Environmental Protection Committee Staff

Samara Swanston, Legislative Counsel

Nadia Johnson, Senior Policy Analyst

Ricky Chawla, Policy Analyst

Jonathan Seltzer, Senior Finance Analyst



**The New York City Council**

Jeffrey Baker, Legislative Director

**Committee Report of the Infrastructure Division**

Terzah Nasser, Deputy Director

**Committee on Environmental Protection**

Hon. James F. Gennaro, Chair

**October 7, 2021**

**Proposed Int. No. 455-A:** By Council Members Dromm, Rosenthal, Brannan, Levine, Rivera, Chin, Treyger, Rose, Menchaca, Cornegy, Powers, Holden, Ayala, Koo, the Public Advocate (Mr. Williams), Rodriguez, Cabrera, Grodenchik, Van Bramer, Kallos, Gibson, Reynoso, Moya, Perkins, Lander, Ampry-Samuel, Eugene, Adams, Levin, Miller, Gjonaj, Maisel, Barron, Cumbo, Salamanca, Koslowitz, Louis, Gennaro, Riley, Brooks-Powers and Ulrich

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the use of all-electric school buses in school bus contracts

**Administrative Code:** Amends § 24-163.9

1. **Introduction**

On October 7, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, will hold a hearing on Proposed Int. No. 455-A, in relation to the use of all-electric school buses in school bus contracts.

The Committee previously held a hearing on Int. No. 455 on December 17, 2018 and received testimony from the New York City Department of Education (DOE), school bus manufacturers, environmental and climate justice advocates, public health experts, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3uHtxm7>.

1. **Proposed Int. No. 455-A**

Proposed Int. No. 455-A would require the City to ensure that all school buses in use by September 1, 2035 shall be all-electric zero emission school buses. The replacement of school buses shall be subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.

This legislation would also require the DOE to report to the Mayor and the Speaker on a variety of implementation targets within three reporting deadlines: July 1 of 2023, 2028, and 2033. Among the reporting requirements: actions taken to achieve the requirement to replace school buses with all-electric zero emission school buses by September 1, 2035; any barriers to achieving such replacement by such date and related plans to address such barriers; the safety and reliability of the all-electric zero emission school buses in use; the percentage of routes and proportion of charging infrastructure in environment justice areas; a description of each model of all-electric zero emission school bus; and the applications submitted by the DOE for federal, state, private or other funding for the purpose of achieving such replacement.

This legislation would require that, each of the three reports include updates on specific replacement targets. Specifically, the July 1, 2023 report shall include the status of replacing 75 buses with all-electric zero emission school buses; the July 1, 2028 report shall include the status achieving 20 percent of school buses in use being all-electric zero emission school buses, in addition to the status of achieving 100 percent of buses under the New York City school bus umbrella corporation, being all-electric zero emissions school buses by September 1, 2030; and the July 1, 2033 report shall include the status of achieving 66 percent of school buses in use being all-electric zero emission school buses.

This legislation would take effect 180 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such date.

Proposed Int. No. 455-A

By Council Members Dromm, Rosenthal, Brannan, Levine, Rivera, Chin, Treyger, Rose, Menchaca, Cornegy, Powers, Holden, Ayala, Koo, the Public Advocate (Mr. Williams), Rodriguez, Cabrera, Grodenchik, Van Bramer, Kallos, Gibson, Reynoso, Moya, Perkins, Lander, Ampry-Samuel, Eugene, Adams, Levin, Miller, Gjonaj, Maisel, Barron, Cumbo, Salamanca, Koslowitz, Louis, Gennaro, Riley, Brooks-Powers and Ulrich

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the use of all-electric school buses in school bus contracts

..Body

Be it enacted by the Council as follows:

Section 1. The heading of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 28 for the year 2018, is amended to read as follows:

§ 24-163.9 Retrofitting, age limitations [and], fuel use of diesel-powered school buses and use of all-electric zero emission school buses.

§ 2. Subdivision e of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

e. School buses shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency, provided that by September 1, 2035 such school buses shall be replaced with all-electric zero emission school buses, such that all school buses in use by that date shall be all-­electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.

§ 3. Subdivision f of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

f. Reporting requirements.

(1) No later than December 31, 2011 and no later than December 31 of every year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

(2) Before the end of the fiscal year commencing on July 1, 2023, July 1, 2028, and July 1, 2033, the department of education shall submit a report to the mayor and the speaker of the council on:

i. actions taken to achieve the requirement provided by subdivision e to replace school buses with all-electric zero emission school buses by September 1, 2035;

ii. barriers, if any, to achieving such replacement by such date;

iii. plans to address the barriers described in subparagraph ii;

iv. a date by which such replacement will be complete;

v. the safety and reliability of the all-electric zero emission school buses in use pursuant to a school bus contract;

vi. the percentage of routes served by all-electric zero emission school buses where the origin or destination is located in an environmental justice area as defined in section 3-1001;

vii. a description of each model of all-electric zero emission school bus that is in use pursuant to a school bus contract, including but not limited to the name of the manufacturer and the number of buses of each such model in use;

viii. applications that have been submitted by the department for federal, state, private or other funding for the purpose of achieving such replacement; and

ix. progress that vendors have made in developing charging infrastructure, including the proportion of such charging infrastructure that has been installed in an environmental justice area as defined in section 3-1001.

(3) The first report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 75 all-electric zero emission school buses. The second report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving by the date of the next report, 20 percent of school buses in use being all-electric zero emission school buses, and whether there are, or the status of achieving by September 1, 2030, 100 percent of New York city school bus umbrella corporation, or its successor entity, school buses in use being all-electric zero emissions school buses. The third report required pursuant to paragraph 2 of this subdivision shall include whether there are, or the status of achieving, 66 percent of school buses in use being all-electric zero emission school buses.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such date.

SS (2016)/SS, MMB (2018)/SS (2021)

LS # 2961/Int 1428-2017

NEW LS # 1107

09/29/2021 9:34 pm