

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4715

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2023

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 4715.

This bill, as amended by the committee, would direct the Board of Public Utilities (BPU), the Department of Environmental Protection, the Department of Transportation, and any other State agency that offers an incentive for the installation of electric vehicle service equipment (EVSE), pursuant to P.L.2019, c.362 (C.48:25-1 et seq.) or any other State law, to require compliance with a minimum EVSE uptime requirement as a condition of granting such incentive. EVSE is the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, switches and controls, network interfaces, and point of sale equipment and associated apparatus, that is designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle.

Specifically, the bill would require the BPU or any other State agency, as a condition of issuing a State-level EVSE incentive payment, to require the EVSE for which the incentive is granted, together with all other incentivized EVSE installed at the same site, to remain operational at least 97 percent of the time, not including any period of exempted downtime, and except as otherwise provided by the bill, as measured on an annual and site-wide basis. "Site-wide basis" is defined to mean the average site-wide uptime status of all incentivized EVSE that has been installed, at the same site of operations, on or after the bill's effective date. The bill would not require the site-wide uptime calculation to consider the uptime status of EVSE that has been installed, at the site, prior to the bill's effective date, even if such EVSE was installed pursuant to a State-level incentive. "Exempted downtime" is further defined to mean any EVSE downtime that results from factors outside the EVSE operator's control, including, but not limited to, any period of EVSE downtime

resulting from an electricity utility or Internet service interruption or from a service outage or interruption caused by a vehicle.

The bill would require State agencies to regularly review the site-wide uptime requirement being established by the bill, on at least a biennial basis, in order to ensure that it is consistent with the minimum uptime requirement that is applicable to recipients of federal funds under the National Electric Vehicle Infrastructure (NEVI) Formula Program, established pursuant to the federal “Infrastructure Investment and Jobs Act,” Pub.L.117-58. Whenever a State agency determines that the minimum uptime requirement established for recipients of State funding is inconsistent with the minimum uptime requirement being applied to recipients of federal funding, under the NEVI Formula Program, the agency would be required to take appropriate action to revise the State-level uptime requirement, established pursuant to the bill, as necessary to ensure that it comports with the comparable federal NEVI Formula Program requirement.

Each State agency, which is subject to the bill, would be directed to develop and implement a process to monitor compliance with, and to enforce, the site-wide uptime requirement established and modified under the bill. The bill would further require each State agency, when reviewing or modifying the site-wide uptime requirement, or when developing and implementing the compliance monitoring and enforcement system required by the bill, to engage in a comprehensive and public stakeholder engagement process and to review and consider the most recent standards, guidelines, and requirements related to EVSE uptime, downtime, and exempted downtime, which are applicable to federal funding recipients under the NEVI Formula Program.

As amended and reported by the committee, this bill is identical to Senate Bill No. 3102 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) increase the minimum EVSE uptime requirement, being established under the bill, to 97 percent (as opposed to 95 percent, as was provided by the introduced bill), in order to comport with the updated federal uptime requirement that is applicable under the National Electric Vehicle Infrastructure (NEVI) Formula Program;

2) clarify that the calculation of uptime is to be done on a site-wide basis – i.e., is to be based on the average uptime status of all incentivized EVSE installed at the same site of operations rather than being based on the uptime status of a single incentivized charger or other piece of EVSE;

3) clarify that the bill’s site-wide uptime requirement is not retroactive and applies only to incentivized EVSE installed on or after the bill’s effective date, and further clarify that the site-wide

calculation, used to determine compliance with the bill's uptime requirement, is not to account for the uptime status of any EVSE installed prior to the bill's effective date;

4) include new definitions of the terms, "downtime," "exempted downtime," "incentivized EVSE," "National Electric Vehicle Infrastructure (NEVI) Formula Program," "site-wide basis," "State agency," and "uptime";

5) require the bill's uptime requirement to be applied by the BPU, as well as by the Department of Environmental Protection, the Department of Transportation, and any other State agency that offers an incentive for the installation of EVSE, as a condition of providing an EVSE installation incentive;

6) require State agencies to regularly review and update the State-level minimum uptime requirement being established by the bill, as necessary to ensure that the requirement, as applied by each such State agency, is consistent with the minimum uptime requirement being applied to recipients of federal funds under the NEVI Formula Program;

7) require State agencies, when reviewing or modifying the minimum uptime requirement established pursuant to the bill, or when developing and implementing the compliance monitoring and enforcement system required by the bill, to engage in a comprehensive and public stakeholder engagement process and to review and consider the most recent standards, guidelines, and requirements related to EVSE uptime, downtime, and exempted downtime, which are applicable to federal funding recipients under the NEVI Formula Program; and

8) update the bill's synopsis to reflect the changes being made to the bill.