

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2427 (McCarty) – As Amended April 2, 2024

**SUBJECT:** Electric vehicle charging stations: permitting: curbside charging.

**SUMMARY:** Requires local agencies to undertake specified actions regarding the permitting of electric vehicle charging stations in the public right-of-way, and adds specified information to the Electric Vehicle Charging Station Permitting Guidebook developed by the Governor’s Office of Business and Economic Development (GO-Biz Guidebook) and the investment plan for the Clean Transportation Program the California Energy Commission (CEC) must develop pursuant to existing law. Specifically, **this bill:**

- 1) Requires local agencies to:
  - a) 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.
  - b) Identify all applicable fees and charges as part of the permitting or authorization process.
  - c) Identify any locations within the public right-of-way that are approved by the local agency for installation of an electric vehicle charging station, and 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.
- 2) Requires, as part of the process described above, local agencies to consider the Go-Biz Guidebook to support their implementation of the requirements outlined above.
- 3) Requires the information developed pursuant to the requirements outlined above to be published on a publicly accessible internet website if the local agency has an internet website.
- 4) Requires a local agency with a population of 250,000 or more residents to comply with the requirements outlined above by January 1, 2027.
- 5) Requires a local agency with a population of fewer than 250,000 residents to comply with the requirements outlined above by January 1, 2029.
- 6) Provides, for purposes of the requirements outlined above, the following definitions:
  - a) “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.

- b) “Local agency” means a city, including a charter city, county, or city and county.
  - c) “Public right-of-way” means the area along or upon any public road or highway under the control of a local agency.
- 7) Requires GO-Biz, as a part of the development of the GO-Biz Guidebook or any subsequent updates, 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. In doing so, GO-Biz must, at a minimum, consult with local governments, electric vehicle service providers, and utilities.
- 8) Requires, when developing the investment plan for the Clean Transportation Program, the CEC to additionally assess curbside charging needs by income level, population density, multifamily housing density, renter density, and geographical area to support equitable overnight charging access and the state’s 2035 electric vehicle adoption goal. The CEC shall identify barriers and solutions to support the installation of curbside charging stations, including increasing the suitability and capacity of existing infrastructure, such as utility, light, and telecommunication poles, to host curbside chargers.
- 9) Finds and declares that Section 2 of this bill adding Section 65850.72 to the Government Code addresses 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 bill applies to all cities, including charter cities.
- 10) Provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to current law governing state mandated local costs.

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state-mandated local program.

**COMMENTS:**

- 1) **Bill Summary.** This bill requires local agencies to:
- a) 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.
  - b) Identify all applicable fees and charges as part of the permitting or authorization process.
  - c) Identify any locations within the public right-of-way that are approved by the local agency for installation of an electric vehicle charging station, and 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.

Local agencies must consider the Go-Biz Guidebook to support their implementation of the requirements outlined above.

This bill requires the information developed pursuant to the requirements outlined above to be published on a publicly accessible internet website, if the local agency has an internet website. A local agency with a population of 250,000 or more residents must comply with the requirements outlined above by January 1, 2027. A local agency with a population of fewer than 250,000 residents must comply by January 1, 2029.

This bill also requires GO-Biz, as a part of the development of the GO-Biz Guidebook or any subsequent updates, 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.

This bill requires, when developing the investment plan for the Clean Transportation Program, the CEC to additionally assess curbside charging needs by income level, population density, multifamily housing density, renter density, and geographical area to support equitable overnight charging access and the state's 2035 electric vehicle adoption goal. The CEC must identify barriers and solutions to support the installation of curbside charging stations, including increasing the suitability and capacity of existing infrastructure, such as utility, light, and telecommunication poles, to host curbside chargers.

This bill is sponsored by FLO EV Charging and It's Electric.

- 2) **Author's Statement.** According to the author, "Clean cars are key to California meeting our climate, clean air, and renewable energy goals. In order to meet our ambitious zero emissions vehicle (ZEV) goals, California must ensure fast, accessible, and universal charging infrastructure gets deployed to support the ZEV transition.

"Access to charging infrastructure must also consider access and equity. AB 2427 increases access and equity in charging by allowing curbside charging to become part of the city permitting process, making it easier to deploy curbside chargers and giving residents in multi-family dwellings the ability to charge conveniently. This also further incentivizes people who live in urban areas to purchase ZEVs."

- 3) **Background.** California has been steadily expanding its policies supporting the adoption of EV technology and infrastructure, beginning with incentives for purchasing EVs and requirements on automakers to manufacture specified percentages of EVs in relation to their production of conventional cars. This was followed by statutes governing the degree of authority Common Interest Developments (CIDs) can exercise over the installation of EV charging infrastructure, and prohibitions against specified membership and fee requirements for the privilege of using an EV charging station.

In 2012, the Governor issued an Executive Order directing the California Air Resources Board (CARB), the California Energy Commission (CEC), the California Public Utilities Commission (PUC), and other relevant agencies working with the California Plug-In Electric Vehicle Collaborative and the Fuel Cell Partnership to develop benchmarks to help support and facilitate the rapid commercialization of zero emission vehicles (ZEVs). The order directed these agencies to establish benchmarks to help the state's ZEV infrastructure support 1.5 million EVs by 2025. Furthering this goal, the Governor's Office of Planning and Research and the State Architect published guidelines to address physical accessibility

standards and design guidelines for the installation of EV charging stations throughout California.

To further these efforts, at the end of 2020, Governor Newsom issued Executive Order (EO) N-79-20, which required 100% of in-state sales of new passenger cars and trucks to be zero-emission by 2035. This EO tasked CARB with developing and proposing passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards that goal. The EO also directed the CEC to update the biennial statewide assessment of zero-emission vehicle infrastructure required by AB 2127 (Ting) Chapter 365, Statutes of 2018, to support the level of EV adoption required by the EO.

- 4) **AB 1236 of 2015.** Responding to the patchwork of California’s EV permitting structure and the uncertainty it posed to installers, AB 1236 (Chiu), Chapter 598, Statutes of 2015, placed significant new requirements into law regarding applications to install EV charging stations. AB 1236 required counties and cities to administratively approve an application to install EV charging stations through the issuance of a building permit or similar nondiscretionary permit, and limited review of an application to whether it meets all health and safety requirements of local, state, and federal law. Requirements of local law were limited to those standards and regulations necessary to ensure that the EV charging station will not have a specific, adverse impact upon the public health or safety. AB 1236 allowed a county or city to require an applicant to apply for a use permit under certain circumstances.

AB 1236 also required local agencies to adopt an ordinance that creates an expedited, streamlined permitting process for EV charging stations. Local agencies must adopt a checklist of all requirements with which EV charging stations must comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist is deemed complete. A local agency must approve the application and issue all required permits once the local agency confirms the application and supporting documents are complete and meet the requirements of the checklist. If a local agency receives an incomplete application, it must issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

- 5) **2019 GO-Biz Guidebook.** GO-Biz in July 2019 published the first edition of its “EV Charging Station Permitting Guidebook.” The 2019 GO-Biz Guidebook noted, “To support California’s ambitious ZEV deployment goals – 5 million ZEVs in California by 2030 – the state is prioritizing the development of infrastructure to support these vehicles, in the form of plug-in EV charging stations and hydrogen fueling stations. At the most fundamental level, infrastructure enables the deployment of ZEVs. When consumers look to buy a new or used car, they need confirmation that it will be able to take them where they want to go. Widespread availability of infrastructure ensures that Californians will have that confidence...Ultimately, a successful transition to zero emissions hinges on success at the local level.”

According to the 2019 GO-Biz Guidebook, “Plug-in EVs (PEVs) as a percentage of new passenger car sales continue to increase. PEV sales exceeded 5% of all new passenger car sales in California 2017 and comprised approximately 8% of sales in 2018. In total, well over 600,000 PEVs have been sold in California as of the publishing of this document. With the

increasing popularity of ZEVs and increasing ZEV sales, the need for ZEV infrastructure is increasingly important.”

The 2019 GO-Biz Guidebook also reported that there were 20,653 public chargers in California as of June 25, 2019. This included:

- a) Level 1 (4–5 miles of range per hour) – 367 chargers at 169 sites;
- b) Level 2 (12–70 miles of range per hour) – 17,216 chargers at 4,764 sites; and,
- c) DC Fast (3–20 miles of range per minute) – 3,070 chargers at 685 sites.

- 6) **2019 GO-Biz Guidebook’s Findings and Recommendations on Permitting.** The 2019 GO-Biz Guidebook stated, “When AB 1236 was being developed, permitting processes and actual timelines varied widely – in many cases adding considerable delay to the station development process. Delays continue to come from both sides of the equation. Both (local governments) and station developers have reported frustrations with incomplete information... Unfortunately, due to lack of awareness, enforcement, and inconsistent application across the state, a wide variance in permitting processes persists.”

The Guidebook generally recommended as best practices that local agencies determine if an application is complete within five business days, and provide approval to build within 15 business days. It did note, however, that “it is important to consider the unique circumstances of some typical installations.” For fast-charging stations in particular, the Guidebook pointed out some of the additional considerations not associated with single-family residential charging stations, such as potential requirements for more power, a dedicated power drop, and complex trenching and associated rights-of-way issues.

- 7) **AB 970 of 2021.** In response to the 2019 GO-Biz Guidebook’s recommendations, AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must complete and approve permits for EV charging stations. Under the bill, an application to install an EV charging station is deemed complete if the building official of the city or county has not either deemed the application complete or written a correction notice detailing the deficiencies in the application within specified time periods. Applications are deemed approved 20 business days after the application was deemed complete for an installation of up to 25 charging stations at a single site, or 40 business days for an installation of more than 25 charging stations, if certain conditions are met.
- 8) **Related Legislation.** AB 2559 (Petrie-Norris) requires the Governor’s Office of Business and Economic Development (GO-Biz) to create and maintain a publicly accessible internet website to collect information and report delays and denials in the permitting of electric vehicle service equipment (EVSE). AB 2559 is pending in this Committee.
- 9) **Previous Legislation.** AB 1504 (McCarty) of 2023 would have required cities and counties to complete a plan for the installation of EV charging stations in the public right-of-way, and made changes to the statewide assessment of EV charging infrastructure the CEC must prepare pursuant to existing law

SB 507 (Gonzalez) would have expanded the scope of information the CEC must consider when assessing the state's need for EV charging infrastructure. SB 507 was held in the Senate Appropriations Committee.

AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must approve permits for EV charging stations.

AB 1236 (Chiu), Chapter 598, Statutes of 2015, required counties and cities to administratively approve applications to install EV charging stations, and create an expedited, streamlined permitting process for EV charging stations.

AB 2127 (Ting), Chapter 365, Statutes of 2017, required the CEC to conduct a statewide assessment of the EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030 and of reducing emissions of GHG to 40% below 1990 levels by 2030.

- 10) **Arguments in Support.** FLO EV Charging and It's Electric, sponsors of this measure, write, "Home charging is considered the most convenient, cost-effective charging solution to advance EV adoption. And yet, the California Energy Commission found that no more than 33% of multi-family housing residents have access to home charging and that lower income residents, and residents who identify as Black, African American, Hispanic, or Latino have the lowest access to home charging.

"Chargers installed in the public right-of-way (PROW), also known as curbside chargers, are one solution to increase residents' access to cost-effective and convenient charging. However, given the unique challenges of development in the PROW, curbside charging is not common. Best practices to accelerate curbside charging deployment are still evolving, and local permitting processes applicable to curbside charging are not yet widespread. To normalize curbside charging and realize its benefits, the state must partner with local governments to clarify local permitting requirements.

"AB 2427 (McCarty) overcomes these challenges by not only requiring local governments to develop applicable permitting requirements to make installing curbside chargers easier, but it also tasks the Governor's Office of Business and Economic Development with developing model tools, resources, and best practices to help local governments with this process."

- 11) **Arguments in Opposition.** None on file.

- 12) **Double-Referral.** This bill is double-referred to the Transportation Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Flo Services Usa, INC. [SPONSOR]  
 Itselectric [SPONSOR]  
 California Building Officials  
 California Electric Transportation Coalition  
 California Environmental Voters (formerly Clcv)

California New Car Dealers Association  
Calstart INC.  
Chargepoint, INC  
Civicwell (formally the Local Government Commission)  
Coalition for Clean Air  
Electric Vehicle Charging Association  
Plug in America  
Rivian  
Union of Concerned Scientists  
Valley Can (clean Air Now)

**Opposition**

None on file.

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