Date of Hearing: April 4, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 2432 (Muratsuchi) – As Amended March 31, 2022

SUBJECT: Neighborhood electric vehicles: County of Los Angeles: South Bay cities area

SUMMARY: Authorizes the County of Los Angeles (LA County) to establish a neighborhood electric vehicle (NEV) transportation plan that may include any applicable portion of the county or city located within the jurisdiction of the South Bay Cities Council of Governments. Specifically, **this bill**:

1) Establishes the intent of a NEV plan within LA County.

2) Authorizes LA County, by ordinance or resolution, to adopt a NEV transportation plan for the South Bay cities area.

    a. Requires the NEV plan be reviewed by the Southern California Association of Governments (SCAG) and any agency having traffic law enforcement responsibilities in the County of Los Angeles; and,

    b. Authorizes the NEV plan to include the use of a state highway, or any crossing of the highway, subject to the approval of the California Department of Transportation (Caltrans).

3) Defines "Plan area" as any portion of LA County in the South Bay cities area, or any portion of any city in the South Bay cities area, and any streets and roads under the jurisdiction of the county or a city in the South Bay cities area, including the privately owned land of any owner that consents to its inclusion in the plan.

4) Defines "South Bay cities area" as the jurisdiction of the South Bay Cities Council of Governments (SBCCOG) that includes the Cities of Carson, El Segundo, Gardena, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Palos Verdes, Palos Verdes Estates, Redondo Beach, Rolling Hills, Rolling Hills Estates, and Torrance; the Harbor City, San Pedro, and Wilmington communities of the City of Los Angeles; and the unincorporated areas of county supervisor districts 2 and of 4 of the County of Los Angeles.

5) Defines "South Bay Cities Council of Governments" as a joint powers authority government agency of 16 cities and Los Angeles County whose objective is to explore areas of inter-governmental cooperation and coordination of government programs and provide recommendations and solutions to problems of common and general concern to its Members.

6) Requires the NEV plan include:

    a. Route selection.

    b. Transportation interfacing with other modes of transportation.

c. Provisions for NEV-related facilities with other modes of transportation.

d. Provisions for parking facilities.

e. Provisions for road markings, signage and striping for NEV travel lanes.

f. Provisions for NEV electrical charging stations; and,

g. A map showing the NEV route network. NEV routes for the purposes of the transportation plan shall be classified as follows:

i. Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

ii. Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less; and,

iii. Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with a speed limit of 35 miles per hour or less.

7) Should the NEV plan become adopted, requires LA County do the following:

a. Establish minimum general design criteria for the development, planning, and construction of separated NEV facilities.

b. In cooperation with Caltrans, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic.

c. Submit the NEV transportation plan to Caltrans for approval following a review and recommendation by the California Traffic Control Devices Committee within the department.

d. Require NEVs eligible to use NEV facilities to meet the safety requirements for low-speed vehicles as set forth in federal law.

e. Establish safety criteria for NEV operators.

f. Restrict the operation of NEVs to separated NEV facilities on those roadways identified in the transportation plan and allowing only NEVs that meet the safety equipment requirements specified in the plan to be operated on separated NEV facilities of approved roadways in the plan area; and,

g. Require any person operating a NEV in the plan area in violation of the above be guilty of an infraction punishable by a fine not exceeding one hundred $100.00.

8) Requires SCAG to submit a report to the Legislature on or before August 31, 2028, in consultation with Caltrans, the Department of the California Highway Patrol (CHP), and local law enforcement agencies, with the following:

a. Description of the NEV transportation plan and its elements that have been authorized up to that time.

b. Evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety; and,

c. Recommendation as to whether this article should be terminated, continued in existence and applicable solely to the South Bay Cities area, or expanded statewide.

9) The provisions of this bill are repealed January 1, 2040.

EXISTING LAW:

1) Defines NEV as a low-speed vehicle, weighing less than 3,000 pounds, with four wheels, that can attain a speed between 20 and 25 miles per hour (mph).

2) Currently authorizes NEV plans for the following communities, with markedly similar provisions to this bill:

   a. Ranch Plan Planned Community in Orange County; and,

   b. San Diego County

FISCAL EFFECT: Unknown

COMMENTS: The South Bay region of Los Angeles County is economically and geographically diverse. The South Bay contains sixteen cities plus portions of the City of Los Angeles and unincorporated portions of LA County. The area is bounded by the Pacific Ocean on the south and west and generally by the City of Los Angeles on the north and east. Major industries in the South Bay include aerospace, the Port of Los Angeles, and oil refining.

The SBCCOG vision is to build a South Bay region is environmentally sustainable and resilient, with improved mobility options and a healthy economy, due to facilitated local government collaborations and advocacy. In 2013, SBCCOG conducted a NEV Demonstration Project Report (Report), which shows that travel in the South Bay is dominated mainly by short trips – 70% of travel is three miles or less, while 88% of travel is 10 miles or less. The SBCCOG demonstration project provided (NEV to participating residents, equipped with GPS, in order to track travel.

As a result of this report, SBCCOG developed the concept of a *Local Travel Network*, with the intent to provide a safe network of routes to accommodate NEVs, e-bikes/bikes, scooters, and other personal transportation devices to travel across cities when fully implemented. In order to provide safe routes and clear signage for NEVs in the South Bay, this bill requires a NEV plan be submitted to SCAG and Caltrans for review and approval.

This bill is modeled after the NEV plan authorization in San Diego County. A NEV plan allows travel through the community using electric-powered vehicles, similar to a golf cart, that travel

up to 25 mph and are designed for low-speed neighborhood use. Because NEVs are smaller, lack important safety features, and travel at slower speeds, they are typically not allowed to operate on streets with posted speed limits exceeding 35 mph, unless otherwise authorized.

Many NEV Plans Statewide: The Legislature has granted authority to adopt NEV Plans to other communities in California including the County of Riverside, the City of Fresno, the County of Amador, the cities of Lincoln and Rocklin, and the County of San Diego. In 2006, Lincoln was the first city in California to adopt an NEV Plan. In a January 1, 2011 report to the Legislature, Lincoln reported that its NEV transportation plan has "generally been successful" and Rocklin reported that the early results "show promise." While NEV Plan authority has lapsed in some of these jurisdictions, a 2014 SacBee article describes NEVs as hugely popular in the retirement community of Sun City Lincoln Hills. In 2019, Caltrans funded two 8-foot shoulders for shared NEV/bike lanes in Lincoln as part of a bridge widening project.

The main concern with NEV transportation plans has been safety. In its report, the City of Lincoln raised several public safety concerns, such as conflict with bicycles, conflict with motorists in shared lanes, and the difficulty of an NEV crossing traffic from the dedicated right lane to the left lane to make a left turn on a street with a speed limit in excess of 35 mph. In recognition of these unresolved safety concerns, prior legislative authority all had sunset dates. This bill has a sunset date of January 1, 2040.

Considering the myriad NEV plans the state has authorized since 2004, it may be in the interest of the Legislature and local communities to develop a comprehensive approval process for plans at the local level, without continuous legislative approval. The report to the Legislature required in this bill includes a recommendation as to whether NEV plans should be expanded statewide. This is an opportunity to consider what a statewide NEV plan and approval process could look like.

NEV as Environmental Benefit? This bill states the intent of the NEV transportation plan is to, "further the community's vision of creating a sustainable development that reduces gasoline demand and vehicle emissions by offering a cleaner, more economical means of local transportation within the plan area." While electric vehicles produce significantly lower greenhouse gas emissions (GHGs) than a traditional vehicle, especially if electricity is generated with renewable energy sources like hydroelectric, solar, or wind, it is unclear how NEV plans significantly contribute to sustainable development.

SCCOG's report argues for NEVs and micromobility options because distances traveled by residents are "too far to walk but too short to be viable for the poor transit services in the area." To achieve a true vision for sustainable development, cities and regions should look beyond NEV plans and micromobility, to land use. A multimodal transportation system is one facet in creating a sustainable community. Investing in a robust transit system, bicycle infrastructure, and infill development are the cornerstones for greenhouse gas emission and vehicles miles traveled reduction in the transportation sector.

According to the author, "This bill will allow South Bay cities to begin implementation of a multi-jurisdictional approach to reducing GHG emissions and traffic congestion, while simultaneously providing mobility options for a full range of users. For example, a senior citizen may no longer feel comfortable getting behind the wheel of a full-sized car, but could feel safe in

a NEV on the Local Travel Network. This would allow that senior an opportunity to maintain their independence and mobility.

The bill will facilitate a sustainability effort for the entire South Bay area, but will not focus on any particular demographic (age, income, location, etc). It is my hope that upon implementation and demonstration, our Local Travel Network can serve as a model for many other areas of the state that are similar to the South Bay – suburbs of larger metropolitan areas."

In support, the South Bay Cities Council of Governments writes, "The SBCCOG believes that once implemented, individuals will be encouraged to convert some of those trips to NEVs, e-bikes, or other clean micromobility modes, particularly if the purchase of those vehicles is incentivized through a rebate program as proposed in AB 2074 (Gipson). Converting trips to these zero-emission vehicles will help the state meet GHG reduction targets."

Prior Legislation: SB 214 (Bates), Chapter 101, Statutes of 2021 permanently authorizes the NEV Plan in the Ranch Plan Planned Community in Orange County, also known as Rancho Mission Viejo.

SB 1151 (Bates), Chapter 564, Statutes of 2018 authorizes the County of San Diego or any city in the county to establish a NEV Plan until January 1, 2029.

SB 241 (Bates), Chapter 156, Statutes of 2015 extends authorization of NEV Plan in Ranch Plan Planned Community in Orange County to 2022.

SB 290 (Correa), Chapter 150, Statutes of 2011 extends authorization for NEV Plan in Ranch Plan Planned Community in Orange County to 2017.

AB 61 (Jeffries), Chapter 170, Statutes of 2011 authorizes NEV Plan in Riverside County until 2017.

AB 1781 (Villines), Chapter 452, Statutes of 2010 authorizes NEV Plan in city of Fresno until 2016.

AB 584 (Huber), Chapter 437, Statutes of 2010 authorizes NEV Plan in Amador County and cities of Jackson, Sutter Creek, and Amador until 2016.

AB 2963 (Gaines), Chapter 199, Statutes of 2008 extends authorization for NEV Plans in cities of Lincoln and Rocklin to 2012.

SB 956 (Correa), Chapter 442, Statutes of 2007 authorizes NEV Plan in Ranch Plan Planned Community in Orange County until 2013.

SB 1559 (Lowenthal) Chapter 66, Statutes if 2006 establishes the definition of a low-speed vehicle to conform to federal law.

AB 2353 (Leslie), Chapter 422, Statutes of 2004 authorizes NEV Plans in cities of Lincoln and Rocklin until 2009.

REGISTERED SUPPORT / OPPOSITION:

Support

South Bay Cities Council of Governments

Opposition

None on file.

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