



September 25, 2015

*Via email*

Jim McGowan, Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Michael Nearman, Deputy Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

**Re: Comments on the DSA-AC Proposed Title 24, Part 2 and Part 10 EVCS  
Accessibility Regulations**

Dear Mr. McGowan and Mr. Nearman:

The California Electric Transportation Coalition (CalEETC) and the California Municipal Utilities Association (CMUA) appreciate the opportunity to comment on the proposed Title 24, Part 2 and Part 10 regulations relating to the accessibility of Electric Vehicle Charging Stations (EVCS) by persons with disabilities, drafted by the Division of the State Architect-Access Compliance (DSA-AC). We are pleased with the process to develop these regulations, and we appreciate the opportunities we've had to work with the Division of the State Architect, the ADA community, and the EV-stakeholder community thus far.

CalEETC is a non-profit association with a board of directors that includes: Los Angeles Department of Water and Power, Pacific Gas and Electric, Sacramento Municipal Utility District, San Diego Gas and Electric, and Southern California Edison. Our membership also includes major automakers and we work closely with our colleagues in the EV-charging-infrastructure community. These industries are committed to transportation electrification; auto makers are building the technologically advanced vehicles and utilities are supplying the fuel, which is imperative for California to meet its environmental and energy goals.

CMUA is a non-profit association that represents 60 community-owned electric and water utilities. About 40 of our members are electric utilities, and in the aggregate we represent 25 percent of retail energy sales in California. Our members are committed to local economic development – including job creation – and have an excellent track record in providing reliable electricity at low rates to their customers. Our members are installing hundreds of charging stations within their local utility territories across California.

The Governor's Executive Order B-16-2012 established goals for California to achieve a zero-emission vehicle infrastructure able to support 1 million vehicles by 2020, 1.5 million zero-emission vehicles on California roads by 2025, and easy access for Californians to zero-emission vehicle infrastructure. California also has stringent greenhouse gas emission reduction and air quality mandates. We appreciate the efforts of DSA-AC to balance California's EV infrastructure and accessibility objectives through these regulations.

Given these objectives, we respectfully submit the following comments:

Support: Section 11B-228.3.2 Minimum Number, Exception 1

We support the DSA-AC proposal, in Section 11B-228.3.2, Exception 1, to exclude from these requirements "*EVCS not available to the general public and intended for use by a designated vehicle or driver...*" We also support maintaining the clarifying language within this exception, which reads "*Examples include, but are not limited to, EVCS serving public or private fleet vehicles and EVCS assigned to an employee.*"

Support: Table 11B-228.3.2.1 Electric Vehicle Charging Stations for Public Use and Common Use

We support the DSA-AC proposed thresholds in Table 11B-228.3.2.1, specifically the proposal to require 1 van-accessible EVCS for every 1 to 4 EVCS, and 1 van- and 1 standard-accessible EVCS for every 5 to 25 EVCS.

Exemption Request for Retrofit Projects

We request an exemption for the installation of new EVCS in existing parking lots (retrofit projects). As written, the current regulations apply to both the addition of EVCS in new-construction parking lots and the addition of EVCS in existing parking lots. We urge you to consider exempting retrofit projects from these regulations or exempting retrofit projects for small parking lots, such as parking lots with 10 or fewer parking spaces.

These regulations will decrease the amount of EVCS retrofit projects due to the valid concern that property owners have about losing parking spaces in order to meet the accessible EVCS requirements. Under the regulations, if a property owner seeks to install any EVCS in a 10-space parking lot, there must be at least one van-accessible EVCS. This means that 3 to 3.5 parking spaces in the existing lot would have to be removed in order to accommodate one van-accessible EVCS. It is unlikely that any property owner would agree to the removal of this many spaces in order to add one EVCS to their parking lot. Burbank Water and Power has installed public charging infrastructure and has experienced an unwillingness by property owners to lose valuable parking space firsthand.

In addition to property owners' concerns about losing parking space, there is also a concern about the cost of installing charging infrastructure near the front of buildings. As required by the regulations, accessible EVCS in building parking lots must be "located on an accessible route to an entrance..." (Section 11B-812.5.1) In practice, this means that accessible EVCS need to be at or very close to the front of the building, where traditional accessible parking spaces are located. The cost to install charging infrastructure near the front of the building, which is often far from where there

is adequate electrical supply for EVCS, is higher than the cost to install charging infrastructure near existing electrical supply.

As an example, Burbank Water and Power installed chargers in an existing parking lot at Lakeside Shopping Center. The current chargers are 35 feet from the power source, which resulted in an asphalt replacement cost of about \$1,400 (\$40 per foot). If those chargers were relocated to the front of the building, the distance would increase to 200 feet, which would increase asphalt replacement costs to about \$8,000. In addition, the size of the power cables would need to be increased to avoid excessive voltage drop. This would likely result in an increase in cable costs from \$17 per foot to \$27 per foot. There would also be a general increase in cost from the additional material and labor required to install the chargers an increased distance away from the power source. These are significant cost increases that a business owner or utility considers when deciding whether to install EVCS in an existing parking lot.

In addition to other utilities, Los Angeles Department of Water and Power (LADWP) has been installing public charging infrastructure and has experienced these cost implications. As highlighted in the Burbank Water and Power example, LADWP has found that installation estimates become considerably higher for installations near the front of buildings. Furthermore, the power source may need to be accessed directly due to the size of the project, and in many cases it is not near the front of the building.

The DSA-AC failed to take these cost considerations into account in its analysis of the proposed regulations. Regarding the cost of these proposed regulations, the Initial Statement of Reasons states that “the cost of compliance with these proposed regulations will be minimal.” (2016 Part 10 – ISOR – Rev, p. 3; 2016 Part 02 – ISOR – Rev, p. 42) The Notice of Proposed Action states that “the DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.” (2016 Part 10 – NOPA, p. 3; 2016 Part 02 – Updated NOPA, p. 4) Due to the lack of an adequate examination of the cost of these proposed regulations, we urge the DSA-AC and the BSC to exempt retrofit projects from these proposed regulations until further examination is completed regarding the cost of compliance for retrofit projects.

Furthermore, the California Air Resources Board (CARB) exempted retrofit projects from its proposed amendments to the nonresidential EV charging standards in the Green Building Standards Code. CARB’s proposed amendments, which were approved by the BSC’s Green Building Code Advisory Committee, expressly applied solely to new construction. Requiring retrofit projects to comply with these accessibility provisions would be inconsistent with CARB’s related EVCS modifications.

We urge the BSC and DSA-AC to exempt installations of new EVCS in existing parking lots, or in existing parking lots of a certain size, from these proposed regulations for the above-mentioned reasons. The consequence of these regulations will be a chilling effect on the addition of EVCS to existing parking lots, and an overall reduction of EVCS. This is inconsistent with the zero-emission infrastructure goals in the Governor’s Executive Order B-16-2012, and will also negatively impact the state’s progress towards its air quality and greenhouse gas emission reduction goals. If retrofit

operations cannot be exempted from the regulations, then we urge you to consider the sharing concept, detailed below.

Alternate Request for the Addition of the "Sharing Concept"

Sharing is when an existing disabled-only van-accessible parking space is used both as a van-accessible EVCS and as a traditional disabled-only van-accessible parking space.

Currently, the DSA's proposed regulations neither explicitly allow nor prohibit sharing. However, the regulations are worded such that it would be basically impossible to share an accessible space. If retrofit projects are not exempted from the regulations, we request for sharing to be explicitly allowed in order to ensure that retrofit projects remain feasible. Specifically, for retrofit projects, we request shared spaces be exempted from the "EV CHARGING ONLY" surface marking requirement in 11B-812.9.

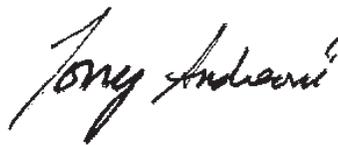
Sharing seeks to solve the space problem associated with retrofit projects because the accessible parking space that would be retrofitted into an EVCS already exists in the parking lot. However, sharing will not solve the added-cost problem associated with installing new accessible EVCS in existing parking lots.

Thank you for your consideration of our comments. Please do not hesitate to contact us should you have any questions about these comments.

Regards,



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Executive Director  
California Electric Transportation Coalition



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