

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 120

Introduced 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, Dinowitz, D. Diaz, Vallone and Ulrich.

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

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.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 7, 2021 and returned unsigned by the Mayor on November 8, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 120 of 2021, Council Int. No. 455-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.