Date of Hearing: July 5, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION Laura Friedman, Chair SB 726 (Gonzalez) – As Amended April 21, 2021

SENATE VOTE: 31-6

SUBJECT: Alternative fuel and vehicle technologies: Sustainable Transportation Strategy

SUMMARY: Requires the development of a comprehensive transportation sustainability strategy and makes changes to the Alternative and Renewable Fuel and Vehicle Technology Program, also known as the Clean Transportation Program (CTP). Specifically, **this bill**:

Comprehensive Transportation Sustainability Strategy

- Requires the California Air Resources Board (CARB) and the State Energy Resources Conservation and Development Commission (CEC) to jointly develop, by January 1, 2024, a comprehensive transportation sustainability strategy, known as the Sustainable Transportation Strategy (strategy).
- 2) Requires the strategy to be developed in coordination with the California Public Utilities Commission (CPUC), the Governor's Office of Business and Economic Development (GO-Biz), the Department of Transportation (Caltrans), the California Transportation Commission (CTC), the Department of General Services (DGS), and air districts, and in consultation with metropolitan planning organizations (MPOs), and other relevant local entities.
- 3) Requires the strategy to evaluate the plans, actions, and required funding needed to reach the state's transportation greenhouse gas (GHG) emissions and criteria pollutant reduction goals in a cost-effective, technology neutral, and efficient manner; specifically considering the role of sustainable transportation goals and programs, including zero-emission, near-zero-emission, and alternative fuel vehicles; transit; active transportation; vehicle pooling; and reduction of vehicle miles traveled initiatives.
- 4) Requires the strategy to do all of the following:
 - a. Describe the current state of deployment for each sustainable transportation goal and program, including mobile source and related infrastructure using existing state reports and assessments, where applicable.
 - b. Evaluate the role of, and establish measurable deployment goals for, each sustainable transportation goal and program in reaching the overall transportation sector emissions reductions goals (newly developed under this bill).
 - c. Identify any existing barriers to implementing the sustainable transportation goals and programs and propose strategies to deploying those transportation goals and programs, specifically by considering deployment strategies in disadvantaged and low-income communities.

- d. Identify the programs, funding sources and levels, and appropriate regulatory mandates for deployment of each sustainable transportation goal and program which, through their collective implementation, would result in meeting newly developed overall transportation sector emission reduction goals.
- e. Develop an overall transportation sector GHG and criteria pollutant emissions reduction goal.
- 5) Requires the strategy to be equity focused, technology neutral, and prioritize investments for market penetration and investments that will support disadvantaged and low-income communities.
- 6) Requires the measurable deployment goals developed for each sustainable transportation goal and program to be adopted by each agency, department, and entity with a coordinating role.
- 7) Requires the strategy, in addition to considering the role of ZEVs in helping to reach the overall transportation sector emission reduction goal, to include a roadmap to achieve the ZEV goals outlined in Executive Order (EO) N-79-20 (100% of in-state sales of new passenger cars and trucks being zero-emission by 2035, and 100% of medium- and heavy-duty vehicles in California being zero emission by 2045 where feasible and for all drayage trucks to be zero emission by 2035.)
- 8) Requires CARB to consider the strategy as part of the 2026 update to the mobile source strategy and allows CARB to include any portion in the mobile source strategy.
- 9) Requires CARB to consider the overall GHG emissions reduction goal for the transportation sector identified in the strategy as part of the 2027 update to the scoping plan.
- 10) Requires the Governor to identify and appoint one key lead agency to steer the coordination of ZEV deployment across state agencies and to implement the ZEV component of the strategy.

Clean Transportation Program

- 11) Adds the reduction of criteria air pollutants and air toxics as a goal of CTP, in addition to attaining the state's climate change policies.
- 12) Requires CEC to ensure the CTP supports the state's clean transportation, equity, air quality, and climate emission goals[JS1]
- 13) Requires CEC, beginning with the 2022-25 investment cycle, to ensure program investments support all of the following:
 - a. Annually increasing deployment of infrastructure and other projects that advance medium- and heavy-duty vehicles to meet the clean transportation, equity, air quality, and climate emissions goals.

- b. Annually increasing deployment of light-duty vehicle infrastructure technology to fill deployment gaps identified by the Electric Vehicle (EV) Charging Assessment and advance the goals of EO N-79-20.
- c. Multiyear market acceleration strategies.
- 14) Requires CEC, beginning with the 2022-25 investment cycle, to provide preference for projects that meet all of the following when awarding grants:
 - a. In a nonattainment area, with preference given to projects in the highest designation of nonattainment.
 - b. Provide nonstate matching funds or the funding is complimentary to state or nonstate investments.
 - c. Provide economic benefits for California by promoting California-based technology firms, jobs, and businesses, especially in disadvantaged communities.
 - d. Transition workers to, or promote employment in, the alternative and renewable fuel and vehicle technology sector.
- 15) Requires CEC, beginning with the 2022-2025 investment cycle, to expend at least 50% of CTP money on programs and projects that directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians, and at least 50% of the funds for location-based investments shall be expended in disadvantaged and low-income communities.
- 16) Deletes the current list of projects eligible for CTP funding, with the exception of the block grant or incentive programs which continue to be an authorized activity for CEC.
- 17) Lists eligible programs and projects that meet the equity criteria, as including, but not limited to, the following:
 - a. Programs that fill gaps in the equitable distribution of light-duty charging infrastructure (PRC 25231), including programs deploying charging or refueling stations at low-income residential and multiunit dwelling locations.
 - b. Programs deploying publicly accessible charging or refueling stations serving low-income customers who reside in disadvantaged and low-income communities, including programs to promote car sharing in those communities.
 - c. Infrastructure for public transportation and school bus electrification programs.
 - d. Programs that support the deployment of clean medium- and heavy-duty vehicles, including infrastructure deployment and other programs to displace local air pollution that disproportionately burdens disadvantaged and low-income communities.
 - e. Financing assistance and vehicle purchase incentives for customers residing in disadvantaged and low-income communities.

- f. Multilingual marketing, education, and outreach designed to increase awareness and adoption of clean mobility options.
- g. Programs that create high-quality jobs related to supporting new clean technologies in transportation and reduce household energy burdens related to vehicle charging.
- 18) Requires CEC to consult with the existing disadvantaged community advisory group and the advisory body to ensure effective implementation of CTP.

EXISTING LAW:

Related to the State's Climate and Energy Goals

- 1) Designates CARB as the state agency charged with monitoring and regulating statewide greenhouse gas (GHG) emissions, and requires CARB to ensure that GHG emissions are reduced to at least 40% below 1990 levels by December 31, 2030. (HSC 38566)
- Requires CARB to approve and implement a comprehensive short-lived climate pollutant strategy to achieve a reduction in the statewide emissions of methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030. (HSC 39730.5)
- Establishes the primary policy framework for CPUC's oversight of implementation of California's transportation electrification policy goals via Investor Owned Utilities' activities. (PUC 740.12 and 237.5)
- 4) Requires CEC to direct each electric corporation to annually prepare a renewable energy procurement plan, as specified, to satisfy its obligations under the renewables portfolio standard. (PUC 399.13)

Related to the Sustainable Transportation Strategy

- 5) Requires CARB to prepare and approve a scoping plan, every five years, for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources of GHGs. Requires CARB to consult with all state agencies with jurisdiction over sources of GHGs, including CPUC and CEC, on all elements of its plan that pertain to energy-related matters. (HSC 38561)
- 6) Requires CARB, in consultation with Caltrans, CEC, and GO-Biz and in collaboration with stakeholders, to update the mobile source strategy, every five years, to include a comprehensive strategy for the deployment of medium- and heavy-duty vehicles to bring the state into compliance with federal air quality standards and reduce GHG emissions from the medium- and heavy-duty sector. (HSC 43024.2)
- 7) Grants Caltrans full possession and control of all state highways and all property and rights in property acquired for state highway purposes and tasks Caltrans with leading and coordinating long-range transportation planning (SHC 90 and GOV 65070 et. seq)
- 8) Requires Caltrans to address in the long-range California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a statewide

reduction of GHG emissions to 40% below 1990 levels by December 31, 2030, and how the plan is consistent with, and supports attaining, all state and national ambient air quality standards in all areas of the state, taking into consideration the use of alternative fuels, new vehicle technology, tailpipe emissions reductions, ride sharing, vehicle pooling, and expansion of public transit, commuter rail, intercity rail, bicycling, and walking. Requires the plan to identify the statewide integrated multimodal transportation system needed to achieve these results. (GOV 65072.2)

Related to the CTP

- 9) Creates the CTP, administered by CEC, to provide competitive grants, revolving loans, loan guarantees, or loans to various entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. (HSC 44272)
- 10) Requires CEC to provide preference to projects that maximize the goals of the CTP, based on specified criteria.
- 11) Requires CEC to rank applications for projects proposed for funding awards based on solicitation criteria developed and give additional preference to funding projects with higher benefit-cost scores.
- 12) Limits the activities funded under the CTP to only those explicitly named in statute.
- 13) Requires CEC, working with CARB and the CPUC, to prepare a statewide assessment of the electric vehicle (EV) charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5 million ZEVs on California roads by 2030, and of reducing emissions of GHGs to 40% below 1990 levels by 2030. (PRC 25229)

FISCAL EFFECT: Unknown

COMMENTS: Since 2006, California has set several pivotal goals, through legislation, EO, and regulation, to reduce GHG emissions and address the threat posed by global climate change. These goals require incremental progress that will ultimately lead to major emission reductions, including:

- Reducing GHG emissions to 1990 levels by 2020.
- Reducing GHG emissions to 40% below 1990 levels by 2030.
- Reducing short-lived climate pollutant emissions, such as methane, to 40 to 50% below 2013 levels by 2030.
- Achieving a carbon-neutral economy by 2045.
- Increasing the supply of zero-emission vehicles (ZEVs) and charging and fueling stations, including:
 - Putting at least 1.5 million ZEVs on the road by 2025.
 - Installing 200 hydrogen-fueling stations and 250,000 battery-electric vehicle chargers, including 10,000 direct-current (DC) fast chargers, by 2025.
 - Putting 5 million ZEVs on the road by 2030.
 - Transitioning 100% of new sales of passenger vehicles and trucks to ZEVs by 2035.

- Transitioning 100% of operating medium- and heavy-duty trucks and buses to zero emissions by 2045 everywhere feasible, and 100% of drayage trucks by 2035.
- Transitioning 100% of operating off-road vehicles and equipment to zero emissions everywhere feasible by 2035.

This bill contains two major elements: a comprehensive Sustainable Transportation Strategy and an update to the CTP.

Sustainable Transportation Strategy Background

Various state departments and agencies currently prepare assessments and strategies intended to facilitate the state achieving the goals described above. These are summarized below.

- Mobile Source Strategy: On November 24, 2020, CARB released an updated draft Mobile Source Strategy that demonstrates how California can determine the pathways forward for the various mobile sectors in order to achieve California's numerous goals and targets over the next 30 years. The 2020 Strategy intends to maximize the criteria pollutant reductions by going to zero-emission where feasible. Specifically, the 2020 Strategy calls for the deployment of approximately 1.4 million medium- and heavy-duty ZEVs in California by 2045.
- 2) *ZEV Market Development Strategy:* Led by GO-Biz, the ZEV Market Development Strategy is an ongoing collaborative effort to accelerate large scale, affordable, and equitable ZEV market development to achieve the state's ZEV goals.
- 3) *AB 32 Climate Change Scoping Plan:* CARB's most recent updated climate change scoping plan was released in November 2017. The scoping plan included GHG emissions from numerous sectors including transportation, industrial, electricity generation, commercial and residential, agriculture, high global warming potential GHGs, and recycling and waste. In 2018, total GHG emissions from these sources totaled 425.3 million metric tons of carbon dioxide equivalent, with transportation making up 41% of the total.
- 4) Climate Action Plan for Transportation Infrastructure (CAPTI): EO N-19-19 (September 20, 2019) requires the State Transportation Agency (CalSTA) to leverage the more than \$5 billion in annual state transportation spending for construction, operations, and maintenance to help reverse the trend of increased fuel consumption and reduce GHG emissions associated with the transportation sector. To accomplish this, the EO requires CalSTA to 1) align the state's climate goals with transportation spending on planning, programming and mitigation to achieve the objectives of the state's Climate Change Scoping Plan, 2) reduce vehicle miles traveled by strategically directing discretionary transportation investments in support of housing production near available jobs, 3) reduce congestion through innovative strategies designed to encourage people to shift from cars to other modes of transportation, 4) fund transportation options that contribute to the overall health of Californians and reduce GHGs emissions, such as transit, walking, biking, and other active modes, and 5) mitigate increases in transportation costs for lower income Californians. To that end, CalSTA developed CAPTI through collaboration with many different state agencies along with outreach and engagement with hundreds of

stakeholders over the past 18 months. A final version of CAPTI is expected to be adopted by July 15, 2021.

5) *Caltrans' California Transportation Plan:* This plan addresses how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of GHG emissions to 40% below 1990 levels by December 31, 2030, specifically in the transportation sector and across modes.

Committee Comments on the Sustainable Transportation Strategy Component

The author states that "Currently, there is no state-wide goal for emissions reductions from the transportation sector, and the various agencies involved in deploying clean transportation strategies have different directives and internal goals, which makes it challenging to allocate funding in a targeted manner to advance clean transportation projects, which often cut across agencies."

Given the urgency of the state's climate goals and the complexity of understanding the interactions of the various assessments and strategies that the state currently has underway to achieve its climate goals, there is merit in the desire to simplify and have a statewide goal. However, the perspectives of the various entities involved also allows many, and frequently competing, factors and goals to be taken into consideration such as safety, climate, equity, accessibility, quality of life and public health, environment, the economy, and infrastructure.

In addition, it will be challenging for CARB and CEC to reconcile and broadly reflect the many diverse perspectives of the entities involved. Lastly, the Legislature likely will want to play a role in vetting the goals of the strategy before those goals are adopted into various plans as required by this bill.

CTP Background

According to CEC, in its 2020-2021 Investment Plan Update for the CTP, "achieving these [climate] goals will require significant technological and market changes within the transportation sector, which accounts for roughly 50% of state GHG emissions when accounting for "upstream emissions" from fuel production. In addition to these GHG emission reduction goals, the state must comply with requirements under the federal Clean Air Act to reduce emissions of criteria air pollutants. Reducing air pollution is important from an equity context, given that air quality burdens fall disproportionately on vulnerable and disadvantaged communities within the state."

To meet the state's ZEV goals will require a significant increase in the number of light-, medium-, and heavy-duty ZEVs on the road and a drastic increase in the infrastructure necessary to support these vehicles. California's cumulative ZEV sales reached 763,816 in September 2020. As of September 30, 2020, California has nearly 67,000 public and shared chargers installed, including over 5,000 DC fast chargers, and 44 hydrogen stations. The EV Charging Infrastructure Assessment states that an additional 121,000 chargers are planned, leaving a gap of 62,000 from the 250,000 chargers by 2025 goal. There is also a gap in hydrogen fueling station infrastructure, with 44 existing and 128 planned stations, that leaves California 28 short of its 200 target. California's ZEVs will require more ZEV infrastructure than the state's current goals. For passenger vehicle charging in 2030, the EV Charging Infrastructure Assessment estimates that to support 5 million plug-in electric vehicles (PEVs) the state would need 968,000 chargers. CARB's Draft 2020 Mobile Source Strategy projects the state will need 180,000 medium- and heavy-duty ZEVs in 2030 to achieve state climate and air quality goals and an additional 157,000 chargers to support these vehicles.

Medium- and heavy-duty vehicles contribute disproportionately to nitrogen oxide (NOx) emissions. Decarbonizing the state's medium- and heavy-duty sector will be crucial to meeting the state's climate goals and improving air quality, especially in disadvantaged communities. Medium- and heavy-duty vehicles and equipment are critical to California's businesses, freight operations, and transit systems, providing indispensable functions for domestic goods movement, international trade, mass transportation, and other essential services. Although they only represent a small share of California registered vehicle stock, accounting for about 1 million out of 31 million vehicles, or 3%, medium- and heavy-duty vehicles are responsible for about 23% of on-road GHG emissions in the state because of comparatively low fuel efficiency and high number of miles traveled per year. Medium- and heavy-duty vehicles also contribute nearly 60% of the NOx emissions and 52% of PM_{2.5} statewide.

The CEC Investment Plan Updates for CTP guide the allocation of program funding. The investment plan reflects laws, EOs, regulations, and other funding programs to reduce GHG emissions, petroleum dependence, and criteria pollution emissions for all Californians. CEC incorporates input from stakeholders, a Disadvantaged Communities Advisory Group, and the CTP Advisory Committee during the construction of the investment plan. Since 2009, CEC has invested nearly \$900 million, through CTP, in projects that support the advancement and use of alternative fuels and advanced vehicle technologies. Because of the zero-emission infrastructure deployment gap discussed above, the most recent 2020-2023 Investment Plan Update for CTP focuses on providing funding for vehicle charging infrastructure to narrow the gap.

This bill would place a greater focus on funding investments in clean transportation in order to help the state meet its ambitious climate goals, in particular by prioritizing investments in medium- and heavy-duty vehicles and related infrastructure. This bill would add project preferences for projects that have an equity component to reduce emissions and particulate matter in the state's most polluted areas. This bill still provides limited flexibility, within this new prioritization framework, for CEC to determine the best portfolio of clean transportation options in the light-duty and medium- and heavy-duty infrastructure sectors.

Committee Comments on the CTP Component

This bill references CEC's 2022 – 2025 investment cycle; however, CEC submits a draft and final plan every year as statutorily required. In recent years, CEC has extended its investment plan to look out to 2024, when the fees which fund CTP are set to expire. The author should consider modifying the bill to reflect CEC's current investment plan process or updating the existing investment plan process.

This bill currently requires CEC to ensure CTP investments support both annually increasing deployment of light-duty vehicle infrastructure technology and annually increasing deployment of medium- and heavy-duty vehicle infrastructure. Unless technology costs decrease year over year or program funding increases, this is unlikely to be an achievable goal.

This bill directs 50% of funding to disadvantaged communities and low-income communities. The author may wish to clarify which statutory definition of disadvantaged communities they would like to reference.

Finally, the new eligible project list in this bill, while not all encompassing, would appear to limit CTP eligibility to specified types of projects. However, current law explicitly allows for other projects, such as alternative fuels, to be considered. This may be important because EO N-79-20 goals call for ZEVs, where feasible. The author may wish to add language allowing flexibility where zero-emission is not feasible.

According to the author, "California's CTP has been critical to advancing clean charging infrastructure, developing clean technology, and getting clean cars and trucks on the road. However, this program was last updated in 2013, and the market, technology, and goals of the program have all progressed in the intervening decade, leaving the program in grave need of revitalization. SB 726 will reassess the funding priorities of the CTP to prioritize equity and reduce harmful air pollutants that disproportionately affect low-income, disadvantaged, and emissions-overburdened communities. Updating and improving our CTP means standing up for our communities. It means defending our right to breathe clean air, invest in future generations, and to live healthy lives. In addition to focusing the CTP on equity-driven goals that reflect the current state of available technology, SB 726 also requires cross-agency planning to align clean transportation strategies with emissions-reductions goals. Investment in and critical, level-headed planning for the future of clean transportation is necessary to pave the road toward a brighter, healthier, thriving future for all Californians."

In support CALSTART writes, "CTP, first established in 2007, invests approximately \$100 million a year in the research, development, and deployment of clean vehicle and infrastructure fuels and technologies. This landmark program has been a critical economic engine that has helped jumpstart the clean fuels industry. However, since the program's passage and subsequent reauthorization, not only has the state established new climate goals, but the fuels and vehicles market has significantly evolved. These goals are not incorporated into the CTP; doing so would help better align the program and focus its investments in technologies that help achieve these targets. Furthermore, ZEVs, are increasingly available in the medium- and heavy-duty vehicle sector. Aligning the CTP to better support these latest technology trends would go a long way toward helping this market mature and scale rapidly."

In opposition to the CTP component, the Alliance for Automotive Innovation writes, "Notwithstanding automaker investments in vehicles, we continue to face challenges in making a ZEV future a reality. One of the biggest challenges is the lack of light duty ZEV refueling infrastructure in the state. Automakers do not control the automobile "fueling" market, yet hydrogen refueling and batter recharging infrastructure is paramount to California's ZEV future. Without adequate refueling infrastructure, ZEV drivers will not be supported in owning their vehicles and California will not meet its goal. SB 726 must include statutory certainty for light duty ZEV refueling infrastructure investments."

In opposition to the Sustainable Transportation Strategy component, California Manufacturers and Technology Association and the Western States Petroleum Association write, "While we are supportive of the bill's intent and believe our organizations have a key role to play in meeting the goals outlined, the bill is not technology neutral and includes a 100% ZEV only sales roadmap. This mandate is in direct contradiction to the stated goals of the bill, which are to reduce

transportation emissions and "shall include but are not limited to ZEVs." We also believe that a transportation sector emission goal directly conflicts with the state's economy-wide cap-and-trade program. These two components of the bill should be removed to ensure the creation and implementation of a truly committed transportation plan."

Double referral: This bill passed out of the Assembly Natural Resources Committee on an 8-2 vote.

Related and previous legislation: AB 1389 (Reyes, Friedman, and L. Rivas) of this session makes various changes to CTP, almost mirroring this bill. *AB 1389 is currently pending in the Senate Transportation Committee.*

SB 589 (Hueso) of this session requires CEC to identify workforce and development training resources needed to meet EV charging infrastructure goals and specifies projects that develop instate production of raw materials and the manufacturing supply chain for ZEV components are eligible for funding under CTP. *SB 589 is currently pending in this committee*.

SB 551 (Stern) of this session would establish, until January 1, 2029, the California EV Authority within the Governor's office. SB 551 would require the authority to coordinate activities among state agencies to advance EV and zero-emission charging infrastructure deployment as well as ensure related equity, workforce development, economic development, and other needs are addressed, as specified. *SB 551 is currently pending in this committee*..

AB 2772 (Reyes) of 2020 would have revised and recast the program to no longer require CEC to provide certain project preferences and to additionally require the commission to provide preference to a project that has the ability to support advanced vehicle infrastructure needed to meet specified climate goals. *AB 2772 was held in this committee due to COVID-19 related bill restrictions*.

AB 285 (Friedman, Chapter 605, Statutes of 2019) requires Caltrans to address in CTP how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of GHG emissions of 40% below 1990 levels by the end of 2030 and how the plan is consistent with all state and national ambient air quality standards.

SB 498 (Skinner, Chapter 628, Statutes of 2017) requires CARB to review all programs affecting the adoption of light-duty, medium-duty, and heavy-duty ZEVs in the state and report to the Legislature, no later than July 1, 2019, recommendations for increasing the use of those vehicles for vehicle fleet use and on a general-use basis in the state.

AB 617 (C. Garcia, Chapter 136, Statutes of 2017) requires CARB, by October 2018, to prepare and update, at least every five years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden.

REGISTERED SUPPORT / OPPOSITION:

Support

ABB, Inc. ABC-Companies

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Advanced Energy Economy AMPLY Power Anaheim Transportation Network Antelope Valley Transit Authority Arrival Ballard Power Systems California Electric Transportation Coalition CALSTART Center for Sustainable Energy Ceres Chanje Energy Coalition for Clean Air Electric Vehicle Charging Association eNow GreenPower Motor Company J.B. Poindexter & Co., Inc. Momentum Dynamics Corporation Motiv Power Systems Nikola Corporation Odyne Systems, LLC Pheonix Motorcars Proterra **SEA Electric** SunLine Transit Agency The Lion Electric Co. Veloce Energy Volvo Group North America

Opposition

State Building and Construction Trades Council of California

Oppose unless amended Alliance for Automotive Innovation Black Business Association California African American Chamber of Commerce California Association of Black Pastors California Hydrogen Coalition California Manufacturers and Technology Association Kern County Black Chamber of Commerce Latin Business Association Southern California Black Chamber of Commerce Western States Petroleum Association

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