

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4715

STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4715 (1R).

This bill 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 reported by the committee, Assembly Bill No. 4715 (1R) is identical to Senate Bill No. 3102 (2R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that the bill would result in a one-time State expenditure increase for the Board of Public Utilities, the Department of Environmental Protection, the Department of Transportation, and other State agencies providing electric vehicle service equipment incentives. Each State agency subject to the bill would need to establish a system, rather than a process, to monitor and enforce compliance with the site-wide uptime requirement. This shift may require additional resources and funding to develop and maintain robust monitoring systems.

The bill requires the State agencies to engage in comprehensive and public stakeholder engagement processes when developing the compliance monitoring system and periodically reviewing and modifying the site-wide uptime requirement. These stakeholder engagements could involve costs associated with gathering input, organizing meetings, and incorporating feedback.

The OLS notes aligning the minimum uptime requirement with the federal standard under the National Electric Vehicle Infrastructure Formula Program may necessitate ongoing adjustments and updates to ensure consistency between State and federal requirements. This

regular review and modification of the minimum uptime requirement may entail administrative efforts and potential costs.

The OLS also notes that the bill directs the Board of Public Utilities, the Department of Environmental Protection, and the Department of Transportation to monitor and enforce compliance with the requirements of the bill. Due to the number of charging stations that will need to be monitored in the State on an annual basis, the board may require an additional staff member, with an estimated annual compensation in the range of \$80,000 to \$120,000.