



New York State Department of Labor  
Kathy Hochul, *Governor*  
Roberta Reardon, *Commissioner*

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## **ENFORCEMENT GUIDANCE**

DATE: December 28, 2023  
FROM: Shaun McCready, Director of Public Work  
RE: State Finance Law §19-a, Parking Facilities; Support for Electric Vehicle Charging Stations  
TO: All

Effective December 28, 2023, the prevailing wage requirements of Article 8 shall apply to the construction of electric vehicle (EV) charging stations in new parking facilities done under contract which is paid for in whole or in part out of public funds.

When State Finance Law §19-a requires the installation of EV charging stations in a parking facility, the construction of such stations and any supporting infrastructure, up to but not including the electrical supply panel, shall be subject to the prevailing wage requirements of Article 8 pursuant to §220 of the Labor Law, regardless of whether the parking facility or overall project including the parking facility is subject to prevailing wage requirements.

The term “parking facility” shall mean a parking garage, parking structure, or open parking lot that is paved and striped to designate individual parking spaces for vehicles and which has fifty parking spaces or more.

The term “construction project” shall mean construction work involving or including the construction of a new parking facility done under contract which is paid for in whole or in part out of public funds as such term is defined in §224-a of the Labor Law.

Therefore, any such construction projects involving or including the construction of a new parking facility shall be subject to the prevailing wage requirements of Article 8 if total construction project costs exceed \$5 million dollars and the total aggregate public funding for the project equals thirty percent or more of those total construction project costs, subject to the exemptions found in sub-sections 3 & 4 of §224-a.

State Finance Law §19-a requires any construction project undertaken in this state, where the scope of such project includes the construction of a new parking facility that offers fifty or more parking spaces, to deliver a parking facility capable of supporting electric vehicle charging stations through one or more electrical raceways to the electrical supply panel serving such parking facility that shall be capable of providing a minimum of forty amperes and two hundred eight volts of electrical capacity to each charging station connected to the raceway.

Such parking facilities of fifty to two hundred spaces, must be capable of supporting electric vehicle charging stations for a minimum of ten percent of available parking spaces.

Such parking facilities of more than two hundred spaces, must be capable of supporting electric vehicle charging stations for a minimum of twenty percent of available parking spaces.



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If the construction project is subject to any local, state, or federal law, regulation, code, or ordinance that requires a higher percentage of parking spaces to have charging infrastructure or require a greater amount of charging infrastructure, the construction project shall be required to comply with those requirements rather than the minimums set out above.

Any construction associated with the creation or rehabilitation of residential dwelling units or manufactured home parks that are exempted from the definition of a “covered project,” as set forth in §224-a, shall also be exempted from the EV charging requirements of this law.

For any construction project otherwise covered by this law, the requirements for the installation of EV charging stations shall not apply if the state entity, political subdivision of the state, or other public authority, public benefit corporation, or governmental unit that is providing the public funds for the construction project finds, in consultation with the energy research and development authority and the department of public service, that complying with such provisions would not be in the public interest or would result in unnecessary hardship. In making this determination, the state entity or other governmental unit may consider the availability of sufficient electrical transmission or distribution infrastructure or capacity. The state entity or other governmental unit may consider whether to grant a full or partial exemption from the EV charging requirements and whether there are alternative means to meet the objectives of this law. Any exemption determination by a state agency or other governmental unit shall be in writing, provided to the project owner, and posted publicly on such state entity or government unit website.

The prevailing wage requirements of this law shall be enforced on all projects solicited on or after December 28, 2023, or on all contracts entered into on or after that date if the project was not put out to bid. In the event any work on a parking facility construction project is performed without a contract or being put out to bid, the prevailing wage requirements of this law shall be enforced on all such work performed on or after December 28, 2023.

For information on the applicable wage classifications please contact the closest Bureau of Public Work District Office for assistance.

<https://dol.ny.gov/public-work-and-prevailing-wage-contact>

A handwritten signature in cursive script, reading "Shaun McCreedy", written over a horizontal line.

Director  
Bureau of Public Work