Date of Hearing: April 17, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 1349 (Irwin) – As Amended March 16, 2023

SUBJECT: Zero-emission vehicle charging stations: open data portal

SUMMARY: Requires the California Energy Resources Conservation and Development Commission (CEC) to develop a publicly accessible open data portal using specified information that zero-emission vehicle (ZEV) charging station operators that have received a state grant are required to provide. Specifically, **this bill**:

1) Requires CEC, on or before _____, to develop and make publicly accessible an open data portal with live data on ZEV charging stations.

2) Requires a ZEV charging station for which its owner is awarded a state grant, on or after January 1, 2024, to support the ZEV charging station, including related infrastructure, to participate in the open data portal.

3) Authorizes any other ZEV charging station that is not state-funded to participate in the open data portal.

4) Requires the operator of a ZEV charging station participating in the open data portal to provide specified information to CEC.

5) Requires the CEC to require the operator of a ZEV charging station participating in the open data portal to provide information to the CEC in the format and manner that the CEC determines to be necessary.

6) Defines "open data portal" as a database accessible to the public that supports interoperability through a secure application programming interface or comparable technology.

7) Defines "ZEV charging station" as _____.

8) States that data made available is provided for informational purposes only. Provides that the state does not warrant the completeness, accuracy, content, or fitness for any particular purpose or use of data made available on the open data portal. Removes the state from liability for any deficiencies in the completeness, accuracy, content, or fitness for any particular purpose or use of publishable data made available on the open data portal or by any third-party application using its publishable data.

EXISTING LAW:

1) 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)

2) Requires CEC, in consultation with the Public Utilities Commission (CPUC), to develop uptime recordkeeping and reporting standards for electric vehicle chargers and charging stations by January 1, 2024. (Public Resources Code (PRC) 25231.5)

3) Requires CEC, working with the California Air Resources Board (CARB) and 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 ZEVs on California roads by 2030, and of reducing GHG emissions to 40% below 1990 levels by 2030. (PRC 25229)

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)

FISCAL EFFECT: Unknown

COMMENTS: Under current state mandates, 100% of cars sold in California must be ZEV by 2035. In order to help meet its ambitious climate goals and encourage the adoption of ZEVs, the state provides incentives to develop a robust network of charging stations. In addition, the state should also ensure that this infrastructure is reliable and accessible.

Charging an electric car is unlike refilling a gasoline car. There are a greater number of variables such as it can take significantly longer to charge a ZEV and there may not be a publicly available charger, or chargers may be nonoperational. In addition, a station may not have the proper connection to charge the car and the price of the electricity and rate at which it will charge the vehicle may not be easily known.

To help navigate this landscape, there are a number of dedicated electric vehicle charging apps. Most charging provider companies have apps designed to help users locate a charging station within its network. Additionally, some apps aggregate all charging networks, allowing users to search through all the different charging stations in an area, regardless of the network.

However, news reports reveal driver frustration with current app solutions, with drivers stating that, "there isn't a good software tool that helps electric vehicle owners plan their trips," forcing drivers to download multiple applications on their phone to find a charging station. Additionally, there are instances of drivers "download[ing] at least eight apps on [their] phone from companies like EVgo, Electrify America, ChargePoint and Shell Recharge,"[1] not only cluttering a driver's phone, but certain applications also require an account and outstanding balance to use.

Aside from the inconvenience of downloading various applications in order to locate chargers, the New York Times reported that despite drivers checking online prior to arriving at a charging station, "about a quarter of the public charging outlets in the San Francisco Bay Area, where electric cars are commonplace, were not working."[2]

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[1] ABC News. Electric vehicle drivers get candid about charging: 'Logistical nightmare' February 26, 2023.
[2] New York Times. A Frustrating Hassle Holding Electric Cars Back: Broken Chargers. August 16, 2022.

This bill requires a state-funded ZEV charging station operator to provide information to the CEC and requires CEC to develop and make publicly accessible an open data portal with live data on ZEV charging stations. This bill would require real-time information about a charging station's functionality.

According to the author, "While California continues to lead the nation in its investments and adoption of ZEVs, we won't make it very far if our charging infrastructure is not operational and accessible for drivers. Despite seeing an increase of ZEVs on the road, charging infrastructure is currently failing to meet the demand, with drivers experiencing difficulties when needing to charge. In particular, drivers report frustrations in locating functioning chargers, and often need to download multiple apps and create new accounts for a single charge.

In an effort to address these common frustrations, [this bill] will require CEC to create a publically accessible data portal that would collect and report live data on ZEV charging stations, including a charging station's location, its availability, and most importantly, if the station is in operation, creating a reliable and seamless experience for ZEV drivers."

Committee comments: The Bipartisan Infrastructure Law (BIL) included two new programs with a total of $7.5 billion in dedicated funding to help make electric vehicle chargers and alternative fueling facilities accessible to all Americans. One of these new programs, the NEVI Formula Program provides $5 billion as the first major Federal funding program that focuses on a nationwide development of electric vehicle charging infrastructure. The remaining $2.5 billion will be awarded via a competitive application process. California will receive $384 million of NEVI formula funding over 5 years.

BIL requires minimum standards and requirements be developed related to data requested on EV charging projects, including the content and frequency of submission of such data. The Federal Highway Administration (FHWA) outlines data submittal requirements that are applicable under specified circumstances. BIL requires states and other designated recipients to submit data to identify charging station use, reliability, and cost information. The final rule serves a coordination role by standardizing the submission of large amounts of data from charging stations across the United States while providing the Joint Office of Energy and Transportation with the data needed to create the public electric vehicle charging database outlined in BIL.

Amendments: The committee recommends this bill be amended to align state reporting requirements with BIL NEVI standards, so that entities receiving state and federal funding do not have onerous, confusing reporting duties.

The amendments would remove the current contents of the bill and insert the following:

SECTION 1. Section 25231.6 is added to the Public Resources Code, to read:
25231.6. (a) On and after June 1, 2024, an owner or operator of an electric vehicle charging station for which the owner or operator was awarded a state grant to support the electric vehicle charging station, including related infrastructure, on or after January 1, 2024, shall, consistent with Section 680.116 of Title 23 of the Code of Federal Regulations, ensure that all of the following data fields for the owner's or operator's entire network of electric vehicle charging stations in California are made available, free of charge, to third-party software developers through an application programming interface:
(1) Each unique charging station name or identifier.

(2) The address, including the street address, city, and ZIP Code, of the property where each charging station is located.
(3) The geographic coordinates, in decimal degrees, of each charging station's exact location.
(4) Each charging station operator's name.
(5) Each charging network provider's name.
(6) Each charging station's status, such as operational, under construction, planned, or decommissioned.
(7) Each charging station's access information, including both of the following:
(A) Each charging station's access type, such as public or limited to commercial vehicles.
(B) The days and times each charging station is accessible and each charging station's hours of operation.
(8) Each charging station's port information, including all of the following:
(A) The number of charging ports.
(B) The unique port identifier.
(C) The connector types available by port.
(D) Each port's charging level, such as direct current fast charging or alternating current level 2.
(E) The electricity delivery rating in kilowatts and by port.
(F) The accessibility of the charging station, including whether it is accessible to a vehicle with a trailer by means of a pull-through stall.
(G) The real-time status of each charging station, by port, in terms defined by Open Charge Point Interface 2.2.1.
(9) Real-time charging station information, including all of the following:
(A) Each charging station's pricing structure.
(B) The real-time price to charge at each charging port, in terms defined by Open Charge Point Interface 2.2.1.
(C) The payment methods accepted at each charging station.
(D) Real-time information on whether each charging station is currently in use or available for use.
(E) Real-time information on whether each charging station is in operation or out of service, and, if it is out of service, how long it has been out of service.
(10) The date and time that the information described in paragraph (9) was last updated.
(b) An owner or operator of an electric vehicle charging station that is not subject to subdivision (a) may otherwise ensure that the data fields specified in subdivision (a) for the owner's or operator's entire network of electric vehicle charging stations in California are made available, free of charge, to third-party software developers through an application programming interface.

Double referral: This bill is double referred to the Assembly Utilities and Energy Committee and will be heard by that Committee as it relates to issues under its jurisdiction.

Related and previous legislation: AB 2061 (Ting), Chapter 345, Statutes of 2022 requires CEC to calculate uptime for electric vehicle charging infrastructure and requires an entity that receives state incentives for charging infrastructure to report uptime to CEC.

AB 2703 (Muratsuchi of the 2021-22 Legislative Session) would have would have required 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. This bill died on the Senate Appropriations Committee suspense file.

SB 129 (Skinner) Chapter 65, Budget Act of 2021 requires CEC to collect specified data from recipients of ZEV infrastructure funding for that year's appropriations.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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