

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION
Lori D. Wilson, Chair
AB 2427 (McCarty) – As Introduced February 13, 2024

SUBJECT: Electric vehicle charging stations: permitting: curbside charging

SUMMARY: Requires the Governor’s Office of Business and Economic Development (GO-Biz) to develop a model permitting checklist to help local governments permit curbside electric vehicle (EV) charging stations and requires local agencies to develop a checklist for a permit to install an EV charging station. Specifically, **this bill:**

- 1) Requires local agencies to:
 - a) Develop a checklist that includes all of the information required for a complete application for a permit or other authorization to install an EV charging station within the public right-of-way; and,
 - b) Publish the checklist on a publicly accessible internet website if the local agency has an internet website.
- 2) Requires GO-Biz to:
 - a) Develop a model permitting checklist, model zoning ordinances, and best practices for permit costs and permit review timelines to help local governments permit curbside charging stations, as a part of the development of the GO-Biz Guidebook; and,
 - b) Consult with local governments, electric vehicle service providers, and utilities.
- 3) Requires the California Energy Commission (CEC) to:
 - a) Assess curbside charging needs by income level, population density, multifamily housing density, renter density, and geographical area to support equitable overnight charging access and the state’s 2035 electric vehicle adoption goal, when developing the investment plan for the Clean Transportation Program (CTP); and,
 - b) Identify barriers and solutions to support the installation of curbside charging stations, including increasing the suitability and capacity of existing infrastructure, such as utility, light, and telecommunication poles, to host curbside chargers.

EXISTING LAW:

- 1) Requires CEC, working with the California Air Resources Board (CARB) and the Public Utilities Commission (CPUC), to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least five million zero-emission vehicles (ZEVs) on California roads by 2030, and of reducing greenhouse gas (GHG) emissions to 40% below 1990 levels by 2030. (Public Resources Code (PRC) 25229)
- 2) Establishes CTP, administered by CEC, with funding from vehicle and vessel registration, vehicle identification plates, and smog-abatement fees that provide up to \$100 million annually for grants, revolving loans, loan guarantees, and other financial assistance to

accelerate the development and deployment of clean, efficient, low carbon alternative fuels and technologies. The fees that fund CTP sunset January 1, 2024. (Health and Safety Code (HSC) 44272)

- 3) Requires CEC to develop and adopt an investment plan, in consultation with an advisory body and through a public process, to determine priorities for investment of funds and technologies to achieve the goals of the CTP. Requires CEC to submit a draft update each January, coincident with the Governor's Budget. (HSC 44272.5 and 44272.7)
- 4) Requires CEC, in consultation with CARB, as part of the development of the investment plan, to assess whether charging station infrastructure is disproportionately deployed, and, to use CTP funding to more proportionately deploy new charging station infrastructure, unless CEC makes a finding that the disproportionate deployment is reasonable and furthers state energy or environmental policy. (PRC 25231)
- 5) Establishes the zero-emission vehicle division within GO-Biz as the Zero-Emission Vehicle Market Development Office, and is required to serve as a point of contact for stakeholders to provide concerns and suggestions related to the state's progress in equitably achieving the state's zero-emission vehicle deployment goals, and provide information and coordinate policy and procedural changes with relevant state entities. (Government Code (GOV) Section 12100.151)

FISCAL EFFECT: Unknown

COMMENTS: Nearly 40% of California's greenhouse gas (GHG) emissions are generated by the transportation sector, which includes both the light-duty (passenger) and medium- and heavy-duty fleets. Heavy-duty diesel trucks also contribute to unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, NOx, and sulfur dioxide, affecting local air quality. In the transportation sector, measures to reduce GHG emissions include requiring the use of low carbon fuels, cleaner vehicles, and strategies to promote sustainable communities and improved transportation choices that reduce growth in number of vehicle miles traveled.

California has been steadily expanding its policies supporting the adoption of EV technology and infrastructure, beginning with incentives for purchasing EVs and requirements on automakers to manufacture specified percentages of EVs in relation to their production of conventional cars. This was followed by statutes governing the degree of authority Common Interest Developments (CIDs) can exercise over the installation of EV charging infrastructure, and prohibitions against specified membership and fee requirements for the privilege of using an EV charging station.

In 2020, Governor Newsom issued Executive Order (EO) N-79-20, which required 100% of in-state sales of new passenger cars and trucks to be zero-emission by 2035. This EO tasked CARB with developing and proposing passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards that goal. The EO also directed the CEC to update the biennial statewide assessment of zero-emission vehicle infrastructure required to support the level of EV adoption required by the EO.

The CEC found that no more than 33% of multi-family housing residents have access to home charging. The CEC also determined that the state will need 2.1 million chargers by 2035, of which approximately 380,000 are needed for multi-family housing residents. Home charging is considered to be the most convenient, cost-effective charging solution to advance EV adoption.

Local EV charging requirements. Existing law requires local agencies to adopt an ordinance that creates an expedited, streamlined permitting process for EV charging stations. Local agencies must adopt a checklist of all requirements with which EV charging stations must comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist is deemed complete. A local agency must approve the application and issue all required permits once the local agency confirms the application and supporting documents are complete and meet the requirements of the checklist.

Existing law establishes specific time frames in which local agencies must complete and approve permits for EV charging stations. An application to install an EV charging station is deemed complete if the building official of the city or county has not either deemed the application complete or written a correction notice detailing the deficiencies in the application within specified time periods. Applications are deemed approved 20 business days after the application was deemed complete for an installation of up to 25 charging stations at a single site, or 40 business days for an installation of more than 25 charging stations, if certain conditions are met.

GO-Biz Guidebook. GO-Biz published the first edition of its “EV Charging Station Permitting Guidebook” in July 2019. GO-Biz Guidebook notes, “To support California’s ambitious ZEV deployment goals – 5 million ZEVs in California by 2030 – the state is prioritizing the development of infrastructure to support these vehicles, in the form of plug-in EV charging stations and hydrogen fueling stations. At the most fundamental level, infrastructure enables the deployment of ZEVs. When consumers look to buy a new or used car, they need confirmation that it will be able to take them where they want to go. Widespread availability of infrastructure ensures that Californians will have that confidence...Ultimately, a successful transition to zero emissions hinges on success at the local level.”

Today ZEVs are 25% of all new car sales and most of these are electric vehicles that must be plugged in to charge. Increasing numbers of EVs depend on readily available charging stations.

Unfortunately, according to GO-Biz delays in installing EV charging stations “come from both sides of the equation. Both (local governments) and station developers have reported frustrations with incomplete information...Unfortunately, due to lack of awareness, enforcement, and inconsistent application across the state, a wide variance in permitting processes persists.” It is recommended as best practices that local agencies determine if an application is complete within five business days, and provide approval to build within 15 business days. The GO-Biz Guidebook notes, however, that “it is important to consider the unique circumstances of some typical installations.” For fast-charging stations in particular, the Guidebook pointed out some of the additional considerations not associated with single-family residential charging stations, such as potential requirements for more power, a dedicated power drop, and complex trenching and associated rights-of-way issues.

The CTP, administered by the CEC, uses funds collected from vehicle and vessel registration, vehicle identification plates, and smog abatement fees to develop fueling and charging infrastructure for EVs, adopt alternative fuel and advanced technology vehicles, and expand in-state production of alternative, low-carbon renewable fuel.

This bill requires locals to develop a comprehensive checklist to install an EV charging station within the public right-of-way, and for it to be published on the local agency website, requires Go-Biz develop a permitting checklist to help local governments permit curbside charging stations as part of the Guidebook, and requires the CEC to broadly assess the need for curbside charging under the CTP and identify barriers to installing charging infrastructure.

According to the author, “Clean cars are key to California meeting our climate, clean air, and renewable energy goals. In order to meet our ambitious zero emissions vehicle (ZEV) goals, California must ensure fast, accessible, and universal charging infrastructure gets deployed to support the ZEV transition. Access to charging infrastructure must also consider access and equity. AB 2427 increases access and equity in charging by allowing curbside charging to become part of the city permitting process, making it easier to deploy curbside chargers and giving residents in multi-family dwellings the ability to charge conveniently. This also further incentivizes people who live in urban areas to purchase ZEVs.”

In support, FLO (sponsor) writes, “Chargers installed in the public right-of-way (PROW), also known as curbside chargers, are one solution to increase residents’ access to cost-effective and convenient charging. However, given the unique challenges of development in the PROW, curbside charging is not common. Best practices to accelerate curbside charging deployment are still evolving, and local permitting processes applicable to curbside charging are not yet widespread. To normalize curbside charging and realize its benefits, the state must partner with local governments to clarify local permitting requirements.

Committee comments. The author, local stakeholders, and the sponsor of this bill have stated they will work in good faith to continue to address any issues that arise, including permissive language relating to permitting charging stations in the public right-of-way. The author may wish to consider the following amendment:

SEC. 2. Section 65850.72: (f) If a local agency does not allow installation of electric vehicle charging stations within the public right-of-way, the governing body shall publish that on a publicly accessible internet website if that local agency has an internet website.

Previous legislation. AB 2559 (Petrie-Norris) of 2024 requires the GO-Biz to create and maintain a publicly accessible internet website to collect information and report delays and denials in the permitting of electric vehicle service equipment (EVSE).

AB 1504 (McCarty) of 2023 would have required cities and counties to complete a plan for the installation of EV charging stations in the public right-of-way, and made changes to the statewide assessment of EV charging infrastructure the CEC must prepare pursuant to existing law

SB 507 (Gonzalez) of 2023 would have expanded the scope of information the CEC must consider when assessing the state’s need for EV charging infrastructure. SB 507 was held in the Senate Appropriations Committee.

AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must approve permits for EV charging stations.

AB 1236 (Chiu), Chapter 598, Statutes of 2015, required counties and cities to administratively approve applications to install EV charging stations, and create an expedited, streamlined permitting process for EV charging stations.

AB 2127 (Ting), Chapter 365, Statutes of 2017, required the CEC to conduct a statewide assessment of the EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030 and of reducing emissions of GHG to 40% below 1990 levels by 2030.

REGISTERED SUPPORT / OPPOSITION:

Support

California Building Officials
California Electric Transportation Coalition
California Environmental Voters
Calstart
Chargepoint
Civicwell
Coalition for Clean Air
Electric Vehicle Charging Association
Flo Services
itselectric
Plug in America
Rivian
Union of Concerned Scientists
Valley Can

Opposition

None on file

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