

Date of Hearing: March 19, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2029 (Jackson) – As Amended March 11, 2024

SUBJECT: Electric vehicle charging stations study.

SUMMARY: Requires the California Energy Commission (CEC) to conduct every two years a study of barriers, and potential improvements that people with mobility, sensory, or other types of disabilities may encounter when trying to access an electric vehicle (EV) charging station.

Specifically, **this bill:**

- 1) Beginning January 1, 2025, requires the CEC to conduct a study biennially on accessibility of EV charging stations, and incorporate the information and recommendations into currently required updates of the CEC's statewide assessment of electric charging infrastructure, and provide a report on this study to the Legislature.
- 2) Requires the study to adhere to the following criteria:
 - a) Include an analysis of any architectural, design, or programmatic barriers that people with mobility, sensory, or other types of disabilities may encounter when trying to access an EV charging station and recommendations, including legislative recommendations, how to remove or prevent those barriers;
 - b) Include information on whether EV charging stations have a feature to call or prompt an attendant to assist the customer with the equipment operation and whether EV charging stations have attendants present to provide assistance; and,
 - c) Requires CEC to work with applicable state agencies, including but not limited to the California Department of Transportation (Caltrans), California Department of General Services (DGS), and the California Building Standards Commission (BSC) to understand the current regulations and applicable regulations and information on how the report's recommendations, if any, conflict with or would impact those regulations.
- 3) Requires the study to be submitted to the Legislature concurrently with the CEC's incorporation of the information and recommendations into the updates of the statewide assessment of the EV charging infrastructure.
- 4) Provisions in this bill are repealed on January 1, 2036.

EXISTING LAW:

- 1) Requires CEC, working with the State Air Resources Board (CARB) and the California Public Utilities Commission (CPUC), to prepare a statewide assessment of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least 5 million zero-emission vehicles (ZEVs) on California roads by 2030, and of reducing emissions of GHGs to 40% below 1990 levels by 2030. (Public Resources Code (PRC) Section 25229)
- 2) Requires service stations to provide refueling service for persons with disabilities and to post a notice of the service provided. (Business and Professions Code (BPC) 13660)

- 3) Entitles disabled individuals properly displaying a disabled person's plate or placard, or a disabled veteran's plate, to request and receive refueling service at gas stations, and not be charged more for service. (BPC 13660)

FISCAL EFFECT: Unknown

COMMENTS: California's transportation sector is currently the largest source of greenhouse gas (GHG) emissions in the state and, in the interest of meeting the state's emissions reduction targets, California has set a goal that 100% of new passenger vehicles sales will be ZEVs by 2035. ZEV is an umbrella term encompassing hydrogen fuel cell electric vehicles (FCEV), battery electric vehicles (BEVs), and plug-in hybrid electric vehicles. To meet the state's ZEV goals will require a significant increase in the number of light-, medium-, and heavy-duty ZEVs on the road and a drastic increase in the infrastructure to support these vehicles. Cumulative sales of ZEVs in California reached 1.8 million in the fourth quarter of 2023, with ZEVs accounting for 25% of new car sales.

Executive Order (EO) N-79-20 establishes the goal that 100% of new passenger vehicles sales in California will be ZEVs by 2035. Increased adoption of battery electric vehicles necessitates a corresponding increase in the supporting charging infrastructure. Deploying more charging stations will increase consumer confidence in locating charging stations and transitioning to battery electric vehicles.

For passenger vehicle charging in 2030, the AB 2127 Electric Vehicle Charging Infrastructure Assessment projects over 700,000 public and shared private chargers are needed to support 5 million ZEVs, and nearly 1.2 million chargers needed to support about 8 million ZEVs anticipated under Executive Order N-79-20. An additional 157,000 chargers are needed to support 180,000 medium- and heavy-duty vehicles anticipated for 2030.

Although statewide data on charging stations' performance does not exist, anecdotally the charging experience for drivers is unreliable. Drivers face situations where publicly available charging stations charge at far slower speeds than displayed, are broken upon arrival, incorrectly advertised by operators, or fail to charge when plugged in. In 2020, Plug In America surveyed over 4,000 EV owners and 54% reported experiencing problems with public charging, with broken chargers being the most common issue.

EV Charging Assessment. AB 2127 (Ting), Chapter 365, Statutes of 2018 requires CEC to conduct an assessment every two years of the EV charging infrastructure needed to meet California's ZEV deployment goals. Under existing law, this assessment must consider all the charging infrastructure and other technologies needed to meet these goals and an assessment of the workforce needed to support charging infrastructure deployment.

This bill requires the CEC to evaluate, as part of this assessment, any architectural, design, or programmatic barriers that people with mobility, sensory, or other types of disabilities may encounter when trying to access an electric vehicle charging station and ways to remove or prevent those barriers and whether EV charging stations have a feature to call or prompt an attendant to assist with the operation of the EV charging station equipment. This bill requires the CEC to work with California Building Standards Commission (Cal Green), DGS, and Caltrans to analyze the current regulations and their impact on the report's recommendations regarding accessibility for people with disabilities.

Accessibility in EV Charging. In 2023, the U.S. Department of Transportation found that the American with Disability Act (ADA) standards do not fully address EV technologies. The U.S. Access Board, an independent federal agency that issues accessibility guidelines under the ADA, the Architectural Barriers Act (ABA), the Rehabilitation Act of 1973, and other laws, has provided a technical assistance document to assist in the design and construction of EV charging stations that are accessible to and usable by people with disabilities. The ADA covers entities including state and local governments (Title II) and places of public accommodation and commercial facilities (Title III). Under the ADA, the Access Board issues minimum scoping and technical requirements.

U.S. Access Board recommends that EV chargers designed to serve people who use mobility devices must be located on an accessible route and should provide a vehicle charging space at least 11 feet wide and 20 feet long. The chargers also must provide an adjoining access aisle at least five feet wide, clear floor or ground space at the same level as the vehicle charging space, and be positioned for an unobstructed side reach, and accessible operable parts, including on the charger and connector.

Some examples of EV charging stations that may be covered under the ADA or ABA include those installed at; state or local government offices, public parks, municipal building parking lots, street parking and the public right-of-way, residential housing facilities provided by a state or local government, public EV charging stations provided by a private entity, fleet charging stations used by the federal government, commercial fleet charging stations available to corporate clients, rest stops along the Interstate Highway System.

Additionally, BSC has adopted some accessibility standards for electric vehicle charging stations, which became effective in 2017. These standards include updated definitions, scope for accessibility, and technical requirements.

Given ongoing work at the state and federal level on accessibility standards, this bill may overlap or conflict with the existing regulatory recommendations.

Attendants at EV Charging Stations. Service stations are currently required to provide refueling service to individuals appropriately designated as disabled. If a service station does not provide service for disabled individuals, a placard must be posted indicating so.

Deployment of EV charging stations has been entirely different than that of gasoline fueling service stations. Where gasoline station generally have numerous pumps, EV charging sometimes only has one or two chargers installed in a retail parking lot, or several chargers or more installed in a parking garage. EV charging infrastructure rarely has an attendant or other options for assistance that could be readily available to anyone including a disabled person.

This bill adds a statewide reporting requirement on whether EV charging stations have a call feature and attendant to assist in the use of the charging infrastructure. The Legislature and state may want to consider more broadly which additional service requirements it would like to have associated with EV charging infrastructure before requiring the state to report specifically on the availability of attendants and call features.

Further refinement needed. The federal government is currently working on ADA requirements for EV charging, therefore the requirements of this study may be premature. Additionally, this bill adds reporting complexity by creating a separate report that must be submitted to the Legislature and also incorporated into the state's assessment of EV charging infrastructure.

According to the author, "To truly lead in energy infrastructure, California must prioritize accessibility for all. AB 2029 proposes a crucial step: a comprehensive study of our EV charging station infrastructure. By requesting the Energy Commission's findings in a report to the Legislature, this bill ensures a deeper understanding of the needs of all Californians. It's about making sure that our charging stations are inclusive and usable by everyone who may need them. Let's act now to pave the way for a more accessible and sustainable future."

Double referral. This bill will be heard in the Assembly Committee on Utilities and Energy, should it pass this committee.

Previous legislation. AB 2703 (Muratsuchi of 2022), requires a person who receives state funding or other incentives to deploy ZEV infrastructure to agree, as a condition of receiving the incentive, to operate the station in compliance with reliability standards that would be developed by CEC. AB 2703 also requires CEC, upon appropriation by the Legislature, to develop a program to provide financial assistance to low-income and disadvantaged community members to use ZEV infrastructure, micromobility transportation options, and ridesharing services, as specified.

AB 2061 (Ting and Reyes), Chapter 345, Statutes of 2022, requires the CEC to develop uptime recordkeeping and reporting standards for EV chargers and charging stations, as specified, and limits applicability to chargers and stations that receive state funding or ratepayer money.

SB 589 (Hueso), Chapter 732, Statutes of 2021, among other provisions, incorporates workforce development as a resource the CEC must evaluate part of its regular assessment of resources needed to meet state ZEV deployment goals.

SB 129 (Skinner), Chapter 65, Budget Act of 2021, among other provisions, requires CEC to collect data from recipients of ZEV infrastructure funding.

AB 2127 (Ting), Chapter 365, Statutes of 2018, requires the California Energy Commission (CEC) to assess the amount of electric vehicle (EV) infrastructure needed to meet the goals of putting at least five million zero-emission vehicles (ZEVs) on the road and reducing greenhouse gas (GHG) emissions 40% below 1990 levels by 2030.

AB 2806 (Oberholte), of 2017, 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 charging.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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