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AB-1082 Transportation electrification: electric vehicle charging infrastructure: school facilities and other educational institutions. (2017-2018)

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Assembly Bill No. 1082

CHAPTER 637

An act to add Section 740.13 to the Public Utilities Code, relating to transportation electrification.

[Approved by Governor October 10, 2017. Filed with Secretary of State October 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1082, Burke. Transportation electrification: electric vehicle charging infrastructure: school facilities and other educational institutions.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), the State Air Resources Board (state board), electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified related issues. Existing law requires the PUC, in cooperation with the Energy Commission, the state board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electric power and natural gas to fuel low-emission vehicles. Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the PUC, in consultation with the Energy Commission and state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050.

This bill would authorize an electrical corporation to file with the PUC, by July 30, 2018, a pilot program proposal for the installation of vehicle charging stations at school facilities and other educational institutions, giving priority to school facilities and other educational institutions located in disadvantaged communities, as defined. The bill would require the PUC to review, modify if appropriate, and decide whether to approve a pilot program proposal filed by an electrical corporation by December 31, 2018. The bill would provide that a school district, county office of education, private school, or other educational institution choosing to participate in the pilot program would have authority to establish guidelines for use of the charging stations installed pursuant to the approved pilot program, including use of these charging stations by faculty, students, and parents before, during, and after school hours at those times that the school facilities or other educational institutions are operated for purposes of providing education or school-related activities, and by others present for those activities. The bill would require that construction and maintenance of the charging stations and infrastructure be managed in coordination with the school district, county office of education, private school, or other educational institution. The bill would require that the approved pilot program include a reasonable mechanism for cost recovery by the electrical corporation if the PUC makes specified findings. The bill would require that a school facility or other educational institution receiving charging stations pursuant to the approved pilot program participate

in a time-variant rate approved by the PUC and would authorize the school district, county office of education, private school, or other educational institution to require users of the charging stations to pay electricity costs.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because the provisions of this bill are within the act and require action by the PUC to implement their requirements, a violation of which would be a crime, these provisions would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the policy of the state and the intent of the Legislature to encourage transportation electrification as described in Section 740.12 of the Public Utilities Code.

(b) To reach the aggressive goals for reducing emissions of greenhouse gases set forth in subparagraph (D) of paragraph (1) of subdivision (a) of Section 740.12 of the Public Utilities Code, the entire state motor vehicle fleet, both public and private, will need to make a dramatic transition to transportation electrification.

(c) The state is behind schedule in attaining the Governor's goal that by 2015 all major cities in California will have adequate infrastructure intended to support the goal of 1.5 million zero-emission vehicles by 2025. The 2020 goal of establishing adequate infrastructure to support one million zero-emission vehicles is also behind schedule. More needs to be done to install the electric vehicle charging infrastructure that will support and enable these critical electric vehicle goals.

(d) It is the intent of the Legislature that projects funded under any program approved pursuant to Section 740.13 of the Public Utilities Code advance state goals related to electric vehicles. It is the further intent of the Legislature that the Public Utilities Commission, in determining whether to approve a project proposal, ensure that program awards will be consistent with the recommendations provided in the 2016 ZEV Action Plan by the Governor's Interagency Working Group on Zero-Emission Vehicles issued in October 2016, or its successor, or the appropriate regional plug-in electric vehicle readiness plan developed by the applicable regional council of governments.

SEC. 2. Section 740.13 is added to the Public Utilities Code, to read:

740.13. (a) For purposes of this section, the following terms have the following meanings:

(1) "Charging station" means the removable equipment that provides alternating or direct current to the battery electric vehicle or plug-in hybrid electric vehicle, but does not include the supporting charging infrastructure, such as wiring, conduit, and electric panel.

(2) "Educational institution" has the same meaning as defined in Section 22129 of the Education Code.

(3) "School facility" means owned or leased improved real property used for the purpose of the private or public education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, or in any combination thereof, or any other facility of a school district or county office of education where activities described in subdivision (c) are provided, but does not include any private school in which education is conducted primarily in private homes.

(b) By July 30, 2018, an electrical corporation may file with the commission a pilot program proposal for the installation of electrical grid integrated charging stations at school facilities and other educational institutions. The proposal may include parameters for the installation of charging infrastructure for transportation vehicles, such as schoolbuses, owned by a school district, county office of education, private school, or other educational institution. By December 31, 2018, the commission shall review, modify if appropriate, and decide whether to approve a pilot program proposal filed by an electrical corporation.

(c) A school district, county office of education, private school, or other educational institution choosing to participate in the program shall have the authority to establish guidelines for use of the charging stations installed pursuant to the approved program, which may include use by faculty, students, and parents, before, during, and after school hours at those times that the school facilities or other educational institutions are operated for purposes of providing education or school-related activities,

including, but not limited to, parent-teacher conferences, clubs, theater, and athletic events, and by any other persons present for those activities and events.

(d) Construction and maintenance of the charging stations and infrastructure shall be managed in coordination with the school district, county office of education, private school, or other educational institution.

(e) The approved pilot program shall include a reasonable mechanism for cost recovery by the electrical corporation if the commission finds all of the following are true:

(1) The costs to be recovered are consistent with a cost limitation approved by the commission for the pilot program.

(2) The pilot program seeks to minimize overall costs and maximize overall benefits.

(3) The pilot program does not unfairly compete with nonutility enterprises as required under Section 740.3.

(4) The pilot program includes performance accountability measures.

(5) The pilot program is in the interests of ratepayers, as defined in Section 740.8.

(f) Charging stations installed pursuant to a pilot program approved by the commission pursuant to this section shall be installed and maintained by the utility workforce, or by workers who are paid the prevailing wage for all program-related work. The Director of Industrial Relations shall determine the prevailing wage in accordance with the standards set forth in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code. A nonutility enterprise installing or maintaining charging stations and infrastructure pursuant to a pilot program approved by the commission shall submit wage schedules to the commission as part of its application and shall make all payroll records available to the commission for enforcement purposes pursuant to this part. Certified payrolls submitted to the commission shall be public records.

(g) A school facility or other educational institution receiving charging stations pursuant to the approved pilot program shall participate in a time-variant rate approved by the commission. A school district, county office of education, private school, or other educational institution may require users of the charging stations to pay electricity costs.

(h) An electrical corporation shall prioritize in its proposal school facilities and other educational institutions located in disadvantaged communities. For these purposes, "disadvantaged communities" means communities identified by the California Environmental Protection Agency pursuant to the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act (Chapter 4.1 (commencing with Section 39710) of Part 2 of Division 26 of the Health and Safety Code).

(i) Participation in the approved pilot program shall not prevent a school district, county office of education, private school, or other educational institution from participating in other transportation electrification programs. After a school district, county office of education, private school, or other educational institution has participated in the program for eight years, the school district, county office of education, private school, or other educational institution may cease participation in the pilot program and request removal of the charging station by providing 180-day notice to the electrical corporation.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.