

CHAPTER 316

AN ACT concerning the establishment of demonstration projects for the development of certain electric vehicle charging depots and supplementing Title 48 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.48:25-13 Definitions.

1. As used in P.L.2023, c.316 (C.48:25-13 et seq.):

“Authority” means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

“Board” means the Board of Public Utilities or any successor agency.

“Brownfield” means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

“Class I renewable energy” means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

“DC fast charger” means the same as the term is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

“Demonstration project” means the demonstration project authorized in response to a request for proposal developed and issued by the board pursuant to section 2 of P.L.2023, c.316 (C.48:25-14).

“Department” means the Department of Environmental Protection.

“Distributed energy resource” means any resource located on the distribution system of any electric public utility in New Jersey, any subsystem thereof, or behind a customer meter. These resources may include, but are not limited to, electric storage resources, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles and their supply equipment.

“Distributed energy resource charging center” means one or more distributed energy resources consisting of a group of interconnected loads, including at least one High-Powered DC Fast Charger or at least four DC fast chargers, and distributed energy resources, which predominantly produce or store Class I renewable energy, within clearly defined electrical boundaries and located behind a single point of interconnection, that act as a single controllable entity with respect to a utility’s infrastructure.

“Electric public utility” or “utility” means a public utility, as that term is defined in R.S.48:2-13, that provides electric distribution service in this State.

“Electric vehicle” means a motor vehicle that is propelled solely by an electric motor or energy storage device, and includes any such fleet, medium-duty, or heavy-duty vehicle.

“Electric vehicle charging depot” or “depot” means a site where one or more DC fast chargers or High-Powered DC Fast Chargers are installed to charge electric vehicle fleets and medium- and heavy-duty electric vehicles, along with any electrical equipment on the customer side of the utility meter, needed to connect the chargers to a distributed energy resource charging center.

“Electric vehicle service equipment” or “EVSE” means the same as the term is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

“Fleet vehicles” refers to a group of vehicles owned or operated by a single entity, serving a specific purpose, with defined roles or tasks. Fleet vehicles may be light-, medium-, or heavy-duty vehicles.

“High-Powered DC Fast Charger” means EVSE that provides at least 150 kilowatts of direct current electrical power for charging an electric vehicle through a connector based on fast charging equipment standards and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

“Medium- and heavy-duty electric vehicle make-ready” or “MHD make-ready” means the same as the term “make-ready” is defined in section 3.2 of P.L.1975, c.291 (C.40:55D-5).

“Overburdened municipality” means a subset of census blocks, as defined by the board, which are located within areas defined by the Department of Environmental Protection pursuant to P.L.2020, c.92 (C.13:1D-157 et seq.) and that focuses incentives in municipalities that either have high levels of population living under a percentage of the federal poverty line or that are categorized as distressed by the Department of Community Affairs.

“PJM Interconnection, L.L.C.” or “PJM” means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

“Primarily operating” means that at least 50 percent of the vehicle miles traveled over the course of a three-year compliance period take place within the overburdened municipality or other percentage as defined by the board to address concerns in overburdened communities.

“Request for proposal” or “proposal” means the request for proposal developed and issued by the board pursuant to section 2 of P.L.2023, c.316 (C.48:25-14).

C.48:25-14 Board of Public Utilities, request for proposal, eligibility, establishment of demonstration projects, electric vehicle charging depots.

2. a. The Board of Public Utilities, in consultation with the New Jersey Economic Development Authority and the Department of Environmental Protection, shall develop a request for proposal to determine eligibility for the establishment of demonstration projects involving the development of electric vehicle charging depots for electric vehicle use. Each electric vehicle charging depot shall be serviced by one or more distributed energy resource charging centers, and the electric vehicle charging depots shall be located within six regionally diverse locations within the State, except that at least one electric vehicle charging depot, including the distributed energy resource charging center servicing the depot, shall be located within the service territory of each electric public utility operating within this State and at least two of the electric vehicle charging depots shall serve vehicles primarily operating within an overburdened municipality. The proposal shall describe, in detail, the requirements for the provision of electric vehicle charging depots for electric vehicle charging, the production or storage of Class I renewable energy, any demand management plans, and the total number of electric vehicle miles traveled, which depots shall, at a minimum, be capable of supporting coincident peak sufficient to meet vehicle electric loads. Within the proposal, the board shall provide a list and brief description of any State or local incentives and support programs available to an approved applicant.

b. Upon developing the request for proposal, the board shall issue the proposal in a form and manner determined by the board. The board shall establish guidelines for the approval, designation, operation, and reporting of a demonstration project in a manner determined by the board. The board may approve the development of more than one electric vehicle charging depot within any of the six locations, provided that the total number of approved projects satisfies the requirements of subsection a. of this section.

c. The board, in cooperation with the authority and the department, shall oversee, coordinate, and assist the demonstration project approved and established pursuant to P.L.2023, c.316 (C.48:25-13 et seq.) and shall allocate up to \$2,000,000 in assistance per project from the proceeds of the societal benefits charge imposed pursuant to paragraph (3) of subsection a. of section 12 of P.L.1999, c.23 (C.48:3-60) to facilitate investment in electric vehicle charging depots. The funds allocated from the societal benefits charge shall be in addition to any utility investment established pursuant to section 3 of P.L.2023, c.316 (C.48:25-15), and any other incentives or funds available from PJM, or other renewable energy or storage incentives that the project may be eligible to receive.

C.48:25-15 Board of Public Utilities, authorize recovery through utility rates, costs associated with MHD make-ready locations.

3. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the board may authorize recovery through utility rates of some or all of the costs associated with MHD make-ready locations, in which case such costs shall be included in the utility's rate base or otherwise be recoverable from the utility's customers, in a manner determined by the board.

C.48:25-16 Proposal request, demonstration project, information submitted to board.

4. A request for proposal shall require an applicant intending to establish a demonstration project to submit information to the board, which information shall include, but not be limited to:

a. a statement of purpose for the proposed demonstration project, which shall include, but not be limited to, the development of electric vehicle charging depots serviced by distributed energy resource charging centers;

b. a validation of any cost-saving, time-saving, or resilience metrics associated with the use of electric vehicle charging depots serviced by distributed energy resource charging centers, as compared to the traditional capital investment approach to electric public utility grid replacement for the establishment of electric vehicle charging depots not serviced by distributed energy resource charging centers for use by electric vehicles;

c. a description of the proposed electric vehicle charging depots, including any distributed energy resource charging center servicing the depots, and a clear explanation and map conveying the physical boundaries of each proposed site;

d. a description of the size and configuration of the distributed energy resource charging center, including, at a minimum: how much Class I renewable energy is expected to be produced; how much, if any, energy storage is incorporated in the design; how much, if any, fossil fuel generation is incorporated in the design; and any other information as may be required by the board;

e. the amount of incentive requested, including in total dollars, dollars per electric vehicle mile traveled, and dollars per unit of pollution abated; and

f. a statement from the applicant attesting that each distributed energy resource charging center shall:

(1) allow for clean or renewable energy-sourced electric power generation and energy storage provided on-site or on property contiguous to the distributed energy resource charging center, in addition to the ability to charge electric vehicles;

(2) comply with any electric vehicle charging infrastructure plan established by the board in which distributed energy resource charging center infrastructure is needed to get the most benefit for electric vehicle charging;

(3) specify whether the proposed electric vehicle charging depots are intended to displace existing fleet vehicles, or whether the depots are intended to bring new vehicles into overburdened municipalities;

(4) describe any plans to participate in a managed charging program, including one that directs charging to off-peak periods or minimizes demand charge peaks; and

(5) provide any other information required by the board.

C.48:25-17 Preference, High-Powered DC Fast Charger or DC Fast Charger demonstration projects applications, charging infrastructure, medium-, heavy-duty vehicles, fleets.

5. The board shall give preference to any application made pursuant to section 4 of P.L.2023, c.316 (C.48:25-16) for any High-Powered DC Fast Charger or DC Fast Charger demonstration project that results in charging infrastructure for medium- and heavy-duty vehicles or fleets and that:

- a. is located within a brownfield;
- b. is publicly accessible or designed to electrify fleets owned by public entities;
- c. electrifies private fleets located in, primarily operating in, or benefiting overburdened municipalities;
- d. provides job creation and job training for disadvantaged persons, as determined by the board, in consultation with the authority;
- e. is cost effective to ratepayers, considering vehicle miles electrified and incentive requested;
- f. is likely to lead to scalable implementation of medium- and heavy-duty vehicle charging infrastructure;
- g. has a positive impact on electrified and non-electrified vehicle traffic inside of overburdened municipalities;
- h. effectively incorporates a managed charging program at peak periods or minimizes demand charge peaks;
- i. minimizes the use of fossil fuel infrastructure;
- j. is likely to result in the reduction of emissions; or
- k. results in an expansion of the State's manufacturing base for an emerging clean transportation economy and demonstrates a collaboration with a State-certified educational training entity.

C.48:25-18 Board approval, application, demonstration project, approved applicant, agreement, requirements.

6. Upon approval by the board of an application to conduct a demonstration project, the board shall require the approved applicant to enter into an agreement with the board, which agreement shall contain, but not be limited to:

- a. a signed statement of cooperation and a description of the roles and relationships of each entity involved in the demonstration project;
- b. a clearly identified list of goals, performance standards, benchmarks, or milestones for the proposed demonstration projects, with approximate dates as to when the goals, performance standards, benchmarks, or milestones will be achieved, and a description of how these measures will be evaluated, including a requirement that the approved applicant shall report to the board on the status of the applicant's achievement of these goals, performance standards, benchmarks, or milestones;
- c. complete budget of the proposed demonstration project, including a description and proof, as applicable, of any secured funds, pending funds, and potential future funding sources;
- d. a list of the approved applicant's assets and resources, organizational experience, including capabilities, related experience, facilities, techniques, resources, or any combinations thereof, that are integral factors for achieving the proposed objective of establishing an electric vehicle charging depot serviced by a distributed energy resource charging center; and
- e. the expectations for job development and business creation upon the establishment and operation of an electric vehicle charging depot serviced by a distributed energy resource charging center.

C.48:25-19 Board of Public Utilities, reports, Department of Environmental Protection, Governor, Legislature; posting information on website.

7. Within six months of the first approval for an application for a demonstration project, and every six months thereafter, the board shall report to the department and the authority on the progress of each approved applicant in establishing the demonstration project. The board shall annually post the information from these reports on the board's Internet website. The board shall incorporate any applicable information on the establishment of the demonstration

project in the Energy Master Plan, or any update thereto. The board shall report, five years after the effective date of P.L.2023, c.316 (C.48:25-13 et seq.), to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the results of the demonstration projects and post a copy of the report on the board's Internet website.

C.48:25-20 Board of Public Utilities, seek, accept grants, public sources.

8. The board may seek and accept grants from public sources, including, but not limited to, any federal funding to be provided for the purposes of the demonstration project, except that the board shall not accept a grant that is subject to conditions that are inconsistent with any other law of this State.

9. This act shall take effect immediately.

Approved January 16, 2024.