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AB-1083 Transportation electrification: electric vehicle charging infrastructure: state parks and beaches. (2017-2018)

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Assembly Bill No. 1083

CHAPTER 638

An act to add Section 740.14 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 1083, Burke. Transportation electrification: electric vehicle charging infrastructure: state parks and beaches.

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 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.

Existing law vests with the Department of Parks and Recreation control over the state park system, and requires the department to take various actions to develop, operate, and maintain units of the state park system.

This bill would authorize an electrical corporation, in consultation with the department, PUC, Energy Commission, and state board, to file with the PUC, by July 30, 2018, a pilot program proposal for the installation of electric vehicle charging stations at state parks and beaches within its service territory. 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 require the department to determine which state parks or beaches are suitable for charging stations. 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 an electrical corporation to prioritize in its proposal those state parks and beaches that serve residents of disadvantaged communities, as defined. The bill would require that state parks and beaches receiving charging stations pursuant to the approved pilot program participate in a time-variant rate approved by the PUC.

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 its requirements, a violation of which would be a crime, this bill 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 2015 goal that all major cities in California have adequate infrastructure 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 electric vehicle charging infrastructure to support and enable these critical electric vehicle goals.

SEC. 2. Section 740.14 is added to the Public Utilities Code, to read:

740.14. (a) By July 30, 2018, in consultation with the Department of Parks and Recreation, Public Utilities Commission, Energy Commission, and State Air Resources Board, each electrical corporation may file with the commission a pilot program proposal for the installation of electrical grid integrated charging stations at state parks and beaches within its service territory. 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. The Department of Parks and Recreation shall determine which state parks or beaches are suitable for charging stations.

(b) The approved pilot program shall include a reasonable mechanism for cost recovery by an 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 for the electrical corporation or, for charging equipment installed and maintained by a nonutility enterprise, performance accountability measures for the nonutility enterprise.

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

(c) 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 equipment 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.

(d) State parks and beaches receiving charging stations pursuant to the approved pilot program shall participate in a time-variant rate approved by the commission.

(e) An electrical corporation shall prioritize in its proposal those state parks and beaches that serve residents of 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).

(f) Except for costs incurred in determining park and beach suitability pursuant to subdivision (a) and potential liability under the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code), the Department of Parks and Recreation shall not be required to incur any costs or liability related to the installation, use, or maintenance of the charging stations for the pilot program's duration.

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.