STATE OF NEW YORK

6893

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

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

AN ACT to amend the education law, in relation to transition feasibility analysis for zero-emission school buses

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

Section 1. Section 3638 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-a. The department shall require every school district to complete a transition feasibility analysis before the end of the current school year as of the effective date of this subdivision, and every five years thereafter, to determine which if any regular routes can feasibly be serviced by zero-emission school buses, provided that existing feasibility studies completed within the two years preceding the adoption of this subdivision shall meet the requirements of this subdivision. The analysis shall assess each district's transportation needs, current bus routes and alternative routes based on distance, topography, bridge and road infrastructure, average low temperatures, and a minimum end-of-route charge requirement of no less than twenty percent, consider the sufficiency of the school district's electric transmission capacity and infrastructure and assess the availability of and accessibility to state and/or federal funding for the purchase of zero-emission school buses and construction of associated infrastructure.

§ 2. Subdivision 2 of section 3638 of the education law, as added by section 1 of subpart A of part B of chapter 56 of the laws of 2022, is amended to read as follows:

2. (a) No later than July first, two thousand twenty-seven, every school district shall **abide by the findings of the district's current transition feasibility analysis, completed in accordance with subdivision one-a of this section, as set forth in this subdivision. If the**

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

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findings of a school district's transition feasibility analysis indicate that:

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

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

~~(iii)~~] fifty percent or more of all regular routes are not deemed feasible for service by zero-emission school buses, then the school district may continue to operate, maintain or contract for non-zero-emission school buses and receive transportation aid for non-zero-emission school buses purchased or leased to make required transportation runs; or

(ii) less than fifty percent of all regular routes are not deemed feasible for service by zero-emission school buses, then the school district (A) shall operate, maintain or contract for zero-emission school buses and receive transportation aid for zero-emission school buses purchased or leased for such regular routes as are deemed feasibly serviceable by a zero-emission school bus or for an equivalent percentage of regular routes deemed feasible for service by such buses and (B) may operate, maintain or contract for non-zero-emission school buses for the remaining regular routes and receive transportation aid for non-zero-emission school buses purchased or leased to make required transportation runs for such remaining regular routes.

(a-1) With respect to any zero-emission school buses operated or maintained by a school district in accordance with the findings of the district's current transition feasibility analysis, such school district shall include requirements in any procurement for the manufacturing or retrofitting of a zero-emission school bus and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero-emission school bus and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

(b) The commissioner, in consultation with the New York state energy research and development authority and office of general services, may waive the contracting requirements set forth in [~~subparagraph (iii) of~~] paragraph [~~(a)~~] (a-1) of this subdivision if the commissioner determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such zero-emission school buses and charging or fueling infrastructure components and parts in the United States would increase the cost of a school district's contract for zero-emission school buses and charging or fueling infrastructure by an unreasonable amount, or such zero-emission school busses and charging or fueling infrastructure components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the department's website with a detailed explanation of the findings leading to such determination. If the commissioner has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commis-

sioner shall no longer be required to provide the annual determinations required by this paragraph.

(c) Any school district which encumbers funds and places an order for a zero-emission school bus prior to July first, two thousand twenty-seven, but which does not receive delivery of such bus before such date, shall be deemed in compliance with the provisions of this subdivision.

(d) For the purpose of this subdivision, "regular routes" are defined as daily runs to and from a student's home, child care or bus stop to the district school. Routes to transport students off the primary school campus for boards of cooperative educational services (BOCES) programs, special education placements and to transport homeless students and students to and from extracurricular activities shall be deemed "non regular" routes and exempted from any zero-emission school bus requirement pursuant to this chapter.

§ 3. Subdivision 4 of section 3638 of the education law, as added by section 1 of subpart A of part B of chapter 56 of the laws of 2022, is amended to read as follows:

4. A school district may apply to the commissioner, and the department may grant a one-time extension of up to twenty-four months to comply with the requirements of subdivision [~~two~~] three of this section. The commissioner shall consider a school district's effort to meet the requirements of subdivision [~~two~~] three of this section when granting an extension, including but not limited to, procurement efforts made by the school district, applications for state or federal funds, changes needed to school district operations to meet the requirements of this section, employee training, and receipt of technical assistance, if any. Upon a school district receiving an extension, the New York state energy research and development authority, in consultation with the department, shall provide any additional technical assistance necessary to the district to meet the requirements of subdivision [~~two~~] three of this section.

§ 4. Subdivision 1 of section 3623-a of the education law is amended by adding a new paragraph a-1 to read as follows:

a-1. Zero-emission bus transition feasibility analysis, conducted pursuant to subdivision one-a of section thirty-six hundred thirty-eight of this article;

§ 5. Paragraph e of subdivision 1 of section 3623-a of the education law is amended by adding two new subparagraphs 1-a and 7-a to read as follows:

(1-a) salary for a zero-emission transportation transition planner;

(7-a) costs incurred to transport an out-of-service zero-emission bus for storage and repairs;

§ 6. This act shall take effect immediately.