



S.7406-C (Krueger) / A.3179-D (Fahy)

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BILL S.7406-C (Krueger)/A.3179-D (Fahy)
SUBJECT Electric Vehicle Charging Infrastructure Mandate
DATE May 24, 2022
OPPOSE

While we support the deployment of electric vehicle charging stations, The Business Council respectfully opposes adoption of S.7406-C (Krueger)/A.3179-D (Fahy) as currently proposed.

In our initial comments on the CLCPA scoping plan, submitted at the April 14 public hearing in Albany, we recommended that the state “Identify measures that can be readily achieved in the short term, with limited costs or economic disruption but meaningful emission benefits, and to promote emergent, but not-yet-fully “mainstream” technologies through state financial and technical assistance.”

We believe that the promotion of and incentives for electric vehicles and EV charging stations meets that objective. Every major car manufacture has committed to an increased transition to electric vehicle production, and various entities ranging from energy utilities to retail stores are supporting the production, deployment and powering of EV chargers.

Even so, we believe the mandates of this proposal are excessive, and will result in a inefficient deployment of both private and public funds.

While the bill imposes EV charging mandates on a range of project types, we are focused on two:

- For commercial building with between 2 and 10 parking spaces. 100% of spaces must be “electric vehicle capable,” meaning that they are “pre-wired” for an EV charger (defined as “hav[ing] the appropriate wiring, electric panels, and the appropriate space to install appropriate electric service for an electric vehicle charging station,”) and at 20% must have electric vehicle charging stations installed with at least a 208 to 240 volt, 40 amp circuit, a Level 2 charger;
- For a privately-owned commercial building with 11 or more parking spaces, 100% of spaces must be electric vehicle capable, and 40% must have charging stations with at least a 208-240 volt, 40 amp circuit, typically a

direct current fast charger.

The bill further provides that, privately-owned commercial buildings, the installation of one 400-900 volt direct current fast charging station can substitute for five charging stations of lower voltage, and that building owners may apply for a waiver from these requirements based on a demonstration of an undue hardship due to limitations of the local utility provider, or that the geographic location of the site is such that compliance would result in a significant burden on the owner.

The mandate on larger buildings is of particular concern, with a mandated installation of EV chargers at 40% of all parking spaces. These costs are not insignificant. NYSERDA states that a level 2 charging station (208-240V), which they describe as “ideal for topping off when your patrons can park for a while, e.g. at workplaces or retail parking lots and garages,” is projected to cost from \$1,000 to \$4,000 per port, with installation costs are \$2,000 to \$10,000, inclusive of labor, materials and permitting (costs that can be partly offset by incentives under the “Charge Ready NY program.”) Fast charging stations are even more expensive, with NYSERDA showing “between \$25,000 to \$50,000 in equipment cost, combined with \$50,000 to \$100,000 in electrical service upgrades,” and also ineligible for benefits under the “Charge Ready NY” program.

These installation mandates would mandate EV charging deployment well beyond current needs, with just 3.2% of light duty vehicles registered in New York State being EVs according to the Electrek web site (its data is based on registration data from the Alternative Fuels Data Center (AFDC) through the US Department of Energy, and reflect 2020 data.) Likewise, According to the EVAdoption website, total electric vehicle (both battery EVs and battery/gas hybrids) accounted for just 1.5% of all light duty vehicles sales in New York State (2019 data), while just under 1% were battery EVs.

While these figures are growing, it will be a decade or more before New York comes close to 40% EV use.

Rather than concentrating investments in new chargers (and concentrating the expenditure of NYSERDA incentives for EV chargers) at a limited number of new building sites, the state should be promoting a broader, more strategic deployment of chargers. We note that other pending legislation – S.9363 (Comrie)/A.10100 (Englebright) – would requires NYSERDA to develop a comprehensive electric vehicle fast charging station implementation plan.

Further, this proposed legislative mandate is inconsistent with NYSERDA’s

“best practices guide” for workplace charging stations. While suggesting that “The number of installed EV charging stations should aim to serve existing EV traffic and anticipate additional demand in the near future,” it cautions that “installing too many charging stations will inflate installation costs . . .” and that “stations left unused for a long period of time may show wear or require maintenance by the time they are needed.” It recommends as best practice that business should install charging stations to meet **slightly more** than the current demand, but to provide for future growth with measures such as larger conduit to accommodate future wire runs, and including room on electric panels for more charging station circuits. NYSERDA best practices do not support the expansive capital installations that is mandated by this bill.

We recognize that the draft CLCPA scoping plan strongly supports measures to “invest in and remove barriers for ZEV charging and fueling infrastructure.” We believe the state should complete its current CLCPA planning process and put forth a proposal for a more reasonable deployment of EV chargers and a more complete and strategic plan for state incentives.

We believe provisions of S.7406-C/A.3179-D for commercial buildings is inconsistent with both current needs and projected future growth for EV charging. More limited requirements to assure that newly constructed facilities can accommodate increased EV infrastructure will assure more efficient use of both private and public funds. Without amendments, we oppose adoption of this legislation.