

hurdle by prohibiting the HOA from restricting the resident from installing the accompanying meter infrastructure.

- 2) *Background.* Recognizing that the transportation sector emits half of California's greenhouse gas emissions, Governor Brown has issued two Executive Orders supporting widespread adoption of zero emission vehicles (ZEVs). The first, Executive Order B-16-12 issued in March 2012, called for 1.5 million ZEVs on California roads by 2025. The second, Executive Order B-48-18 issued in January 2018, called for 5 million ZEVs on California roads by 2030. To reach that goal the Governor has established a goal of installing 250,000 ZEV chargers by 2025.

Five million ZEVs may seem out of reach, especially given that there are only 350,000 ZEVs on the road now. Considering that major manufacturers are bringing to market many more models with greater range and decreasing prices, that goal does not seem too far-fetched. On an operating cost basis, EVs are already less expensive than other vehicles because of low fuel and maintenance costs. Global auto markets will also strongly encourage EV sales as the European Union, China and India take supportive industrial and regulatory policy action. The rise of autonomous vehicles may also spur EV deployment.¹

There are 25 million automobiles on the road today in California. Five million ZEVs is 20%. Already 5% of new car sales/leases are ZEV; getting to 20% in 13 years doesn't seem unreasonable in light of these trends, if adequate EV charging infrastructure is available.

Unlike conventional cars, filling up the "tank" of an EV takes hours. For example, using a 220V Level 2 charger, fully charging an empty Chevy Bolt can take 10 hours. This lends itself to charging overnight at home.

- 3) *Time-of-Use.* Electricity prices vary by the time of the day, which reflects the varying cost of producing the electricity. During peak times in the summer, expensive and rarely used plants must be activated; during late evenings in the spring renewable, energy from wind plants is abundant. Varying electric rates by time of day is an economic encouragement to consumers to shift their usage. Peak rates can be as much as three and four times the off-peak rate. Because EVs will typically be garaged in the evening, and evenings and early mornings are typically times of surplus energy, TOU rates are often favorable to EV charging.

¹ The other ZEV technology is hydrogen, but that deployment for passenger vehicles lags far behind EVs. Until hydrogen is produced from renewable resources, there is little greenhouse gas reduction benefit.

- 4) *Single Family/Multi-Family*. Policy needs to focus on EV charging infrastructure in multi-unit housing as one-third of California homes are multi-unit, which includes some HOAs. Residents in multi-unit housing are often renters, which raises specific economic issues. As with many energy efficiency programs, there is little incentive for landlords to make investments into EV charging stations as they receive no benefit. There is no incentive for renters to make that investment, even if they could afford it, as they can't take that investment with them when they move.

A study funded by the California Energy Commission examined additional barriers to installing EV charging infrastructure in multi-unit dwellings.² The study noted that EV charging station installation costs in multi-unit dwellings were very expensive compared to single-family home installations³, and that the costs were directly related to the distance between the electric panel and the EV parking spot. However, the cost per charging station can be greatly reduced if multiple charging stations are installed in a given location.

- 5) *More to Do*. This bill removes a potential barrier to the installation of EV charging infrastructure in HOAs by extending the protections against unreasonable restrictions on the installation of EV charging stations to the meters which are necessary for the EV charging station to function. The committee hasn't received any reports that this has been a problem, but extending the protections to meters is a logical expansion. A representative of the Community Associations Institute has been contacted by the committee and indicated no concerns with the current version of the bill. However, for California to meet the 5 million ZEV goal, much more supportive EV charging infrastructure policies will need to be enacted for HOAs and other multi-unit housing, including subsidies and, perhaps, installation requirements. The Governor's recent Executive Order recognizes this and directs state agencies to focus on ways to make EV charging infrastructure more accessible.
- 6) *Clarifying Amendments*. The author proposes clarifying the bill to ensure that the owner pays for the installation of the EV charging station, as well as the cost of the electricity. This is accomplished by adding the following to page three, line 30 of the bill:

After "for" insert "both the costs associated with the installation and".

² "Overcoming Barriers to Electric Vehicle Charging in Multi-unit Dwellings; A South Bay Case Study"; California Energy Commission, May 2016; CEC-ARV-14-305.

³ The cost to install an EV charging station in a single family home averaged \$1,500. In a multi-unit setting the cost averaged \$5,400 with the lowest-priced installation costing \$1,800.

An additional clarifying amendment is necessary to ensure that the bill covers both municipal utilities (SMUD) and investor owned utilities (e.g. Southern California Edison). This requires replacing the term “public utility” with “electric utility”.

7) *Double Referral*. This bill has been double referred to the Judiciary Committee.

RELATED LEGISLATION:

AB 1239 (Holden, 2017) — would have required the state to develop building standards for electric vehicle parking spaces for existing nonresidential buildings and multifamily dwellings. The bill passed the Legislature and was vetoed by the Governor. In his veto the Governor said:

In 2013, I signed AB 1092 which required the California Building Standards Commission to adopt mandatory standards for the installation of electric vehicle charging stations for parking spaces in new multifamily dwellings and nonresidential buildings. Furthermore, the California Public Utilities Commission is currently working on a comprehensive plan that will determine where investor-owned utilities can install charging stations around the state.

Increasing transportation electrification will require additional coordination and collaboration from the California Energy Commission, the California Public Utilities Commission and the various departments within the Administration. I am directing the Government Operations Agency to work with all the key parties to identify barriers to the construction of charging stations in existing buildings.

AB 1452 (Muratsuchi, Chapter 635 of 2017) — authorizes local governments to designate public spaces for EV parking.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, March 14, 2018.)

SUPPORT:

Electric Vehicle Charging Association
Environment California

OPPOSITION:

None received.

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the forefront and HSRA is sufficiently reaching out to the public as the project moves forward.”

- 2) *Background.* The HSRA was established by legislation in 1996 (SB 1420, Kopp, Chapter 796) to direct the development of intercity high-speed rail service. In 2008, California voters approved Proposition 1A, which authorized \$9 billion in general obligation bonds for the high-speed rail project. HSRA is now a major department overseeing the construction of this megaproject, with 119 miles currently under construction or project development. While HSRA has grown and evolved, the statutes have not been updated to reflect its current operations. This bill will provide clear direction to HSRA to ensure that the public stays adequately informed about its activities.
- 3) *HSRA's Public Outreach Efforts.* HSRA currently uses a variety of methods to notify the public of its project development and construction activities. Several of these methods include open house meetings, construction updates through e-mail blasts, and providing project update presentations to community and service groups. For example, on March 12th, the HSRA sent out a public notice related to an open house to be held on March 21st at a local elementary school that will provide updates on Construction Package 1 in Fresno and Madera Counties. Additionally, past newsletters and press releases can be viewed on the HSRA website. As a result, the clarifications provided in this bill will bring existing law into alignment with HSRA's current public outreach activities.

RELATED LEGISLATION:

SB 1420 (Kopp, Chapter 796, Statutes of 1996) — established the High Speed Rail Authority and directed it to develop and implement a high speed train system in the state

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, March 14, 2018.)

SUPPORT:

None received.

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	SB 1173	Hearing Date:	3/20/2018
Author:	Vidak		
Version:	2/14/2018		
Urgency:	No	Fiscal:	No
Consultant:	Alison Hughes		

SUBJECT: Common interest developments: annual notices

DIGEST: This bill would exempt owners of timeshares from a requirement to provide annual notice to a homeowners association.

ANALYSIS:

Existing law:

1) Establishes the Davis-Sterling Act, which governs common interest developments and:

a) Provides that annually, an owner of a separate interest in a common interest development, shall provide notice to the association of all of the following:

i) The address or addresses to which notices from the association are to be delivered.

ii) An alternate or secondary address to which notices from the association are to be delivered.

iii) The name and address of the owner's legal representative, if any, including any person with power of attorney or other person who can be contacted in the event of the owner's extended absence from the separate interest.

iv) Whether the separate interest is owner-occupied, is rented out, if the parcel is developed but vacant, or if the parcel is undeveloped land.

b) The association shall solicit these annual notices of each owner.

c) If an owner fails to provide the notices set forth in (1) and (2) above, the last address provided in writing by the owner or, if none, the property address shall be deemed to be the address to which notices are to be delivered.

2) Establishes the Vacation Ownership and Time-Share Act (VOTA) of 2004, which governs time-share plans, and states the following:

- a) Exempts timeshares found within a common interest development from the notice provisions set forth in (1)-(3) above, and that in instances when there are inconsistencies between the VOTA and the Davis-Sterling Act, the VOTA shall control.
- b) The organized body consisting of the purchasers of time-share interests in a time-share plan shall maintain a complete list of the names and addresses of all owners of time-share interests in a time-share plan, and shall update this list no less frequently than every six months.
- c) The list described in (2)(b) shall not be published or provided to any time-share interest owner or to any third party or use or sell the list for commercial purposes.

This bill exempts time shares from the annual notice requirements found in the Davis-Sterling Act.

COMMENTS

- 1) *Purpose.* According to the author, this bill “is a needed and sensible addition to previous legislation. There is no reason to have inconsistent requirements for the homeowner association when it comes to timeshares.”
- 2) *VOTA v. Davis Sterling.* Despite explicit language in VOTA that exempts time shares from annual notice requirements in Davis-Sterling, according to the author, the notice requirement has been interpreted to require a small subsection of timeshares located in larger, mixed-developments to abide by the requirements set forth in the Davis-Sterling Act. The author states that this places a burdensome and frivolous requirement on homeowners associations given the unique nature of timeshare ownership. Further, under VOTA, timeshare associations already must update address lists at least every six months, more frequently than the annual requirement in Davis-Sterling.

This bill would restate the timeshare exemption found in VOTA from the annual notice requirement in Davis-Sterling.

- 3) *Double-referral.* This bill is double-referred to the Senate Judiciary Committee.

RELATED LEGISLATION:

SB 918 (Vidak, Chapter 780, Statutes of 2015) — requires the owner of a separate interest and the homeowner association in a common interest development to annually verify the address or addresses to which notices from the association are to be delivered.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, March 14, 2018.)

SUPPORT:

American Resort Development Association

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: SB 1236
Author: Monning
Version: 2/15/2018
Urgency: No
Consultant: Erin Riches

Hearing Date: 3/20/2018
Fiscal: Yes

SUBJECT: Commercial driver's license: education

DIGEST: This bill requires the state Department of Motor Vehicles (DMV) to adopt regulations relating to entry-level driver training requirements for commercial truck drivers, as specified.

ANALYSIS:

Existing federal regulations:

- 1) Establishes minimum training standards for individuals applying for their commercial driver's license for the first time; applying for an upgrade of their commercial driver's license; or applying for a hazardous materials, passenger, or school bus endorsement for the first time.
- 2) Requires applicants to complete a prescribed program of instruction provided by an entity that is listed on the Federal Motor Carrier Safety Administration's (FCMSA) Training Provider Registry.
- 3) Requires that in order to be eligible for listing on the Training Provider Registry, an entity must:
 - a) Utilize a curriculum, facilities, vehicles, and driver training instructors that meet specified criteria.
 - b) Be licensed, certified, registered, or authorized to provide training in accordance with applicable laws and regulations of any state where in-person training is conducted, unless instruction is only offered online.
- 4) Authorizes FCMSA to audit or investigate the training provider's operations to ensure it meets the criteria in (3).

- 5) Requires the entity to register each of its campuses with the Training Provider Registry and to attest that each meets all applicable requirements.

Existing state law:

- 1) Prohibits an individual from operating a commercial motor vehicle unless he or she has in his or her immediate possession a valid commercial driver's license of the appropriate class.
- 2) Requires a commercial driver's license for a variety of trucks weighing more than 26,000 lbs., passenger buses, and vehicles carrying hazardous materials.
- 3) Requires an individual, in order to obtain a commercial driver's license, to successfully complete both a written and driving test that comply with the minimum federal standards to operate a commercial motor vehicle.
- 4) Authorizes DMV to waive the driving test for an individual with military commercial motor vehicle experience if the individual is currently licensed with the U.S. Armed Forces and his or her driving record and experience meet the minimum federal standards.
- 5) Requires DMV to prescribe and conduct commercial written and driving tests, but authorizes DMV to enter into agreements with third-party testers to administer the driving test (the Employer Testing Program).
- 6) Exempts members and reservists of the U.S. Armed Forces, National Guard, and U.S. Coast Guard from all commercial driver's license requirements and sanctions.

This bill:

- 1) Requires DMV, no later than June 5, 2020, to adopt regulations related to entry-level driving training requirements for commercial motor vehicle drivers in compliance with federal Entry Level Driver Training regulations.
- 2) Requires the DMV-approved course of instruction for entry-level drivers to include, but not be limited to:
 - a) A minimum of 30 hours of behind-the-wheel (BTW) training, including at least 10 hours on an off-highway facility and 10 hours on a public road, for an applicant for a Class A commercial driver's license. If the applicant is

participating in the Employer Testing Program, he or she must complete a minimum of 15 hours of BTW training.

- b) A minimum of 15 hours of BTW training, including at least seven hours on a public road, for an applicant for a Class B commercial driver's license.
- c) For both Class A and Class B applicants, every 50 minutes of driving is deemed to be one hour of training.

COMMENTS

- 1) *Purpose.* The author states that while teens seeking a general Class C provisional driver's license must complete at least 50 hours of training behind the wheel, individuals seeking a commercial driver's license are not currently required to complete a safety training course or to log any minimum number of hours behind the wheel. BTW training is already an industry best practice standard; among the 10 training programs analyzed by the FCMSA, the number of BTW hours of training for a Class A license averaged 48.5 hours. According to the California Highway Patrol, 10,062 at-fault commercial vehicle collisions were reported in 2014, of which 2,432 resulted in injury and 68 were fatal. One of the fatal accidents in 2014 occurred on Highway 17 when a truck driver lost control and crashed into 10 cars, injuring seven people and killing 25-year-old Daniel McGuire of Santa Cruz. The truck driver's lack of adequate training was a major factor in the crash. This bill would help ensure that novice truck drivers receive critical BTW training prior to obtaining a commercial driver's license.
- 2) *Current state requirements.* Existing state law, in line with prior federal regulations, requires an individual to pass a written test and a driving test in order to obtain a commercial driver's license, but not to take a course of instruction prior to taking these tests.
- 3) *Background: new federal regulations.* Until last year, federal regulations required an individual to pass a written test and a driving test in order to obtain a commercial driver's license, but did not require a course of instruction prior to taking these tests. The federal Moving Ahead for Progress in the 21st Century Act (MAP-21), signed by President Obama in 2012, directed the FCMSA to establish new regulations for minimum training requirements for individuals applying for a commercial driver's license. The FCMSA began holding public meetings in March 2015, published a proposed regulation in March 2016, and published the final rule in December 2016. The new regulation, which took effect on March 21, 2017 (with compliance required by February 7, 2020),

requires an individual who is applying for a Class A or Class B commercial driver's license to receive specified training. The new regulation generally exempts military drivers, farmers, and firefighters, consistent with existing prior federal regulations.

- 4) *The new wrinkle: BTW training.* The primary difference between this bill and the new federal regulation is this bill's requirement for a commercial driver's license applicant to complete a specified number of BTW training hours. Although the new federal regulation provides that "the training provider must not issue the certificate unless the driver-trainee demonstrates proficiency in performing all the BTW skills," the regulation does not require training courses to include a BTW component.

The original proposed regulation included a minimum of 30 hours of BTW training for Class A trainees and 15 hours for Class B trainees. According to the FCMSA, despite extended discussions, ultimately it was "not able to obtain sufficient quantitative data linking mandatory minimum BTW training hours with positive safety outcomes..." The FCMSA notes it "has an obligation to use the least burdensome means to achieve regulatory objectives." The FCMSA expects driver trainees to spend approximately 30 and 15 hours BTW demonstrating the required Class A and Class B curricula, based on the experience of driver training organizations it consulted with during the rulemaking process, and notes that it could revisit the issue of mandatory minimum BTW training hours in a future rulemaking.

Less than two weeks after the final rule was issued in December 2016, the Advocates for Highway and Auto Safety, Owner-Operator Independent Drivers Association, Truck Safety Coalition, and Citizens for Reliable and Safe Highways submitted a petition for reconsideration on removal of the minimum BTW requirement. The petition stated that the BTW requirement was included in the original proposed rule because the advisory committee established by the FMCSA reached a consensus that a BTW requirement was an essential piece of the core curricula. The petition also noted that the original MAP-21 legislation required that training include BTW instruction. The FCMSA did not amend the final rule; however, the regulation does not prohibit states from imposing a BTW requirement.

- 5) *Trainer requirements.* The Employer Testing Program (ETP) allows firms that employ commercial drivers to administer driving tests for their employees (but written tests must still be taken through DMV). In order to participate, employers must apply to DMV, obtain DMV approval for examiners and training, and meet specified record retention requirements. In addition, DMV

regularly inspects and audits ETP participants. Alternatively, driver training provided through private postsecondary (post-high school) institutions, programs, and courses of instruction are overseen by the state Bureau for Private Postsecondary Education (BPPE) within the Department of Consumer Affairs.

The new federal regulation requires all training providers to register with the FMCSA's Training Provider Registry. Training providers must, at minimum, offer and teach a curriculum that meets all FMCSA standards. Providers must also meet requirements related to course administration, instructor qualifications, assessments, issuance of training certificates, and training vehicles and equipment. Training providers will self-certify that they meet all requirements and will electronically submit a registration form affirming, under penalty of perjury, that they will teach the FMCSA-approved curriculum appropriate to the commercial driver's license class or endorsement.

RELATED LEGISLATION:

SB 158 (Monning, 2017) — would have required the DMV to adopt regulations relating to entry-level driver training requirements for commercial truck drivers, including specified behind-the-wheel training requirements. *This bill was held on the suspense file in the Assembly Appropriations Committee.*

SB 344 (Monning, 2015) — would have required an individual to successfully complete a DMV-approved course of instruction in order to obtain a commercial driver's license. *This bill died on the suspense file in the Assembly Appropriations Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, March 14, 2018.)

SUPPORT:

Amalgamated Transit Union
California Bus Association
California Teamsters Public Affairs Council
Consumer Attorneys of California
Owner-Operator Independent Drivers Association
Santa Cruz County Regional Transportation Commission
Walk San Francisco

3,085 individuals

OPPOSITION:

None received.

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