

Electric Vehicle Infrastructure Council

September 18, 2014

11:00 AM to 12:30 Noon

4th Floor Board Room, MDOT Headquarters, Hanover

Attendance

Wilson Parran

Heather Murphy

William Gausman

Timothy Davis

Chris Rice

Travis Martz (General Counsel, Maryland Auto Dealers Association) for Peter Kitzmiller

Fred Hoover

Kathy Kinsey

Colleen Quinn

Meg Andrews

Scott Wilson (via telephone)

Public Comments & Discussion

There were no public comments or discussion.

HOV Lane Reciprocity – Workgroup Report

Chris Rice circulated draft legislation that would allow reciprocity with Virginia. The workgroup found Virginia's laws to be similar to California's, but clarification was needed for certain aspects, such as high mileage conventional vehicles sometimes qualifying for the Virginia and California programs.

Chris reported speaking to Alleyn Harned to get clarification, and learned that Virginia license plates issued to electric vehicles after 2011 don't allow access to HOV lanes, while those issued before do allow access under certain conditions. SHA agreed to approach VDOT to discover how many electric vehicles are registered in Virginia, so as to make a determination of how that would affect HOV lane usage in Maryland, but that VDOT had not yet responded.

The Virginia HOV program imposes a \$35 fee on drivers for the use of the HOV lanes, while Maryland's currently does not. The draft legislation circulated included a clause that stated that "the State Highway Administration shall adopt regulations including the imposition of a fee to carry out this Act."

There was discussion of how Virginia might go about charging Maryland drivers a fee, and the suggestion was made to alter the bill language to allow a fee rather than require a fee. Chris's next point was that Virginia is transitioning from HOV lanes to HOT lanes, and he asked how this affects the implementation of this reciprocity. Kathy Kinsey responded that the lane access agreements would need to be negotiated directly with the private operators of the HOT lanes.

William Gausman also clarified that there are not two but three types of Virginia license plates for electric vehicles: pre-2006, 2006-2011, and 2011 and onward. Each type had access to

different sets of HOV lanes, with the pre-2006 plates having access to the most lanes, with subsequent generations having access to fewer lanes.

Homeowner Associations – Workgroup Report

Fred Hoover reported that they were still in a research phase. He reported that four states (Colorado, Oregon, Hawaii and California—which had the most extensive program) had adopted legislation to require HOAs to permit homeowners to install charging stations. For each state, he is trying to find out the origins of the bill as well as how well it had turned out in practice.

One finding he reported was that insurance coverage is an important facet of this issue. He has begun discussions with the Maryland Insurance Administration about how condo associations and HOAs could figure out their liability for charging stations. Colleen Quinn asked whether the workgroup thought about tenants as well, and Fred responded that because HOAs and condo associations were dealt with in one part of the Maryland code while tenants were dealt with in another, it was likely that two separate pieces of legislation would be required, but that the insurance considerations applied equally in both cases.

Colleen brought as an example California AB 2565, which addressed single family, multifamily, and commercial tenants, and prohibits landlords from blocking these groups from installing a charging station as long as the tenant agrees to pay all the associated costs. She stated that the bill was on its way to the governor, and that it creates a process to install a charging station, but gives no financial incentives to those who wish to do so. She confirmed that the bill even applied to tenants who did not have assigned parking spaces. Chris asked whether a charging station at a non-assigned space became a mutual charging station, even though it was only paid for by one person, and Colleen responded that the space would become an assigned space.

Travis Martz asked whether the legal precedent set by tenants who wanted to install satellite antennae for television reception would apply to charging stations, and Fred responded that while the state could block HOA restrictions on satellite dishes, solar panels, or charging stations, enforcement was difficult, pointing out that HOAs could simply ignore the state law without repercussion, or impose restrictions on a location so stringent that they would make it virtually impossible to install the device. Chris asked whether the “reasonable restriction” clause could be removed to eliminate that possibility, but all agreed that that such a removal would make the bill impossible to pass. The question of enforcement was also discussed. Colleen stated that California’s enforcement mechanism was a fine that could be imposed on HOAs or landlords.

In closing, Fred stated that it was his goal to advance appropriate legislation this coming session.

Americans with Disabilities Act

Meg Andrews reported on discussions about ADA compliance for charging stations. Since no federal guidance is available, local governments have begun to seek guidance on this issue from the State. One county had recently requested an opinion from the Department of Housing and Community Development Codes Administration. The question was whether charging stations should be considered a destination in themselves or if the ADA chargers needed to be located in spaces with close proximity to other services. The Code Administration indicated that the chargers themselves were the destination.

She also pointed out that of the 5,039 electric vehicles registered in the State of Maryland, only 87 had disability plates or placards and only 9 of those were for battery-only vehicles that require a charging station. Therefore, there is time available to fully investigate this issue before making a decision. Finally, she reported that three states (California, Hawaii, and Washington) had published non-regulatory guidance on this issue. There have been two studies on the topic, one performed by ECotality and one performed by Sustainable Transportation Strategies, each of which has recommended guidelines, and which were the basis for the three states' guidelines.

There was discussion on whether the Council should come up with model guidelines, or whether, since counties have jurisdiction over enforcement, the Council should let the counties decide what they want to do. Baltimore City agreed to solicit opinions from other MACO members on this issue.

Multi-State Zero Emission Vehicle (ZEV) Action Plan – Next Steps

Kathy Kinsey reported that the focus of their effort was on implementing the obligations contained in the multi-state ZEV MOU, and that their task force would be meeting in Boston the following Monday to discuss these issues. She reminded Council members that at the last meeting, they agreed to discuss how the Council could aid in implementation of the MOU, and gave them two handouts which reflected her thinking on two ways the Council could help with implementation.

The first of the two areas she discussed was workplace charging. She proposed holding a workshop for employers. Liz Entwisle, a member of her staff, reported on such a program run in Massachusetts, which made available to her materials and resources from the workshop. The workshop was hosted by a large employer that has put in charging stations, and the purpose of the workshop was to encourage other employers to invest in charging stations. It provided an opportunity for employers to talk to “down the road” employers, as well as vendors and OEMs. According to Liz, there was an immediate response to the workshop and several employers ordered charging stations on the spot.

Liz reported that similar workshops have taken place in California, Ohio, Michigan and Georgia. Also the Transportation and Climate Initiative (TCI) was applying with five to six partners for a planning grant from the U.S. Department of Energy to do workplace charging workshops across the country, of which five to six would be in the Northeast or Mid-Atlantic regions, but not necessarily in Maryland. If TCI is awarded the grant, she reported, there would be a two-year performance timeline, so the workshops would be in 2015 or 2016. Kathy emphasized that this grant was very competitive, and that TCI may not receive an award, and Chris and Colleen each offered to write letters of support for the grant application.

Kathy asked if the members of the Council would be willing to work on such a workshop, with Fred in the lead and MDE supporting. The tasks necessary would be identifying employers, speakers and materials, and arranging logistics including a location and organizing a ride-and-drive event. Colleen offered a member of her staff to help with the initiative. Travis suggested that the Council reach out to the Maryland Retailers Association, noting that they could help in identifying employers as well as publicity. Heather Murphy added that the council should also reach out to the Department of Business and Economic Development. Liz reiterated that she had materials from Massachusetts that could be used in organizing the workshop. Meg reported that she had been contacted by “EV Roadshows,” which will be running an employer and local

government outreach event in Baltimore City in November. Chris stated that he had been working with the same organization in Virginia, trying to find venues for their events.

Kathy's second major area of focus was outreach to local governments stating that the goal was getting them "educated, thinking, and aware" about potential code changes that could promote installation of charging stations. She reported she has started to work with the City of Frederick already. She suggested that this was a good opportunity for MDP because it had pre-existing partnerships with local governments, but that she would need a team to come up with a longer-term outreach plan to counties and municipalities. She also stated that she wanted to involve MPOs as well, and that there were many possibilities for workshops and meetings with these local governments.

Liz added that this was another area where workshops might be useful for staff members from local governments such as fleet managers, purchasing agents, and public works directors. Colleen suggested that the State could host a half-day summit where local government leaders would come learn about electric vehicles, which the Council could organize. This suggestion was well received by the Council members.

Kathy then elaborated on the fleet plan, stating that she wanted the Council to recommend that the Governor enact an Executive Order that the State should adopt an electric vehicle purchasing goal of 15% of new fleet vehicles were electric by 2020 and 25% by 2025, stating that the state purchases approximately 400 vehicles per year but noting that she had not yet talked to DGS about whether the goal was feasible. Fred cautioned if a letter was to be sent to the Governor on this issue, that it may be more appropriate to have those members of the Council who were not members of any State agency sign a letter themselves. Meg agreed to talk to Council Chair Parran and solicit his opinion.

Laura Armstrong, a member of Kathy's staff, discussed a second handout: an information sheet with information on federal and state incentives for buyers of electric vehicles. She stated that some dealers were not as familiar with the tax and HOV benefits and were therefore reluctant to advertise them in fear of making a mistake. The information sheet is available to dealers, and could be modified to serve other audiences.

Travis reported that the sheet had been sent out in the Maryland Auto Dealers Association (MADA) biweekly newsletter, and that MADA will continue to circulate the newsletter. He also reported that MADA had worked with the MVA so that the dealer can give the electric vehicle rebate to a purchaser on the spot, then get reimbursed from the MVA. He also suggested that the incentive information be housed on its own website, noting that electric vehicle buyers tended to be savvy and perform a lot of research before buying a vehicle and stating that a standalone website might have higher visibility, particularly on search engines.

There was discussion of the use of Regional Greenhouse Gas Initiative (RGGI) funds to support Maryland's EV incentive programs. It was noted that it was a state-by-state political issue. It was also pointed out that there was a tension between trying to pump money into energy efficiency and renewable energy programs that reduce electricity load while simultaneously supporting electric vehicles that increase it. Fred stated that Maryland had enough available money to continue its rebate program. The question, he said, was how to influence other RGGI states.

Finally, Chris Rice reported that Department of General Services (DGS) was in the midst of installing dedicated outlets for Level 1 charging at the Calvert Street garage. In addition, he reported that they had installed two L2 chargers at the St Paul Street garage as well this year. Kathy asked whether any would be installed at the Preston Street garage, but Fred pointed out that since that garage would be demolished soon, they were unnecessary. Chris also reported on the progress of the Transit Station Charging Initiative and DC Fast Charger project that are moving forward well.