

Date of Hearing: June 25, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 1151 (Bates) – As Amended June 11, 2018

SENATE VOTE: 38-0

SUBJECT: Neighborhood electric vehicles: County of San Diego

SUMMARY: Authorizes the County of San Diego or any city in the county to adopt a neighborhood electric vehicle (NEV) transportation plan until January 1, 2029. Specifically, **this bill:**

- 1) Authorizes San Diego County or any city in the county to adopt a NEV transportation plan within its jurisdiction, or jointly with neighboring jurisdictions, upon consultation with the San Diego Association of Governments (SANDAG) and any agency having traffic law enforcement responsibilities within the plan area.
- 2) Requires that the NEV transportation plan include, but not be limited to, the following elements:
 - a) A list of routes, including findings that the routes accommodating NEVs will not have an adverse impact on traffic safety and will consider the travel needs of other users.
 - b) A transportation interfacing element, describing ways in which the NEV driver or passenger may coordinate trips with other modes of transportation.
 - c) Provisions for NEV-related facilities including special access points, turnouts, and crossings, as well as for parking facilities at destination locations.
 - d) Provisions for special paving, road markings, and signage, as well as for NEV electrical charging stations.
 - e) Discussion of community involvement in planning as well as coordinating with long-range transportation planning.
 - f) A map showing the NEV route network and classifying the NEV routes similar to the way bicycle routes are classified depending on interaction with other moving traffic.
- 3) Requires any jurisdiction that adopts a NEV transportation plan to establish minimum design criteria for the development of separated NEV routes and uniform specification and symbols for signs, markers and traffic control devices to control NEV traffic.
- 4) Specifies that any jurisdiction that adopts a NEV transportation plan must adopt the following requirements as part of the plan:
 - a) NEVs eligible to use NEV routes must meet the safety requirements for low-speed vehicles as set forth in federal statutes.

- b) Minimum safety criteria for NEV operators, including any requirements relating to NEV maintenance and safety.
 - c) Minimum requirements that NEV operators must possess a valid California driver's license and comply with state financial and responsibility requirements.
 - d) Restrictions limiting the operation of NEVs to NEV routes identified in the NEV transportation plan and allowing only those NEVs that meet safety requirements to operate on those routes. A person who operates a NEV outside the identified routes in the NEV plan is guilty of an infraction punishable by a fine not exceeding \$100.
- 5) Authorizes the county or city that adopts a NEV transportation plan to acquire right of way to establish NEV routes.
- 6) Requires either the county or any city, if it adopts a NEV plan, to submit a report to the Legislature within two years of the date of NEV plan adoption, prepared in consultation with SANDAG, Department of Transportation (Caltrans), California Highway Patrol (CHP) and local law enforcement agencies. The report must include:
- a) A description of the NEV transportation plan including any use of shared fleets, any charging, parking, or Americans with Disabilities Act elements.
 - b) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows, vehicle miles traveled, greenhouse gas emission reductions, and safety.
 - c) A recommendation as to whether this article should be terminated, continued in effect, or expanded statewide.
- 7) Sunsets on January 1, 2029.

EXISTING LAW:

- 1) Defines a NEV, also known as a low-speed vehicle, as a motor vehicle that is four-wheeled, can attain a speed of at least 20 but not more than 25 miles per hour, and has a gross vehicle weight rating of less than 3,000 pounds.
- 2) Subjects, generally, NEVs and drivers of NEVs to all the provisions applicable to motor vehicles and drivers of motor vehicles.
- 3) Prohibits NEVs from operating on any roadway with a speed limit above 35 mph, unless a NEV transportation plan has been adopted for that roadway.
- 4) Authorizes Orange County to establish a NEV transportation plan for the Ranch Plan Planned Community, as specified. This authorization ends on January 1, 2022.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Rule 28.8, negligible state costs.

COMMENTS: NEVs are small, 4-wheeled vehicles that look much like golf carts. According to the Department of Motor Vehicles, NEVs are differentiated from golf carts by their faster

speed (20 to 25 mph within a mile), heavier weight (up to 3,000 pounds) and larger size (can be more than 2 seats). Unlike golf carts, NEVs require a valid California driver's license, vehicle registration and insurance to operate. Because these vehicles are smaller, lack important safety features, and travel at slower speeds (25 mph maximum speed), they are typically not allowed to operate on streets with posted speed limits exceeding 35 mph.

NEVs, as their name implies, can be a popular form of transportation in small communities where residents often use them for short trips to get to and from neighborhood amenities. NEVs are particularly popular in planned communities, especially retirement communities with golf courses, where roads, trails, parking, and charging facilities are specifically included in the community design to facilitate their use. The Legislature has authorized the development of NEV transportation plans which, when developed in consultation with Caltrans and CHP and adopted by ordinance, allow expanded operation of NEVs, particularly on streets and highways where NEV access might otherwise be prohibited. NEV plans have been authorized for a number of communities in California, including the cities of Fresno, Jackson, Lincoln, Rocklin, and Sutter Creek, the counties of Amador and Riverside, and a planned community in Orange County. To date, only the City of Lincoln has implemented a plan and recommended statewide authorization.

Existing law limits the use of NEVs in San Diego County to private roads and low speed areas. This bill would give the county the opportunity to expand the use of NEVs in more locations within the San Diego region. SANDAG has identified NEVs in their Regional Transportation Plan as an option for supporting the region's transportation and sustainability goals, and improving connections between communities.

The author states that this bill will enable local jurisdictions in San Diego County to realize their concepts and plans for NEV expansion as a means of providing a new emission-free travel option. The bill enables local jurisdictions to enhance mobility for residents, employees, and visitors alike while maintaining the physical safety of all NEV users. Further, in order to ensure transparency and accountability, the bill requires the county or a city adopting a NEV Transportation Plan to subsequently submit a report to the Legislature.

Committee Comments: While there may be many reasons most of the communities with NEV planning authority have not adopted NEV plans, it seems economic factors may be undermining NEV adoption. In the not too distant past, NEVs were among the only electric vehicles available for purchase. As a result, individuals who wanted to drive an electric car had no choice but to live with NEVs inherent limitations (such as reduced range, low speeds, and reduced safety features). Recent advances in zero emission vehicles, however, have resulted in the availability of a number of electric car models that are much more similar to conventional vehicles in looks and capabilities. While NEVs still fulfill a unique niche, it remains to be seen whether or not buyers will continue to purchase and use NEVs given that there is a broader range of electric vehicle options available in the marketplace.

Prior Legislation: SB 241 (Bates), Chapter 156, Statutes of 2015, extended authorization of a NEV transportation plan to be established in the Ranch Plan Planned Community in Orange County to January 1, 2022.

SB 290 (Correa), Chapter 150, Statutes of 2011, extended authorization for a NEV transportation plan to be established in the Ranch Plan Planned Community in Orange County to January 1, 2017.

AB 61 (Jeffries), Chapter 170, Statutes of 2011, authorized NEV transportation plans to be established in Riverside County until January 1, 2017.

AB 1781 (Villines), Chapter 452, Statutes of 2010, authorized a NEV transportation plan to be established in the City of Fresno until January 1, 2016.

AB 584 (Huber), Chapter 437, Statutes of 2010, authorized NEV transportation plans to be established in Amador County and the cities of Jackson, Sutter Creek and Amador City until January 1, 2016.

AB 2963 (Gaines), Chapter 199, Statutes of 2008, extended authorization for a NEV transportation plan to be established in the cities of Lincoln and Rocklin to January 1, 2012.

SB 956 (Correa), Chapter 422, Statutes of 2007, authorized a NEV transportation plan to be established in the Ranch Plan Planned Community in Orange County until January 1, 2013.

AB 2353 (Leslie), Chapter 422, Statutes of 2004, authorized NEV transportation plans to be established in the cities of Lincoln and Rocklin until January 1, 2009.

REGISTERED SUPPORT / OPPOSITION:

Support

Baldwin & Sons
California Electric Transportation Coalition
Carlsbad Chamber of Commerce
Carlsbad Village Association
Center for Sustainable Energy
Chestnut Properties
Chula Vista Chamber of Commerce
City of Carlsbad
City of Chula Vista
City of Coronado
City of Del Mar
City of Encinitas
City of Escondido
City of Oceanside
City of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista
Cleantech San Diego
Electric Vehicle Association of San Diego
Healthy Chula Vista Advisory Commission
Honorable Mark Arapostathis, Mayor, City of La Mesa

Honorable Greg Cox, Supervisory, County of San Diego, First District
Honorable Bill Horn, Supervisor, County of San Diego, Fifth District
Honorable Ron Roberts, Supervisor, County of San Diego, Fourth District
Meridian Development
RIDA Chula Vista, LLC
San Diego Association of Governments
San Diego Gas & Electric Company
Sierra Club California
The Free Ride

Opposition

None on file

Analysis Prepared by: Eric Thronson / TRANS. / (916) 319-2093