



## Memorandum of Support for S.3535-C and A.3090-A, the “Green Transit, Green Jobs” Bill

*AN ACT to amend the transportation law, in relation to the purchase of zero-emission buses; and to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other related equipment*

### Summary

Earthjustice strongly supports S.3535-C (Kennedy) and A.3090-A (Dinowitz), which will provide immediate public health benefits and is a straightforward and cost-effective step towards meeting New York’s climate goals. This legislation phases out purchases of antiquated, highly polluting transit buses starting in 2029, and provides protections to existing transit employees subject to a collective bargaining agreement.

### Explanation

By phasing out purchases of polluting diesel buses by 2029, this legislation will slash harmful emissions from public transit buses while spurring the creation of high-quality, green jobs, making it a critical step towards advancing key climate, public health, and labor components of the Climate Leadership and Community Protection Act (CLCPA).

#### Electrifying transit buses helps eliminate one of the most harmful sources of local air pollution.

Communities of color and low-income communities are disproportionately exposed to significantly higher concentrations of health-harming air pollutants from motor vehicles, which compounds public health disparities. Despite the availability of clean alternatives, almost all the state’s 8,500+ transit buses burn fossil fuels such as diesel or fracked gas, spewing toxic pollutants into neighborhoods while exacerbating the climate crisis.

Transit buses are well-suited for electrification. Because they have predictable daily routes and return to a central depot, they can be easily and reliably charged in a way that saves money.<sup>1</sup> Frequent stops and low-speed operation also make them ideal for electrification.<sup>2</sup> Many transit agencies are adopting electric buses, and in 2019 electric transit buses accounted for 10 percent of annual bus sales – five times the share of electric passenger vehicle sales.<sup>3</sup>

Electric buses are cost-effective today compared to fossil fuel alternatives. A recent National Renewable Energy Laboratory analysis found that for a typical transit agency, a modest procurement of ZEBs would yield substantial cost savings over the lifetime of the buses, paying back the upfront cost differential within a few years.<sup>4</sup> By 2030, purchase prices for electric buses are expected to be the same as or even less than for fossil fuel buses. And federal legislation has boosted funding available to overcome purchase price premiums. Investing in ZEBs makes economic sense today and will not be burdensome for transit agencies in 2029 when the bill’s mandate begins.

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<sup>1</sup> New York State Energy Research Dev. Auth., *Benefit-Cost Analysis of Electric Vehicle Deployment in New York State* at 83 (2019).

<sup>2</sup> *Id.*

<sup>3</sup> Union of Concerned Scientists, *Ready for Work* at 11 (2019).

<sup>4</sup> See Nat’l Renewable Energy Laboratory, U.S. Dep’t of Energy, *Financial Analysis of Battery Electric Transit Buses* (2019).

New York's transit agencies will have to electrify their fleets to comply with the CLCPA well before 2050, but the transition to a zero-emission future is happening far too slowly. The vast majority of transit buses operating in New York are still diesel-powered, with electric buses accounting for just over 0.025% of the 228.5 million miles traveled by the state's transit buses.<sup>5</sup> This bill simply makes binding the existing electrification commitments from transit agencies like the Metropolitan Transit Agency and other agencies, and ensures the transition to electric buses will not leave out smaller towns and rural portions of the state. It also ensures public money will not be used to acquire new diesel buses or fossil fuel alternatives like diesel-hybrid and natural gas, which provide no economic advantage over ZEBs, would deepen the climate crisis, and prolong New Yorkers' exposure to entirely avoidable sources of toxic air pollution.

The bill's labor components will ensure the state's investment in a zero-emission transportation system will create good, family-sustaining jobs. It uses the U.S. Employment Plan, which requires a "best-value" contracting framework to guide procurements of ZEBs and related infrastructure. This incentivizes proposals offering jobs with high wages, good benefits, and safe conditions for New Yorkers from disadvantaged communities – furthering the state's commitment to climate justice. Procurements using the U.S. Employment Plan have a proven track record of creating hundreds of high-quality jobs. This legislation will also provide a just transition for workers in the traditional bus system through retraining and apprenticeship programs, and gives local communities a say in the process.

New policies and recent bill amendments will only serve to make the transition easier for transit agencies. The enacted budget tasks NYSERDA with developing a zero-emission bus roadmap and directs the State to provide technical assistance to public transit agencies to guide the transition to zero-emission bus fleets. And the latest version of the bill offers policies to guide transit agencies in identifying barriers while providing some flexibility with the sales mandate.

**This bill addresses a major source of planet-warming and health-harming emissions while ensuring that the transition to a zero-emissions economy will create good jobs that benefit local communities. Earthjustice strongly supports passage of S3535C/A3090 this legislative session.**

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<sup>5</sup> Data compiled from the Federal Transit Administration's 2019 Fuel and Energy database, available at: <https://www.transit.dot.gov/ntd/data-product/2019-fuel-and-energy>.