

Date of Hearing: April 2, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 2806 (Obernolte) – As Introduced February 16, 2018

**SUBJECT:** Vehicles: disabled parking

**SUMMARY:** Allows a vehicle with side loading lifts or ramps used for the loading or unloading of disabled persons to park in an on-street parking space that has been designated for the exclusive use of electric vehicle (EV) charging. Specifically, **this bill:**

- 1) Allows a vehicle, identified with a disability license plate or a distinguishing placard, which is equipped with a lift, ramp, or assistive equipment that is used for the loading and unloading of a person with a disability, to park in a stall or space on a public street that a local authority has designated for the exclusive use of EV charging without having to connect the vehicle for electric charging purposes, if the equipment has been or will be used for loading or unloading a person with a disability, from the parked vehicle.
- 2) Prohibits a local authority from towing this specific type of vehicle if parked in a stall or space on a public street that has been designated for the exclusive use of EV charging.

**EXISTING LAW:**

- 1) Allows any vehicle equipped with a side-loading lift or ramp that is used for the loading and unloading of disabled persons to park in not more than two adjacent stalls or spaces on a street or highway or in any public or private off-street parking facility when loading or unloading disabled persons, if there is no single parking space immediately available on the street or highway or within that facility that is suitable for that purpose including, but not limited to, when there is not sufficient space to operate a vehicle lift or ramp or there is not sufficient room for a disabled person to exit the vehicle or maneuver once outside the vehicle.
- 2) Authorizes a local authority, by ordinance or resolution, or a person in possession of an off-street parking facility, to designate stalls or spaces for the exclusive purpose of parking and charging an EV.
- 3) Authorizes a local authority, by ordinance or resolution, to designate stalls or spaces on a public street within its jurisdiction for the exclusive purpose of parking and charging an EV.
- 4) Specifies that an owner or person in lawful possession of a privately-owned or operated off-street parking facility, a local authority owning or operating an off-street parking facility, after notifying law enforcement, can remove a vehicle from an EV-designated stall if the vehicle is not currently plugged in for charging purposes.
- 5) Specifies that a local authority may, after notifying law enforcement, remove a vehicle, from an on-street EV-designated stall if the vehicle is not currently plugged in for charging purposes.

- 6) Specifies an EV-designated stall posting must specifically state that vehicles will be subject to towing, at the owner's expense, unless the vehicle is plugged in for fueling purposes.
- 7) Authorizes Department of Motor Vehicles (DMV) to issue special license plates and parking placards to disabled individuals and veterans.
- 8) Allows individuals who are issued a disabled person (DP) plate or parking placard to park for unlimited time in all metered parking spaces, in any parking zone with a restricted time limit, at any parking space designated for use by disabled persons, or any space designated along streets as preferential parking zones for residents and merchants.

**FISCAL EFFECT:** None, this bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:** Given that California's transportation sector produces nearly 40% of the state's emissions, California's success in meeting its greenhouse gas reduction goals will rely heavily on reducing passenger vehicle emissions. To help address passenger fleet emissions, the state has created a number of programs to incentivize the purchase and use of EVs as well as to encourage more widespread installation of EV charging infrastructure across the state.

According to the United States Department of Energy, EV owners do more than 80% of their charging at home, supplementing with workplace and public charging when it is available and accessible. Many EV drivers report that the lack of available public and workplace EV charging infrastructure keeps them from using the vehicle more often and for longer trips. To help address this need with respect to off-street parking, the Legislature passed, and Governor Brown signed, AB 475 (Butler), Chapter 274, Statutes of 2011, that ensured exclusive EV parking could be provided in off-street parking facilities and allowed improved access to EV charging infrastructure. Last year, as municipalities looked to increase the number of available EV charging systems on local streets, the Governor signed AB 1452 (Muratsuchi), Chapter 635, Statutes of 2017, which allowed local jurisdictions to dedicate on-street parking spaces for the exclusive use of EV charging.

In addition to providing designated spaces for EV charging, the Legislature and courts have focused on ensuring designated spaces and increased parking accessibility are available for the disabled community. Title II of American Disabilities Act requires a public entity to operate and maintain public “services, programs or activities” in a manner that is “readily accessible” to the disabled. In 2014, the courts via *Fortyune v. City of Lomita* concluded that Title II requires a city to provide accessible public on-street parking to individuals with disabilities; however the decision did not clearly specify how to comply with this requirement.

Under current law, DMV issues DP plates and placards to disabled persons that allow them to park in preferential parking spaces as well as to park free for unlimited time periods at metered parking spaces. Preferential spaces include parking spaces with the International Symbol of Access (wheelchair symbol) and blue curbs authorized for persons with disabilities. Disabled drivers with a valid placard or plate may also park next to a green curb (which indicates limited time parking) for an unlimited amount of time and in an area that requires a resident or merchant permit and may not park next to red curbs (which indicates no stopping, standing or parking), yellow curbs (commercial loading zones) or white curbs (passenger loading zones). In addition, current law allows a lift-and or ramp-equipped vehicle to park in two spaces to ensure that a disabled person may exit safely and comfortably.

The author has introduced this bill, in response to the recent enactment of AB 1452, to allow lift-and ramp-equipped vehicles that transport a disabled person to park in an EV designated on-street parking space. According to the author, “AB 2806 provides a small exemption for handicapped vehicles equipped with wheelchair lifts to park in the newly created on-street electric vehicle only parking spots. This would be added to other various parking allowances made to these vehicles, such as allowing them to park at any meter without payment or time limit.”

#### *Committee Concerns*

- 1) By only allowing lift-and ramp-equipped vehicles that transport a disabled person to park in an EV designated on-street parking space, this bill effectively treats segments of the disabled community differently. It seems reasonable that every disabled person should have the same access to parking regardless of the type of vehicle being operated.
- 2) While well-intended, allowing a non- EV to park in a space designated for the exclusive use of EV charging is counterintuitive to local jurisdictions’ and the state’s goals of increasing accessibility to charging infrastructure and can potentially lead to decrease charging opportunities for EV owners who depend on the ability to charge their vehicle on city streets.

*Previous legislation:* AB 1452 (Muratsuchi), Chapter 635, Statutes of 2017, authorizes local jurisdictions to designate on-street parking for the exclusive use of electric vehicle (EV) charging and authorized the towing of vehicles of such parking restrictions.

AB 1158 (Waldron) of 2013, would have expressly authorized local authorities to designate and enforce on-street parking for EVs. AB 1158 was returned to the Chief Clerk by this committee pursuant to Joint Rule 56.

AB 475 (Butler), Chapter 274, Statutes of 2011, allows any vehicle, including a plug-in electric hybrid vehicle which is connected for electric charging purposes to park in a garage space designated for EVs.

AB 463 (Huffman), Chapter 387, Statutes of 2007, allows any vehicle equipped with a lift, ramp, or assistive equipment used to load a disabled person to park across two stalls on a street or in a private off-street parking facility when no suitability-sized parking space is available.

AB 1314 (Havice), Chapter 640, Statutes of 2002, allows local authorities and parking garage operators to designate spaces for the exclusive use of zero-emission vehicles and authorized the towing of vehicles and levying of fines for violations of such parking restrictions.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on File

**Opposition**

None on File

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