

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 4794**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

ADOPTED JUNE 28, 2023

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

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**District 7 (Burlington)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblyman Spearman, Assemblywoman Reynolds-Jackson and Senator Greenstein**

**SYNOPSIS**

Requires request for proposal to establish demonstration projects to develop electric vehicle charging depots serviced by distributed energy resource charging centers for certain electric vehicle use.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on January 4, 2024, with amendments.

(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning the establishment of demonstration projects for  
2 the development of certain electric vehicle charging depots and  
3 supplementing Title 48 of the Revised Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

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

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

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

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

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

20 “Demonstration project” means the demonstration project  
21 authorized in response to a request for proposal developed and  
22 issued by the board pursuant to section 2 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill).

24 “Department” means the Department of Environmental  
25 Protection.

26 “Distributed energy resource” means any resource located on the  
27 distribution system of any <sup>1</sup>electric<sup>1</sup> public utility in New Jersey,  
28 any subsystem thereof, or behind a customer meter. These  
29 resources may include, but are not limited to, electric storage  
30 resources, distributed generation, demand response, energy  
31 efficiency, thermal storage, and electric vehicles and their supply  
32 equipment.

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

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SBA committee amendments adopted January 4, 2024.

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

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

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

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

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

19 “High-Powered DC Fast Charger” means EVSE that provides at  
20 least 150 kilowatts of direct current electrical power for charging  
21 <sup>1</sup>【a plug-in】 an<sup>1</sup> electric vehicle through a connector based on fast  
22 charging equipment standards, and which is approved for  
23 installation for that purpose under the National Electric Code  
24 through an Underwriters Laboratories Certification or an equivalent  
25 certifying organization.

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

29 <sup>1</sup>【“Overburdened community” means the same as the term is  
30 defined in section 2 of P.L.2020, c.92 (C.13:1D-158).】<sup>1</sup>

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

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

40 <sup>1</sup>【"Plug-in electric vehicle" means the same as the term is  
41 defined in section 2 of P.L.2019, c.362 (C.48:25-2).】<sup>1</sup>

42 “Primarily operating” means that at least 50 percent of the  
43 vehicle miles traveled over the course of a <sup>1</sup>【three year】 three-year<sup>1</sup>  
44 compliance period take place within the overburdened municipality

1 or other percentage as defined by the board to address concerns in  
2 overburdened communities.

3 “Request for proposal” or “proposal” means the request for  
4 proposal developed and issued by the board pursuant to section 2 of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill).

6  
7 2. a. The Board of Public Utilities, in consultation with the  
8 New Jersey Economic Development Authority and the Department  
9 of Environmental Protection, shall develop a request for proposal to  
10 determine eligibility for the establishment of demonstration projects  
11 involving the development of electric vehicle charging depots for  
12 electric vehicle use. Each electric vehicle charging depot shall be  
13 serviced by one or more distributed energy resource charging  
14 centers, and the electric vehicle charging depots shall be located  
15 within six regionally diverse locations within the State, except that  
16 at least one electric vehicle charging depot, including the  
17 distributed energy resource charging center servicing the depot,  
18 shall be located within the service territory of each electric public  
19 utility operating within this State and at least two of the electric  
20 vehicle charging depots shall serve vehicles primarily operating  
21 within an overburdened municipality. The proposal shall describe,  
22 in detail, the requirements for the provision of electric vehicle  
23 charging depots for electric vehicle charging, the production or  
24 storage of Class I renewable energy, any demand management  
25 plans, and the total number of electric vehicle miles traveled, which  
26 depots shall, at a minimum, be capable of supporting coincident  
27 peak sufficient to meet vehicle electric loads. Within the proposal,  
28 the board shall provide a list and brief description of any State or  
29 local incentives and support programs available to an approved  
30 applicant.

31 b. Upon developing the request for proposal, the board shall  
32 issue the proposal in a form and manner determined by the  
33 board. The board shall establish guidelines for the approval,  
34 designation, operation, <sup>1</sup>and<sup>1</sup> reporting <sup>1</sup>【, and re-designation】<sup>1</sup> of a  
35 demonstration project in a manner determined by the board. The  
36 board may approve the development of more than one electric  
37 vehicle charging depot within any of the six locations, provided that  
38 the total number of approved projects satisfies the requirements of  
39 subsection a. of this section.

40 c. The board, in cooperation with the authority and the  
41 department, shall oversee, coordinate, and assist the demonstration  
42 project approved and established pursuant to P.L. , c. (C. )  
43 (pending before the Legislature as this bill) and shall allocate up to  
44 \$2,000,000 in assistance per project <sup>1</sup>【selected out】 from the

1 proceeds<sup>1</sup> of the societal benefits charge <sup>1</sup>~~established~~ imposed<sup>1</sup>  
2 pursuant to <sup>1</sup>paragraph (3) of subsection a. of<sup>1</sup> section 12 of  
3 P.L.1999, c.23 (C.48:3-60) to facilitate investment in electric  
4 vehicle charging depots. The <sup>1</sup>funds allocated from the<sup>1</sup> societal  
5 benefits charge <sup>1</sup>~~incentive~~<sup>1</sup> shall be in addition to any utility  
6 investment established pursuant to section 3 of P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill), and any  
8 other incentives or <sup>1</sup>~~revenues streams~~ funds<sup>1</sup> available from PJM,  
9 or other renewable energy or storage incentives that the project may  
10 be eligible to receive.

11

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

18

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

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

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

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

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

43 e. the amount of incentive requested, including in total dollars,  
44 dollars per <sup>1</sup>electric<sup>1</sup> vehicle mile <sup>1</sup>~~electrified~~ traveled<sup>1</sup>, and  
45 dollars per unit of pollution abated; and

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

- 1 (1) allow for clean or renewable energy-sourced electric power  
2 generation and energy storage provided on-site or on property  
3 contiguous to the distributed energy resource charging center, in  
4 addition to the ability to charge electric vehicles;
- 5 (2) comply with any electric vehicle charging infrastructure plan  
6 established by the board in which distributed energy resource  
7 charging center infrastructure is needed to get the most benefit for  
8 electric vehicle charging;
- 9 (3) specify whether the proposed electric vehicle charging depots  
10 are intended to displace existing fleet vehicles, or whether <sup>1</sup>it  
11 will the depots are intended to<sup>1</sup> bring new vehicles into  
12 overburdened municipalities;
- 13 (4) describe any plans to participate in a managed charging  
14 program, including one that directs charging to off-peak periods or  
15 minimizes demand charge peaks; and
- 16 (5) provide any other information required by the board.

17

18 5. The board shall give preference to any application made  
19 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill) for <sup>1</sup>any<sup>1</sup> High-Powered DC Fast  
21 <sup>1</sup>Chargers<sup>1</sup> Charger<sup>1</sup> or DC Fast <sup>1</sup>Chargers<sup>1</sup> Charger<sup>1</sup>  
22 demonstration <sup>1</sup>projects<sup>1</sup> project<sup>1</sup> that <sup>1</sup>result<sup>1</sup> results<sup>1</sup> in  
23 charging infrastructure for medium- and heavy-duty vehicles or  
24 fleets <sup>1</sup>and<sup>1</sup> that:

- 25 a. is located within a brownfield;
- 26 b. is publicly accessible or designed to electrify <sup>1</sup>public-  
27 serving<sup>1</sup> fleets <sup>1</sup>owned by public entities<sup>1</sup>;
- 28 c. electrifies private fleets located in, primarily operating in, or  
29 benefiting overburdened municipalities;
- 30 d. provides job creation and job training for disadvantaged  
31 persons, as determined by the board, in consultation with the  
32 authority;
- 33 e. is cost effective to ratepayers, considering vehicle miles  
34 electrified and incentive requested;
- 35 f. is likely to lead to scalable implementation of medium- and  
36 heavy-duty vehicle charging infrastructure;
- 37 g. has <sup>1</sup>an<sup>1</sup> a positive<sup>1</sup> impact on electrified and non-electrified  
38 vehicle traffic inside of overburdened municipalities;
- 39 h. effectively incorporates a managed charging program at peak  
40 periods or minimizes demand charge peaks;
- 41 i. minimizes the use of fossil fuel infrastructure;
- 42 j. is likely to result in the reduction of emissions; <sup>1</sup>and<sup>1</sup> or<sup>1</sup>
- 43 k. results in an expansion of the State's manufacturing base for  
44 an emerging clean transportation economy and demonstrates a  
45 collaboration with a State-certified educational training entity.

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

5       a. a signed statement of cooperation and a description of the  
6 roles and relationships of each entity involved in the demonstration  
7 project;

8       b. a clearly identified list of goals, performance standards,  
9 benchmarks, or milestones for the proposed demonstration projects,  
10 with approximate dates as to when the goals, performance  
11 standards, benchmarks, or milestones will be achieved, and a  
12 description of how these measures will be evaluated, including a  
13 requirement that the approved applicant shall report to the board on  
14 the status of the applicant's achievement of these goals,  
15 performance standards, benchmarks, or milestones;

16       c. a complete budget of the proposed demonstration project,  
17 including a description and proof, as applicable, of any secured  
18 funds, pending funds, and potential future funding sources;

19       d. a list of the approved applicant's assets and resources,  
20 organizational experience, including capabilities, related  
21 experience, facilities, techniques, resources, or any combinations  
22 thereof, that are integral factors for achieving the proposed  
23 objective of establishing an electric vehicle charging depot serviced  
24 by a distributed energy resource charging center; and

25       e. the expectations for job development and business creation  
26 upon the establishment and operation of an electric vehicle charging  
27 depot serviced by a distributed energy resource charging center.

28

29       7. Within six months of the first approval for an application for  
30 a demonstration project, and every six months thereafter, the board  
31 shall report to the department and the authority on the progress of  
32 each approved applicant in establishing the demonstration  
33 project. The board shall annually post the information from these  
34 reports on the board's Internet website. The board shall incorporate  
35 any applicable information on the establishment of the  
36 demonstration project in the Energy Master Plan, or any update  
37 thereto. The board shall report, five years after the effective date of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill),  
39 to the Governor and, pursuant to section 2 of P.L.1991, c.164  
40 (C.52:14-19.1), to the Legislature, on the results of the  
41 demonstration projects and post a copy of the report on the board's  
42 Internet website.

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

6

7       9. This act shall take effect immediately.