payment of the notes or bonds or of any issue there-
50 of subject to such agreements with bondholders and noteholders as may
51 then exist;

52 (b) the rates of the fees or charges to be established, and the
53 amounts to be raised in each year thereby and the use and disposition of
54 the fees, charges, gifts, grants, rents, revenues or other moneys
55 received or to be received;

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

3 (d) limitations on the purpose to which the proceeds of sale of any
4 issue of notes or bonds then or thereafter to be issued may be applied
5 and pledging such proceeds to secure the payment of the notes or bonds
6 or of any issue thereof;

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

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

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

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

25 9. Neither the members of the authority nor any person executing the
26 bonds or notes shall be liable personally on the bonds or notes or be
27 subject to any personal liability or accountability by reason of the
28 issuance thereof.

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

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

49 § 1761. Reserve funds and appropriations. 1. The authority may create
50 and establish one or more reserve funds to be known as debt service
51 reserve funds and may pay into such reserve funds (a) any moneys appro-
52 priated and made available by the state for the purposes of such funds,
53 (b) any proceeds of sale of bonds and notes to the extent provided in
54 the resolution of the authority authorizing the issuance thereof, (c)
55 any moneys directed to be transferred by the authority to such funds,
56 and (d) any other moneys which may be made available to the authority

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

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

42 3. To assure the continued operation and solvency of the authority for
43 the carrying out of the public purposes of this title provision is made
44 in subdivision one of this section for the accumulation in each debt
45 service reserve fund of an amount equal to the maximum amount of princi-
46 pal and interest maturing and becoming due in any succeeding calendar
47 year on all bonds of the authority then outstanding and secured by such
48 reserve fund. In order further to assure the maintenance of such debt
49 service reserve funds, there shall be annually apportioned and paid to
50 the authority for deposit in each debt service reserve fund such sum, if
51 any, as shall be certified by the chair of the authority to the governor
52 and state director of the budget as necessary to restore such reserve
53 fund to an amount equal to the maximum amount of principal and interest
54 maturing and becoming due in any succeeding calendar year on the bonds
55 of the authority then outstanding and secured by such reserve fund. The
56 chair of the authority shall annually, on or before December first, make

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

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

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

40 § 1762. Exemption from taxation of bonds and notes. The state coven-
41 ants with the purchasers and with all subsequent holders and transferees
42 of bonds and notes, in consideration of the acceptance of and payment
43 for the bonds and notes, that the bonds and notes and the income there-
44 from, and all moneys, funds and revenues pledged to pay or secure the
45 payment of such bonds and notes shall at all times be free from taxa-
46 tion, except for estate and gift taxes and taxes on transfers.

47 § 1763. Bonds and notes legal investments for fiduciaries. The bonds
48 and notes are hereby made securities in which all public officers and
49 bodies of the state and all municipalities and municipal subdivisions,
50 all insurance companies and associations and other persons carrying on
51 an insurance business, all banks, bankers, trust companies, savings
52 banks, savings associations, including savings and loan associations and
53 building and loan associations, investment companies and other persons
54 carrying on a banking business, all administrators, guardians, execu-
55 tors, trustees and other fiduciaries, and all other persons whatsoever
56 who are now or who may hereafter be authorized to invest in bonds or

1 other obligations of the state, may properly and legally invest funds
2 including capital in their control or belonging to them. Notwithstanding
3 any other provisions of law, the bonds and notes of the authority are
4 also hereby made securities which may be deposited with and may be
5 received by all public officers and bodies of this state and all munici-
6 palities and municipal subdivisions for any purpose for which the depos-
7 it of bonds or other obligations of the state is now or may hereafter be
8 authorized.

9 § 1764. Right of state to require redemption of bonds. Notwithstanding
10 and in addition to any provisions for the redemption of bonds which may
11 be contained in any contract with the holders of the bonds, the state
12 may, upon furnishing sufficient funds therefor, require the authority to
13 redeem, prior to maturity, as a whole, any issue of bonds on any inter-
14 est payment date not less than twenty years after the date of the bonds
15 of such issue at one hundred five percent of their face value and
16 accrued interest or at such lesser redemption price as may be provided
17 in the bonds in case of the redemption thereof as a whole on the redemp-
18 tion date. Notice of such redemption shall be published in at least two
19 newspapers published and circulating respectively in the cities of Alba-
20 ny and New York at least twice, the first publication to be at least
21 thirty days before the date of redemption.

22 § 1765. Rights and remedies of bondholders and noteholders. The hold-
23 ers of bonds and notes shall have the following rights and remedies,
24 subject to the terms of the resolution authorizing such bonds and notes
25 or any trust indenture, secured loan agreement or other instrument
26 related thereto:

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

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

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

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

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

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

54 (e) declare all such bonds or notes due and payable, and if all
55 defaults shall be made good then with the consent of the holders of

1 twenty-five per centum of the principal amount of such bonds or notes
2 then outstanding, to annul such declaration and its consequences.

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

19 4. Such trustee shall in addition to the foregoing have and possess
20 all of the powers necessary or appropriate for the exercise of any func-
21 tions specifically set forth herein or incident to the general represen-
22 tation of bondholders or noteholders in the enforcement and protection
23 of their rights.

24 5. The supreme court shall have jurisdiction of any suit, action or
25 proceeding by the trustee on behalf of such bondholders or noteholders.
26 The venue of any such suit, action or proceeding shall be laid in the
27 county of Albany.

28 6. Before declaring the principal of bonds or notes due and payable,
29 the trustee shall first give thirty days' notice in writing to the
30 governor, to the authority, to the comptroller and to the attorney
31 general of the state.

32 § 1766. State not liable on bonds and notes. The bonds and notes shall
33 not be a debt of the state of New York nor shall the state be liable
34 thereon and such bonds and notes shall contain on the face thereof a
35 statement to that effect.

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

38 ARTICLE 29-E

39 FOR-HIRE VEHICLE IMPROVEMENT SURCHARGE

40 Section 1299-aa. Definitions.

41 1299-bb. Imposition of tax.

42 1299-cc. Liability for surcharge.

43 1299-dd. Returns and payment of surcharge.

44 1299-ee. Records to be kept.

45 1299-ff. Deposit and disposition of revenue.

46 § 1299-aa. Definitions. As used or referred to in this article, unless
47 a different meaning clearly appears from the context:

48 (a) "Person" means an individual, partnership, limited liability
49 company, society, association, joint stock company, corporation, estate,
50 receiver, trustee, assignee, referee or any other person acting in a
51 fiduciary or representative capacity, whether appointed by a court or
52 otherwise, any combination of individuals and any other form of unincor-
53 porated enterprise owned or conducted by two or more persons.

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

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

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

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

11 § 1299-bb. Imposition of tax. (a) In addition to any other tax or
12 assessment imposed by this chapter or other law, there is hereby imposed
13 a surcharge of one dollar for each for-hire transportation trip
14 conducted in a transportation network company vehicle or by a high-vo-
15 lume for-hire service, other than trips dispatched by a paratransit
16 service.

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

20 § 1299-cc. Liability for surcharge. (a) Notwithstanding any provision
21 of law to the contrary, any person who dispatches a motor vehicle by any
22 means that provides transportation that is subject to a surcharge
23 imposed by this article shall be liable for the surcharge imposed by
24 this article.

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

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

39 § 1299-dd. Returns and payment of surcharge. (a) Every person liable
40 for the surcharge imposed by this article shall file a return with the
41 commissioner on a monthly basis. Each return shall show the number of
42 for-hire transportation trips subject to the surcharge imposed by this
43 article in the month for which the return is filed, along with such
44 other information as the commissioner may require. The returns required
45 by this section shall be filed within twenty days after the end of the
46 month covered thereby. If the commissioner deems it necessary to ensure
47 the payment of the surcharge imposed by this article, the commissioner
48 may require returns to be made for shorter periods than prescribed by
49 the provisions of this section, and upon such dates as may be specified.
50 The form of returns shall be prescribed by the commissioner and shall
51 contain such information as the commissioner may deem necessary for the
52 proper administration of this article. The commissioner may require that
53 returns be filed electronically.

54 (b) Every person liable for the surcharge imposed by this article
55 shall, at the time of filing such return, pay to the commissioner the
56 total amount of all surcharges due under this article. Such amount shall

1 be due and payable on the date specified for the filing of the return
2 for such period, without regard to whether a return is filed, or whether
3 the return that is filed correctly shows the correct number of for-hire
4 trips that are subject to the surcharge, or the correct surcharge amount
5 due thereon. The commissioner may require that the surcharge be paid
6 electronically.

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

13 § 1299-ee. Records to be kept. Every person liable for the surcharge
14 imposed by this article shall keep, and shall make available for review
15 upon demand by the commissioner:

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

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

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

24 § 1299-ff. Deposit and disposition of revenue. (a) Any surcharge,
25 interest, and penalties collected or received by the commissioner shall
26 be deposited daily with such responsible banks, banking houses, or trust
27 companies, as may be designated by the comptroller, to the credit of the
28 comptroller in trust for the green accessible transition authority. An
29 account may be established in one or more of such depositories. Such
30 deposits shall be kept separate and apart from all other money in the
31 possession of the comptroller. The comptroller shall require adequate
32 security from all such depositories. Of the total revenue collected or
33 received under this article, the comptroller shall retain such amount as
34 the commissioner may determine to be necessary for refunds under this
35 article. The commissioner is authorized and directed to deduct from the
36 amounts the department receives under this article, before deposit into
37 the trust accounts designated by the comptroller, a reasonable amount
38 necessary to effectuate refunds of appropriations of the department to
39 reimburse the department for the costs incurred to administer, collect
40 and distribute the surcharge, interest, and penalties imposed by this
41 article.

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

52 § 5. The sum of ten million dollars (\$10,000,000), or so much thereof
53 as may be necessary, is hereby appropriated to the green accessible
54 transition authority from any moneys in the state treasury in the gener-
55 al fund to the credit of the state purposes account not otherwise appro-
56 priated for the purposes of carrying out the provisions of this act.

1 Such sum shall be payable on the audit and warrant of the state comp-
2 troller on vouchers certified or approved by the secretary of state or
3 such secretary's duly designated representative in the manner provided
4 by law.
5 § 6. This act shall take effect immediately.