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AB-2427 Electric vehicle charging stations: permitting: curbside charging. (2023-2024)

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Assembly Bill No. 2427

CHAPTER 567

An act to amend Section 12100.151 of, and to add Section 65850.72 to, the Government Code, relating to land use.

[Approved by Governor September 25, 2024. Filed with Secretary of State September 25, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2427, McCarty. Electric vehicle charging stations: permitting: curbside charging.

Existing law creates the Governor's Office of Business and Economic Development, known as "GO-Biz," and requires GO-Biz to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Existing law continues into existence the zero-emission vehicle (ZEV) division within GO-Biz as the Zero-Emission Vehicle Market Development Office. Existing law references GO-Biz's Electric Vehicle Charging Station Permitting Guidebook, which recommends best practices for electric vehicle supply equipment permitting.

This bill would require the office to develop a model permitting checklist, model zoning ordinances, and best practices for permit costs and permit review timelines to help local governments permit curbside charging stations as part of the office's development of the Electric Vehicle Charging Station Permitting Guidebook or any subsequent updates. The bill would also require the office to consult with local governments, electric vehicle service providers, and utilities while developing the above-described materials.

Existing law, the Planning and Zoning Law, authorizes the legislative body of any county or city to adopt prescribed zoning ordinances within its jurisdiction. Existing law declares that it is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use. Existing law prescribes various requirements on the review and approval of applications to install electric vehicle charging stations. Existing law requires every city, county, and city and county to administratively approve an application to install electric vehicle charging stations and hydrogen-fueling stations through the issuance of a building permit or similar nondiscretionary permit and requires the review of an application to install an electric vehicle charging station or a hydrogen-fueling station to be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. Existing law defines "electric vehicle charging station" or "charging station" for these purposes.

This bill would require local agencies to, among other things, develop a checklist that includes all of the information required for a complete application for a permit or other authorization to install an electric vehicle charging station within the public right-of-way, as defined. As part of that process, this bill would require local agencies to consider the Electric Vehicle Charging Station Permitting Guidebook from the Governor's Office of Business and Economic Development. The bill would require local agencies with populations of 250,000 or more to comply with these provisions by January 1, 2027, and local agencies with populations of fewer than 250,000 residents to comply with these provisions by January 1, 2029. The bill would define various terms for these purposes. By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 12100.151 of the Government Code is amended to read:

12100.151. (a) (1) The zero-emission vehicle division within the Governor's Office of Business and Economic Development is hereby continued in existence within the Governor's Office of Business and Economic Development as the Zero-Emission Vehicle Market Development Office. The office shall continue to be administered by a deputy director appointed by, and serving at the pleasure of, the Governor.

(2) The office shall steer the development of a shared, cross-agency definition of equity, and set an equity agenda for the deployment of light-, medium-, and heavy-duty zero-emission vehicles, the supporting infrastructure, and workforce development.

(3) Until January 1, 2028, the Zero-Emission Vehicle Equity Advocate is hereby established within the office. The advocate shall be appointed by, and shall serve at the pleasure of, the Governor.

(4) The office shall serve as a point of contact for stakeholders to provide concerns and suggestions related to the state's progress in equitably achieving the state's zero-emission vehicle deployment goals.

(5) The office shall provide information and coordinate policy and procedural changes with relevant state entities, including, but not limited to, the State Air Resources Board, the State Energy Resources Conservation and Development Commission, the Transportation Agency, and the California Transportation Commission, as needed, to ensure consistency among equity definitions, criteria, and targets used in the state's zero-emission vehicle and infrastructure programs and to ensure best practices related to equity are incorporated into state planning for zero-emission vehicle deployment, funding, and program design.

(6) In order to facilitate alignment of equity goals, the office may convene meetings or task forces that include state agencies, local government, utilities, labor, community-based organizations, air pollution control districts, air quality management districts, or private sector actors key to advancing zero-emission transportation goals.

(b) (1) The office shall develop and adopt an equity action plan as part of the ZEV Market Development Strategy that considers optimizing for equity benefits in zero-emission vehicle deployment.

(2) The equity action plan shall include all of the following:

(A) Recommendations on actionable steps and metrics to measure and improve access to zero-emission vehicles, public and private charging infrastructure, and zero-emission vehicle transportation options in low-income, disadvantaged, and historically underserved communities, including, but not limited to, shared vehicles and other alternatives to single-owner vehicle ownership.

(B) Recommendations to advance equity by reducing pollution driven by the transportation sector and related industries in low-income, disadvantaged, and historically underserved communities, including emissions from medium- and heavy-duty vehicles, and by supporting an equitable zero-emission vehicle industry and workforce.

(C) Strategies implemented and steps taken to embed equity in the state's overall ZEV Market Development Strategy.

(3) The office shall assess progress towards the equity action plan as part of the update to the ZEV Market Development Strategy and notify the relevant policy committees of the Legislature of the information provided in that update. This assessment shall include, but is not limited to, metrics tracking both of the following:

(A) State funding spent toward the deployment of zero-emission vehicle ownership and supporting infrastructure in disadvantaged and low-income communities, and the number and type of vehicles, including light-, medium-, and heavy-duty zero-emission vehicles, state and federal subsidies for zero-emission vehicles, different ownership structures for zero-emission vehicles, or charging infrastructure deployed with this funding.

(B) State funding for multiyear projects that advance deployment of zero-emission vehicles in communities identified as disadvantaged communities prioritized by severity of air pollution from mobile sources, lack of charging infrastructure and electric vehicles, and transportation or transit deserts. The office shall also identify where projects are located.

(4) In developing the equity action plan, the office shall coordinate and partner with community organizations, local entities, state agencies, and other private and public stakeholders to steer an equitable zero-emission vehicle deployment. The office shall include information on the constituencies coordinated with to develop or advance equity actions in zero market development in the equity action plan.

(c) (1) As a part of the office's development of the Electric Vehicle Charging Station Permitting Guidebook or any subsequent updates, the office shall develop a model permitting checklist, model zoning ordinances, and best practices for permit costs and permit review timelines to help local governments permit curbside charging stations.

(2) As part of the process described in paragraph (1), the office shall, at a minimum, consult with local governments, electric vehicle service providers, and utilities.

SEC. 2. Section 65850.72 is added to the Government Code, to read:

65850.72. (a) For purposes of this section, the following definitions apply:

(1) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code (Part 3 of Title 24 of the California Code of Regulations), as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(2) "Local agency" means a city, including a charter city, county, or city and county.

(3) "Public right-of-way" means the area along or upon any public road or highway under the control of a local agency.

(b) A local agency shall:

(1) Develop a checklist that includes all of the information required for a complete application for a permit or other authorization to install an electric vehicle charging station within the public right-of-way.

(2) Identify all applicable fees and charges as part of the permitting or authorization process.

(3) Identify any criteria adopted by the governing body of the local agency to determine appropriate locations within the public right-of-way for installation of an electric vehicle charging station.

(c) As part of the process described in subdivision (b), local agencies shall consider the Electric Vehicle Charging Station Permitting Guidebook from the Governor's Office of Business and Economic Development to support their implementation of this section.

(d) The information developed pursuant to this section shall be published on a publicly accessible internet website if the local agency has an internet website.

(e) A local agency that determines that there are no appropriate locations within the public right-of-way for installation of an electric vehicle charging station shall publish that information pursuant to subdivision (d).

(f) (1) A local agency with a population of 250,000 or more residents shall comply with this section by January 1, 2027.

(2) A local agency with a population of fewer than 250,000 residents shall comply with this section by January 1, 2029.

SEC. 3. The Legislature finds and declares that ensuring access to electric vehicle charging stations, including curbside charging stations, is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act applies to all cities, including charter cities.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.