

Date of Hearing: June 29, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 241 (Bates) – As Amended April 21, 2015

SENATE VOTE: 37-0

SUBJECT: Neighborhood electric vehicles.

SUMMARY: Extends, by five years, the date by which Orange County must report to the Legislature if it adopts a neighborhood electric vehicle (NEV) transportation plan (NEV Plan) for the Ranch Plan Planned Community in Orange County, California. Specifically, **this bill:**

- 1) Extends the deadline, until January 1, 2020, by which Orange County may adopt an NEV Plan for the Ranch Plan Planned Community and provide a report to the Legislature regarding the plan.
- 2) For the purpose of the NEV Plan, increases the allowable speed limit for Class III NEV routes (routes that allow shared use of NEVs and conventional vehicles) to 35 mph.

EXISTING LAW:

- 1) Defines a neighborhood low-speed electric vehicle as a motor vehicle that is 4-wheeled; can attain a speed of no more than 25 mph on a paved, level surface; and has a gross vehicle weight rating of less than 3,000 pounds.
- 2) Provides that NEVs qualify for relaxed federal motor vehicle safety standards.
- 3) Prohibits NEVs from being operated on any roadway with a speed limit in excess of 35 mph, except in areas where a NEV transportation plan has been adopted.
- 4) Authorizes the County of Orange, until January 1, 2017, to adopt, by ordinance, a NEV Plan for the Ranch Plan Planned Community in Orange County.
- 5) Requires Orange County to provide a report to the Legislature on or before November 1, 2015, if the county adopts a NEV Plan.

FISCAL EFFECT: Unknown

COMMENTS: NEVs are small, 4-wheeled vehicles that look much like golf carts. Because these vehicles are smaller, lack important safety features, and travel at slower speeds (25 mph

maximum speed), they are typically not allowed to operate on streets with posted speed limits exceeding 35 mph.

NEVs, as their name implies, can be a popular form of transportation in small communities where residents often use them for short trips to get to and from neighborhood amenities. NEVs are particularly popular in planned communities, especially retirement communities with golf courses, where roads, trails, parking, and charging facilities are specifically included in the community design to facilitate their use. To allow for expanded use of NEVs in these types of communities, the Legislature has authorized development of NEV transportation plans which, when developed consultation with California Department of Transportation and the California Highway Patrol and adopted by ordinance, allow expanded operation of NEVs particularly on streets and highways where NEV access might otherwise be prohibited. NEV plans have been authorized for a number of communities in California including the Ranch Plan Planned Community in Orange County [SB 956 (Correa), Chapter 442, Statutes of 2007].

The NEV Plan for the Ranch Plan Planned Community was originally authorize to help further the community's vision of creating a sustainable development that reduces gasoline demand and vehicle emissions. The NEV Plan was required to include coordinated routes to accommodate other travel modes (such as vehicles, bicycle, and pedestrians), special access points, and charging stations. The three types of routes allowed for in the NEV Plan include Class I NEV routes with completely separate right-of-way, Class II NEV routes with separate striped lanes adjacent to roads with speed limits of 55 mph or less, and Class III NEV routes that provide shared use of NEVs with conventional vehicle traffic on streets with speed limits of 25 mph or less.

According to the author, the Ranch Plan Planned Community was approved by the Orange County Board of Supervisors in 2004. The intention was to build the community out in phases. With the economic downturn that began in 2008, construction was delayed which, in turn, delayed completion of the NEV Plan. According to the author, the NEV Plan has yet to be adopted, however, the deadline for reporting to the Legislature is approaching in the fall of this year. When preparation of the NEV Plan was first authorized by the Legislature, the deadline for reporting was set for January 1, 2013 [SB 956 (Correa), Chapter 442, Statutes of 2007] and later extended to November 1, 2015 [SB 290 (Correa), Chapter 150, Statutes of 2011] to, again, accommodate construction delays.

According to the author, construction for the Ranch Plan Planned Community is now well underway. Despite the fact that more homes are constructed and occupied, the author reports that, to date, Orange County has not adopted the NEV Plan. Additionally, the author reports that there only a handful of NEV's in use in the community. For these reasons, the author has introduced SB 241 which would extend the reporting deadline for the NEV Plan by another 5 years, making the report due to the Legislature on January 1, 2022. The author claims that by extending the report deadline, Orange County will have additional opportunity to adopt the NEV Plan concurrent with continued build-out of the community. Once the plan is adopted and more NEVs are in use, the author notes that more meaningful reporting data will be available.

In the Senate Transportation and Housing Committee, SB 241 was amended to increase speeds on Class III NEV trails that provide shared use of NEVs with conventional vehicle traffic from 25 mph or less to 35 mph or less. This amendment served to conform the NEV Plan speed limits

for Class III trails to those authorized in similar plans and with existing law with regard to NEV use on conventional streets.

Committee comments: While it is likely that slowed development of Ranch Plan Planned Community has resulted in less NEV in the community than was originally expected, it is also possible that reduced NEV has been the result of other factors. In the not too distant past, NEVs were among the only electric vehicle available for purchase. As a result, individuals who wanted to drive an electric car had no choice but to "live with" NEVs inherent limitations (such as reduced range, low speeds, and reduced safety features). Recent advances in clean air vehicles, however, has resulted the availability of electric cars that operate much like conventional vehicles. These vehicles meet a wider range of driving needs including more range, improved safety features, and the ability to attain full highway speeds. While NEVs still fulfill a unique niche, it remains to be seen whether or not buyers will continue to purchase and use NEVs given that there is a broader range of electric vehicle options available in the marketplace.

Previous legislation: SB 290 (Correa), Chapter 150, Statutes of 2011, extended the authority of Orange County to establish a neighborhood electric vehicle plan for the Ranch Plan Planned Community until January 1, 2017.

SB 956 (Correa), Chapter 442, Statutes of 2007, authorized Orange County to establish a neighborhood electric vehicle plan for the Ranch Plan Planned Community until January 1, 2013.

REGISTERED SUPPORT / OPPOSITION:

Support

Automobile Club of Southern California
Honorable Lisa A. Bartlett, Orange County Supervisor
Orange County Board of Supervisors
Orange County Business Council
Community Associations Institute

Opposition

None on file

Analysis Prepared by: Victoria Alvarez / TRANS. / (916) 319-2093