

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2877 (Mathis) – As Amended April 17, 2018

**SUBJECT:** Vehicular air pollution: nonemergency medical transport

**SUMMARY:** Requires the Air Resources Board (ARB) to provide grants to rural counties for the purchase, operation and maintenance of near-zero-emission vehicles (NZEVs) and zero-emission vehicles (ZEVs) and requires these counties to provide seniors and the disabled with non-emergency transportation services using these vehicles. Specifically, **this bill:**

- 1) Requires ARB to develop and implement a program that provides grants to a rural county or a public transit operator in a rural county to purchase, operate and maintain ZEVs and NZEVs and requires these rural entities to provide seniors and the disabled with non-emergency transportation services using these vehicles.
- 2) Defines a "near-zero-emission vehicle" as a vehicle that utilizes zero-emission technologies, enables technologies that provide a pathway to zero-emissions operations, or incorporates other technologies that significantly reduce criteria pollutants, toxic air contaminants, and greenhouse gas (GHG) emissions, as defined by ARB in consultation with the State Energy Resources Conservation and Development Commission, consistent with meeting the state's mid-and long-term air quality standards and climate goals.
- 3) Defines a "zero-emission vehicle" as a vehicle that produces no emissions of criteria pollutants, toxic air contaminants, and GHG when stationary or operating, as determined by ARB.
- 4) Defines "eligible applicant" as a rural county with a population of less than 250,000 or public transit operator located in a rural county.
- 5) Defines "non-emergency medical transportation" to include, at a minimum, round trip transportation for a senior or disabled person to obtain medical services.
- 6) Provides that moneys from the Greenhouse Gas Reduction Fund (GGRF), upon appropriation by the Legislature, be used to implement the program.

**EXISTING LAW:**

- 1) Requires ARB, pursuant to California Global Warming Solutions Act of 2006 [AB 32 (Nuñez), Chapter 488, Statutes of 2006], to adopt a statewide GHG emissions limit equivalent to 1990 levels by 2020 and adopt regulations to achieve maximum technologically feasible and cost-effective GHG emission reductions.
- 2) Requires ARB to reduce GHG emissions at least 40% below 1990 levels by 2030. Authorizes ARB, until December 31, 2030, to permit the use of market-based compliance mechanisms (i.e., the cap-and-trade program) to comply with GHG reduction regulations once specified conditions are met.

- 3) Establishes the GGRF and requires all moneys, except for fines and penalties, collected pursuant to a market-based mechanism be deposited in the fund and requires the Department of Finance, in consultation with ARB and any other relevant state agency, to develop, as specified, an investment plan for the moneys deposited in the GGRF.
- 4) Establishes the Charge Ahead California Initiative [SB 1275 (de León), Chapter 530, Statutes of 2014], that, among other things, included the goal of placing at least one million ZEVs and NZEVs into service by January 1, 2023, and required increasing access to these vehicles for disadvantaged, low-income, and moderate-income communities and consumers.
- 5) Provides various definitions of rural county based on population density, population size, demographics or economic data or other specified criteria.
- 6) Defines non-emergency transportation services, for purposes of the Medi-Cal Program, to include, at a minimum, round trip transportation for a beneficiary to obtain covered Medi-Cal services by passenger car, taxicab, or any other form of public or private conveyance, and mileage reimbursement when conveyance is in a private vehicle arranged by the beneficiary and not through a transportation broker, bus passes, taxi vouchers, or train tickets.

**FISCAL EFFECT:** Unknown

**COMMENTS:** California has established a number of policies, goals, and programs to improve air quality and reduce GHG emissions. Most notably, AB 32 established the goal of reducing GHG emissions to 1990 levels by the year 2020 and, more recently, SB 32 (Pavley), Chapter 248, Statutes of 2016, established the more aggressive goal of reducing emissions 40% below 1990 levels by 2030. Along with establishing emissions reduction goals, AB 32 allowed for the establishment, by regulation, of cap-and-trade, that includes the use of market-based mechanisms with funds deposited into GGRF used to fund emission reduction programs.

Using GGRF funds and under the direction of SB 1275, ARB has invested in light-duty pilot projects, including the Car Sharing and Mobility Options Pilot Project which provides funding for government entities or non-profit organizations to start or expand car share and mobility programs for residents of disadvantaged communities. This bill creates a similar program in order to expand mobility options exclusively for elderly and disabled rural residents to attend their doctors' appointments.

Under the Americans with Disabilities Act, transit operators are required to provide transportation services to the elderly and disabled (paratransit services). However, lack of transit funding or limited service, especially in rural areas, can be a real barrier for the elderly and disabled to access healthcare services.

The Federal government does however authorize the Medi-Cal program (which may provide service for the elderly and disabled) to specifically cover non-medical transportation services. To clarify and align the state with this authorization, in 2016, the Legislature passed AB 2394 (E. Garcia) which required Medi-Cal to cover non-medical transportation for a beneficiary to obtain covered Medi-Cal services. Non-emergency medical transportation is provided when necessary to obtain program covered medical services and when the beneficiary's medical and physical condition is such that transport by ordinary means of private or public conveyance is medically contraindicated. This type of medical transportation is subject to prior authorization.

Each authorization request for such transportation must be accompanied by either a prescription or order signed by a physician, dentist, or podiatrist, which describes the medical reasons necessitating the use of non-emergency medical transportation. Authorization is granted only for the lowest cost type of medical transport that is adequate for the patient's medical needs and is available to transport the patient at the time transportation is required.

Although Medi-Cal and many transit operators are required to provide transportation services to the disabled and the elderly, there is still a huge need for rural residents to attend their medical appointments because of the requirements, restrictions or lack of funding current services may have, and the mobility challenges associated with the topography of rural counties. For example, depending on location, rural county residents can potentially travel more than 200 miles to visit a specialty doctor. The author has introduced this bill to address those challenges. According to the author “this bill provides counties the ability to receive funds for the deployment of ‘green’ non-emergency transportation options for seniors living in rural regions. This program will help to ensure that distance is not a barrier to accessing healthcare for seniors living in these regions”.

*Previous Legislation:* AB 398 (E. Garcia), Chapter 135, Statutes of 2017, among other things, extends cap-and-trade provisions until December 31, 2030.

AB 2394 (E. Garcia), Chapter 615, Statutes of 2016, requires the Medi-Cal program to cover non-emergency medical transportation for a beneficiary to obtain covered Medi-Cal services.

SB 32 (Pavley), Chapter 249, Statutes of 2016, required ARB to ensure that statewide GHG emissions are reduced at least 40% below 1990 levels by 2030.

SB 1275 (de León), Chapter 530, Statutes of 2014, established the Charge Ahead Initiative, to provide incentives to increase the availability of zero-emission vehicles and near-zero-emission vehicles, particularly to low-income and moderate-income consumers and disadvantaged communities.

AB 32 (Núñez), Chapter 488, Statutes of 2006, required ARB to develop a plan of how to reduce emissions to 1990 levels by the year 2020, authorized cap-and-trade and also required ARB to ensure that, to the extent feasible, GHGs reduction requirement and programs direct public and private investment toward the most disadvantaged communities.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

None on file

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