

P.L. 2023, CHAPTER 316, *approved January 16, 2024*
Assembly Committee Substitute (*First Reprint*)
for Assembly, No. 4794

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 ¹electric¹ 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

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:

¹ Senate SBA committee amendments adopted January 4, 2024.

1 Charger or at least four DC fast chargers, and distributed energy
2 resources, which predominantly produce or store Class I renewable
3 energy, within clearly defined electrical boundaries and located
4 behind a single point of interconnection, that act as a single
5 controllable entity with respect to a utility's infrastructure.

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

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

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

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

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

24 "High-Powered DC Fast Charger" means EVSE that provides at
25 least 150 kilowatts of direct current electrical power for charging
26 ¹["a plug-in] an¹ electric vehicle through a connector based on fast
27 charging equipment standards, and which is approved for
28 installation for that purpose under the National Electric Code
29 through an Underwriters Laboratories Certification or an equivalent
30 certifying organization.

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

34 ¹["Overburdened community" means the same as the term is
35 defined in section 2 of P.L.2020, c.92 (C.13:1D-158).]¹

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

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

1 ¹["Plug-in electric vehicle" means the same as the term is
2 defined in section 2 of P.L.2019, c.362 (C.48:25-2).]¹

3 "Primarily operating" means that at least 50 percent of the
4 vehicle miles traveled over the course of a ¹["three year"] three-year¹
5 compliance period take place within the overburdened municipality
6 or other percentage as defined by the board to address concerns in
7 overburdened communities.

8 "Request for proposal" or "proposal" means the request for
9 proposal developed and issued by the board pursuant to section 2 of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11

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

36 b. Upon developing the request for proposal, the board shall
37 issue the proposal in a form and manner determined by the
38 board. The board shall establish guidelines for the approval,
39 designation, operation, ¹and¹ reporting ¹["], and re-designation¹ of a
40 demonstration project in a manner determined by the board. The
41 board may approve the development of more than one electric
42 vehicle charging depot within any of the six locations, provided that
43 the total number of approved projects satisfies the requirements of
44 subsection a. of this section.

1 c. The board, in cooperation with the authority and the
2 department, shall oversee, coordinate, and assist the demonstration
3 project approved and established pursuant to P.L. , c. (C.)
4 (pending before the Legislature as this bill) and shall allocate up to
5 \$2,000,000 in assistance per project ¹~~selected out~~ from the
6 proceeds¹ of the societal benefits charge ¹~~established~~ imposed¹
7 pursuant to ¹paragraph (3) of subsection a. of¹ section 12 of
8 P.L.1999, c.23 (C.48:3-60) to facilitate investment in electric
9 vehicle charging depots. The ¹funds allocated from the¹ societal
10 benefits charge ¹~~incentive~~¹ shall be in addition to any utility
11 investment established pursuant to section 3 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill), and any
13 other incentives or ¹~~revenues streams~~ funds¹ available from PJM,
14 or other renewable energy or storage incentives that the project may
15 be eligible to receive.

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

23

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

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

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

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

42 d. a description of the size and configuration of the distributed
43 energy resource charging center, including, at a minimum: how
44 much Class I renewable energy is expected to be produced; how
45 much, if any, energy storage is incorporated in the design; how

- 1 much, if any, fossil fueled generation is incorporated in the design;
2 and any other information as may be required by the board;
- 3 e. the amount of incentive requested, including in total dollars,
4 dollars per electric vehicle mile ~~["electrified"]~~ traveled¹, and
5 dollars per unit of pollution abated; and
- 6 f. a statement from the applicant attesting that each distributed
7 energy resource charging center shall:
- 8 (1) allow for clean or renewable energy-sourced electric power
9 generation and energy storage provided on-site or on property
10 contiguous to the distributed energy resource charging center, in
11 addition to the ability to charge electric vehicles;
- 12 (2) comply with any electric vehicle charging infrastructure plan
13 established by the board in which distributed energy resource
14 charging center infrastructure is needed to get the most benefit for
15 electric vehicle charging;
- 16 (3) specify whether the proposed electric vehicle charging depots
17 are intended to displace existing fleet vehicles, or whether ~~["it
18 will"]~~ the depots are intended to¹ bring new vehicles into
19 overburdened municipalities;
- 20 (4) describe any plans to participate in a managed charging
21 program, including one that directs charging to off-peak periods or
22 minimizes demand charge peaks; and
- 23 (5) provide any other information required by the board.
- 24
- 25 5. The board shall give preference to any application made
26 pursuant to section 4 of P.L. , c. (C.) (pending before the
27 Legislature as this bill) for any¹ High-Powered DC Fast
28 ~~["Chargers"]~~ Charger¹ or DC Fast ~~["Chargers"]~~ Charger¹
29 demonstration ~~["projects"]~~ project¹ that ~~["result"]~~ results¹ in
30 charging infrastructure for medium- and heavy-duty vehicles or
31 fleets and¹ that:
- 32 a. is located within a brownfield;
- 33 b. is publicly accessible or designed to electrify ~~["public-
34 serving"]~~¹ fleets owned by public entities¹;
- 35 c. electrifies private fleets located in, primarily operating in, or
36 benefiting overburdened municipalities;
- 37 d. provides job creation and job training for disadvantaged
38 persons, as determined by the board, in consultation with the
39 authority;
- 40 e. is cost effective to ratepayers, considering vehicle miles
41 electrified and incentive requested;
- 42 f. is likely to lead to scalable implementation of medium- and
43 heavy-duty vehicle charging infrastructure;
- 44 g. has ~~["an"]~~ a positive¹ impact on electrified and non-electrified
45 vehicle traffic inside of overburdened municipalities;

- 1 h. effectively incorporates a managed charging program at peak
- 2 periods or minimizes demand charge peaks;
- 3 i. minimizes the use of fossil fuel infrastructure;
- 4 j. is likely to result in the reduction of emissions; ¹~~and~~ or¹
- 5 k. results in an expansion of the State's manufacturing base for
- 6 an emerging clean transportation economy and demonstrates a
- 7 collaboration with a State-certified educational training entity.

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9 6. Upon approval by the board of an application to conduct a

10 demonstration project, the board shall require the approved

11 applicant to enter into an agreement with the board, which

12 agreement shall contain, but not be limited to:

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

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37 7. Within six months of the first approval for an application for

38 a demonstration project, and every six months thereafter, the board

39 shall report to the department and the authority on the progress of

40 each approved applicant in establishing the demonstration

41 project. The board shall annually post the information from these

42 reports on the board's Internet website. The board shall incorporate

43 any applicable information on the establishment of the

44 demonstration project in the Energy Master Plan, or any update

1 thereto. The board shall report, five years after the effective date of
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 to the Governor and, pursuant to section 2 of P.L.1991, c.164
4 (C.52:14-19.1), to the Legislature, on the results of the
5 demonstration projects and post a copy of the report on the board's
6 Internet website.

7

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

13

14 9. This act shall take effect immediately.

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