

Date of Hearing: April 17, 2024

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

AB 2029 (Jackson) – As Amended March 11, 2024

**SUBJECT:** Electric vehicle charging stations study

**SUMMARY:** Requires the California Energy Commission (CEC) to prepare an assessment every two years of the barriers that people with mobility, sensory, or other types of disabilities may encounter at electric vehicle (EV) charging stations, and recommendations on how to remove or prevent those barriers.

Specifically, **this bill:**

- 1) Defines the scope of “EV charging station” to mean those under state control or operation.
- 2) Requires the CEC, beginning January 1, 2025, to incorporate into its biennial statewide assessment of electric vehicle charging infrastructure required pursuant to Section 25229 of the Public Resources Code, a study that includes:
  - a. An analysis of architectural, design, or programmatic barriers that people with mobility, sensory, or other types of disabilities may encounter when trying to access an EV charging station and recommendations, including legislative recommendations, on how to remove barriers or prevent barriers from occurring;
  - b. Information on how the report’s recommendations, if any, may conflict with or impact regulations at applicable state agencies, such as the Department of Transportation, the Department of General Services, and the California Building Standards Commission; and
  - c. Information on whether EV charging stations (EVCS) have a feature to call or prompt an attendant to assist the customer with the operation of the EVCS equipment and whether EVCS have attendants present to provide assistance.
- 3) Requires the CEC to submit the study to the Legislature concurrently with its incorporation into the statewide assessment of the EV charging infrastructure.
- 4) Repeals provisions in this bill on January 1, 2036.

**EXISTING LAW:**

- 1) Requires the CEC, working with the California Air Resources Board (CARB) and the California Public Utilities Commission (CPUC), to prepare a statewide assessment of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least 5 million zero-emission vehicles (ZEVs) on California roads by 2030, and of reducing emission of greenhouse gases (GHGs) to 40% below 1990 levels by 2030. Requires (Public Resources Code § 25229)

- 2) Requires the CEC, in consultation with the CPUC, to develop uptime recordkeeping and reporting standards for EV chargers and charging stations that were installed on or after January 1, 2024 and received an incentive from a state agency or through a charge on ratepayers. Requires the CEC to assess the uptime of charging station infrastructure and equitable access to reliable charging stations in low-, moderate-, and high-income communities. (Public Resources Code § 25231.5)
- 3) Requires service stations to provide refueling service for persons with disabilities and to post a notice of the service provided; and entitles disabled individuals properly displaying a disabled person's plate or placard, or a disabled veteran's plate, to request and receive refueling service at gas stations, and not be charged more for service. (Business and Professions Code § 13660)
- 4) Establishes accessibility regulations for EV charging stations, including requirements for location, route to the EV charger, design of the vehicle space, design of the access aisle, identification signs, operable parts, and point-of-sale devices. (Building Code, Title 24, Part 2, Chapter 11B-812)

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal and will be referred to the Committee on Appropriations for its review.

**BACKGROUND:**

*California zero-emission vehicle (ZEV) goals* – California's transportation sector is currently the largest source of GHG emissions in the state. In the interest of meeting the state's emissions reduction targets, California has set a goal that 100% of new passenger vehicles sales will be ZEVs by 2035.<sup>1</sup> Meeting 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 to support these vehicles. Cumulative sales of ZEVs, which include EVs, in California reached 1.8 million in the fourth quarter of 2023, with ZEVs accounting for 25% of new car sales.<sup>2</sup>

To support the rapid deployment of ZEVs, in 2018, the governor set a goal of having 250,000 chargers, including 10,000 direct current fast chargers (DCFCs), operating in California by 2025.<sup>3</sup> Subsequently, the Legislature enacted AB 2127 (Ting, Chapter 365, Statutes of 2018), requiring the CEC to conduct an assessment every two years of the EV charging infrastructure, and associated workforce, needed to meet California's ZEV deployment goals. In the most recent report published in 2024, the CEC projects over 1 million public and shared private chargers are needed to support 7 million light-duty EVs in 2030, and more than 2 million chargers are needed to support 15 million ZEVs anticipated under Executive Order N-79-20.<sup>4</sup> An additional 157,000 chargers are needed to support 180,000 medium- and heavy-duty vehicles anticipated for 2030. At present, California has approximately 105,000 public and shared private chargers, including

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<sup>1</sup> Executive Order N-79-20

<sup>2</sup> CEC; "New ZEV Sales in California"; <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/new-zev-sales>.

<sup>3</sup> Executive Order B-48-18

<sup>4</sup> CEC; *Assembly Bill 2127 Second Electric Vehicle Charging Infrastructure Assessment*; February 2024.

more than 11,000 DCFCs.<sup>5</sup> This represents an order of magnitude difference between how many chargers are currently operating in California versus how many are needed by 2030.

*Accessibility in EV charging* – In 2015, the California Division of the State Architect Access Compliance (DSA-AC), housed under the Department of General Services (DGS), began drafting explicit accessibility regulations – scoping and technical provisions – for EVCS. Since being adopted into California’s Building Code in 2017,<sup>6</sup> these requirements are applicable to EVCS installed in or at public buildings, public accommodations, commercial buildings, and public housing. The use of EVCS generally falls into two scenarios: 1) parking style where an EV is left in a parking space to charge – usually for a period of time exceeding 30 minutes – and the driver may stay with the EV or leave the EV to conduct other activities, and 2) drive-up style where the EV driver pulls up next to an EV charger, charges for a short period of time during which the driver often stays with the vehicle, then proceeds forward to depart. Drive-up EVCS are used in a similar fashion to gasoline fueling stations and may allow for queuing of other EVs. The building codes contain similar but distinct requirements for these two types of facilities, specifying for both a minimum number of EVCS that must provide compliant operable parts and point-of-sale devices, clear floor space, ground surfaces, vertical clearance, vehicle spaces, access aisles, identification signs, and surface markings.

The U.S. Access Board is an independent federal agency that issues accessibility guidelines under the American with Disabilities Act (ADA), the Architectural Barriers Act (ABA), the Rehabilitation Act of 1973, and other laws. The ADA covers all public places and commercial facilities, including state and local government spaces. Following the passage of the federal Bipartisan Infrastructure Law, which dedicated funding to the development of a national network of 500,000 EVCS, the U.S. Access Board developed a technical assistance document that reviewed existing requirements and provided recommendations for making EVCS accessible to everyone, including people with disabilities.<sup>7</sup> In this document, the Board highlights some considerations not yet addressed in California’s Building Code, such as: factoring in charger cord length to the positioning of a charger; providing a variety of access aisle locations and charger configurations to serve multiple types of EVs with various vehicle charging inlet locations; and mechanisms to get customer service or help support (which is an existing requirement maintained for chargers that receive(d) funding from the National Electric Vehicle Infrastructure Formula Program)<sup>8</sup>. The Board intends to publish a notice of proposed rulemaking on accessibility guidelines for EV charging stations, but they have not provided a target date for that notice.<sup>9</sup>

## COMMENTS:

- 1) *Author’s statement.* According to the author, “To truly lead in energy infrastructure, California must prioritize accessibility for all. AB 2029 proposes a crucial step: a comprehensive study of our EV charging station infrastructure. By requesting the Energy Commission’s findings in a report to the Legislature, this bill ensures a deeper

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<sup>5</sup> CEC; “Electric Vehicle Chargers in California”; <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/electric-vehicle>.

<sup>6</sup> Building Code, Title 24, Part 2, Chapter 11B-812

<sup>7</sup> U.S. Access Board; *Design Recommendations for Accessible Electric Vehicle Charging Stations*; February 2022.

<sup>8</sup> 23 CFR

<sup>9</sup> 3014-AA48, Architectural and Transportation Barriers Compliance Board, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=3014-AA48>.

understanding of the needs of all Californians. It's about making sure that our charging stations are inclusive and usable by everyone who may need them. Let's act now to pave the way for a more accessible and sustainable future.”

- 2) *Which chargers are we talking about?* This bill limits the scope of EV charging stations assessed to those under state control or operation. The Department of General Services (DGS) reports that it has 3,257 charging ports installed at state owned and leased facilities.<sup>10</sup> Of these ports, 363 are publicly accessible. Given how unrepresentative the data extracted from this small population of charging stations likely would be for the broader population of public and shared private charger users, *this committee recommends amending the scope of “EV charging stations” to align with those that already have reporting requirements under AB 2061 (Ting, Chapter 345, Statutes of 2022), encompassing EVCS installed on or after January 1, 2024 that received state or ratepayer funding.*
- 3) *What is not being done already?* This bill would require a biennial study of barriers that people with disabilities may encounter when trying to access an EVCS and subsequent recommendations on how to remove or prevent those barriers. This may be duplicative of efforts ongoing at DGS and U.S. Access Board to provide accessibility guidelines and requirements for EVCS. As such, *the committee recommends amending the study into a report on the level of abidance to EVCS-related accessibility requirements and guidance, in consultation with applicable state agencies such as DGS and the California Building Standards Commission and federal agencies such as the U.S. Access Board.*

Additionally, this bill would require the study to include information on whether charging stations have attendants present to provide assistance and whether the chargers have a feature to call or prompt the attendant. Unlike gas stations where an attendant may be available to assist with refueling vehicles, EVCS are often unattended, according to the U.S. Access Board.<sup>7</sup> Since attendants are not required under current state guidelines, it is likely a study on attendant presence would yield little information. Without precluding an evaluation of abidance should attendants be required or encouraged to staff EVCS in the future, *the committee recommends striking the provision requiring an evaluation of whether attendants are present at EVCS from this bill.*

- 4) *Prior legislation.*

AB 126 (Reyes and Gonzalez) reauthorized fees that fund the Air Quality Improvement Program, the Clean Transportation Program, and the Enhanced Fleet Modernization Program. Among other changes, required the CEC to, with regards to EVCS installed on or after January 1, 2024 that received state funding or ratepayer money, to adopt tools to increase uptime and recordkeeping at those stations and to set standards for how those stations shall notify customers about their availability and accessibility. Status: Chapter 319, Statutes of 2023.

AB 1529 (Gabriel) would have required the CEC to conduct a statewide assessment on the suitability of gasoline stations for conversion into EV charging stations and the

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<sup>10</sup> Per data request to the committee on April 5<sup>th</sup>, 2024 from DGS.

potential barriers to this conversion. Status: Died in Assembly Transportation Committee in January 2024.

AB 2703 (Muratsuchi) would have required the CEC to establish reliability standards for EV chargers that receive state funds; and a program to provide financial assistance to low-income and disadvantaged community members to use EV chargers. Also would have required a recipient of state funding for deployment of a publicly available EV charging station, as a condition of receiving the incentive, to operate the station in compliance with the developed reliability standards. Status: Died in Senate Appropriations Committee in August 2022.

AB 2061 (Ting and Reyes) required the CEC to develop uptime recordkeeping and reporting standards for EVCS that received state funding or ratepayer money and are installed on or after January 1, 2024. Status: Chapter 345, Statutes of 2022.

AB 2127 (Ting) required the CEC to conduct a statewide assessment every two years of 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 zero-emission vehicles (ZEVs) on the road and reducing greenhouse gas (GHG) emissions 40% below 1990 levels by 2030. Status: Chapter 364, Statutes of 2018.

- 5) *Double referral*. This bill was previously heard in the Assembly Committee on Transportation on March 19, 2024, where it passed 13-0-2.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file.

##### **Opposition**

None on file.

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