
**Technology, Energy & Communications
Committee**

HB 1481

Brief Description: Regarding electric vehicles.

Sponsors: Representatives Eddy, Crouse, McCoy, Haler, Carlyle, Armstrong, Hunt, White, Dunshee, Priest, Appleton, Orwall, Rolfes, Hudgins, Hinkle, Upthegrove, Clibborn, Morrell, Ormsby, Kenney, Maxwell, Dickerson and Pedersen.

Brief Summary of Bill

- Directs the state to install charging outlets for electric vehicles in areas such as rest stops and state parking and maintenance facilities.
- Requires that certain new public and private construction must include parking for electric vehicles and/or electric vehicle circuitry or infrastructure.
- Exempts installation of electric vehicle infrastructure from most State Environmental Policy Act provisions.
- Preempts local governments from regulating electric vehicle infrastructure, except for certain permitting authority.
- Requires local governments in counties with a population of over 500,000 to provide certain parking for electric vehicles.
- Provides tax incentives for electric vehicle infrastructure.

Hearing Date: 1/29/09

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Background:

Electricity or Biofuel Use by State Agencies

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

By the year 2015, all state agencies and local government subdivisions of the state must satisfy 100 percent of their fuel needs for all vessels, vehicles, and construction equipment from electricity or biofuels. If after 2015, the Department of Community, Trade and Economic Development (DCTED) determines that the 100 percent biofuel use mandate is not practicable, then the DCTED may suspend, delay, or modify the requirement.

State Environmental Policy Act

The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare an environmental impact statement (EIS) if proposed legislation or other major action may have a probable significant adverse impact on the environment. The responsible official has authority to make the threshold determination whether an EIS must be prepared. If it appears a probable significant adverse environmental impact may result, the proposal may be altered or its probable significant adverse impact mitigated. If this cannot be accomplished, an EIS is prepared. The EIS is limited, or scoped, to address only the matters determined to have a probable significant adverse environmental impact.

Under SEPA, lead agencies may use existing environmental documents for new projects or non-project actions, if the documents adequately address the environmental impacts.

The Legislature has provided some exceptions to the requirements of SEPA. These include partial, or total, exemptions for action such as certain school closures, the issuance of air operating permits, fish habitat enhancement projects, the issuance of certain waste discharge permits, and the siting of certain personal wireless service facilities.

Green Economy Jobs Growth Initiative

In 2008, the Legislature enacted the Green Energy Jobs Growth Initiative (Initiative), with the stated goal of increasing the number of clean energy jobs to 25,000 by 2020. There are several elements of the Initiative, including defining what a green collar job is and conducting workforce development planning for a green economy.

Summary of Bill:

Electricity or Biofuel Use by State Agencies

State agencies and local governments, to the extent practicable as determined by the Department of Community, Trade, and Economic Development (DCTED), must achieve fuel usage using electricity or biofuel for publicly owned vessels, vehicles, and construction equipment according to, at a minimum, the following schedule:

- By December 31, 2012: 10 percent
- By December 31, 2013: 20 percent
- By December 31, 2014: 40 percent
- By December 31, 2015: 60 percent
- By December 31, 2016: 100 percent

Charging and Battery Exchange Stations

By December 31, 2015, the state must, to the extent practicable:

- install charging outlets capable of charging an all-electric vehicle fleet in each of the state's fleet parking and maintenance facilities;

- install charging outlets capable of charging electric vehicles in all state-owned highway rest stops; and
- install or lease space for installation of a battery exchange and charging station in appropriate state-owned highway rest stops

Electric Vehicle Infrastructure

Public and private facilities must accommodate electric vehicles in several ways.

Parking

Public parking and government fleet parking for electric vehicles must be included in all new state, regional and local government construction, including construction of government-leased buildings, to the extent practicable. The Department of General Administration shall adopt ratios of charge spots to parking based on the type of facility or building. Any parking spaces that allow charging must be reserved for use by electric vehicles only.

Battery Exchange

Space for a battery exchange station must be provided at new and existing public universities and colleges, commercial passenger airports, park and rides, ferry terminals, and government agency sites associated with 400 or more parking spaces.

Local governments must allow, to the extent practicable, battery recharging stations or outlets to be installed in garages, on public streets, on public sidewalks, and in on-site parking associated with municipal buildings.

Rest Stops and Weigh Stations

The Department of Transportation must allow construction of large electric vehicle infrastructure, such as exchange and quick charging stations, in or near appropriate state highway rest stops and weigh stations.

Electric Circuitry

Electric circuitry to support electric vehicle charging infrastructure for every parking space must be constructed for new parking garages, parking lots, retail space over 12,000 square feet, office buildings, multi-family housing, and single-family homes.

Existing structures must be retrofitted to include electric circuitry to support electric vehicle infrastructure if:

- additions or alterations of 4,000 square feet are being made to existing retail space or to office buildings that are greater than 12,000 square feet; or
- units are being added to multi-family housing, or if more than 25 percent of the existing space in multi-family housing is being altered.

Electric Vehicle Infrastructure in Counties with a Population over 500,000

All state, regional, and local government entities in counties with a population of over 500,000 must, to the extent practicable, arrange for the installation of electric vehicle infrastructure at existing government facilities. Government entities shall require property owners to allow for electric vehicle infrastructure retrofitting in circumstances in which the entity is leasing existing facilities.

Local jurisdictions in a county with a population over 500,000 must require that appropriate circuitry to support electric vehicle infrastructure be installed in all adjacent parking spots for:

- new commercial and multi-family development with adjacent on-street parking; and
- additions to commercial and multi-family development above 4,000 square feet with adjacent on-street parking

These parking facilities must include appropriate circuitry to support electric vehicle infrastructure in all adjacent spots and active charge spots in 10 percent of adjacent parking spaces that are directly related to the vehicular transportation needs generated by the proposed development.

Existing park and ride and off-street parking facilities operated by governmental entities in counties with a population over 500,000 must, to the extent practicable, arrange for a certain percentage of parking spaces to be "electric vehicle ready" starting in December of 2013, with the goal increasing in 2015 and 2018.

The Department of General Administration must adopt required ratios of charge spots to parking based on the type of facility or building.

Counties with a population over 500,000 must create an implementation schedule for local jurisdictions to achieve a goal of having a certain percentage of the county's private and public parking spaces be "electric vehicle ready" starting in December of 2013, with the goal increasing in 2015 and 2018.

By June 1, 2010, local jurisdictions in counties with a population over 500,000 must allow battery recharging stations and battery exchange stations in all mixed-used and nonresidential zones. Any amendments to county or city development regulations or comprehensive plans to reflect this as a permitted use are not subject to appeal by petition to the Growth Management Hearing Board, nor are they subject to State Environmental Policy Act (SEPA) requirements.

Incentives

Local jurisdictions may adopt incentives to encourage the retrofitting of existing structures with electric vehicle infrastructure. Incentives may include transferrable development rights for use in urban growth areas. The Department of Community, Trade and Economic Development (DCTED) must assist local jurisdictions in developing incentives for retrofitting existing structures for electric vehicle infrastructure. Any incentive program offered by a local jurisdiction must be approved by DCTED. Incentives may not be granted after December 31, 2020.

Preemption of Local Government Regulation

Local governments are preempted from regulating electric vehicle infrastructure, except local governments retain their traditional regulatory permitting authority for administrative permits, such as electrical and building permits.

State Environmental Policy Act Exemption

The siting, permitting and installation of electric vehicle infrastructure, including battery exchange stations, are not subject to the State Environmental Policy Act (SEPA), provided that the use or construction does not exceed the maximum levels established in the SEPA rules, nor does the use occur over water or other critical areas.

State and local government entities may use an environmental impact statement as an existing environmental document for purposes of SEPA.

By December 31, 2009, the Department of Community, Trade and Economic Development (DCTED) must complete a non-project environmental impact statement addressing the impacts on state agencies and local governments of electric vehicle infrastructure. Any non-project environmental impact statement developed by DCTED for this purpose is not subject to legal challenge, administrative appeals, or judicial review.

Utility Use of Electric Vehicles

Municipal utilities, public utility districts, and investor-owned utilities are encouraged to secure the environmental benefits of all electric vehicle use by using all electric vehicles for their own vehicle fleets, and promoting the use of all electric vehicles by others.

Workforce Development

The Workforce Training and Education Coordinating Board (Board) must develop, in collaboration with stakeholders, the workforce needed to support an electrified transportation network and fleet. The Board also must establish and maintain a strategic plan for the state to ensure an adequate supply of workers to support an electrified transportation network and fleet. By December 1, 2010, the Board must report to the Legislature and the Governor on its progress on the state plan.

Lease of State Lands

The state or any local government may lease public land for up to a 50 year term to a person for the purpose of installing, maintaining and operating either an electric vehicle charging facility or electric vehicle infrastructure.

Tax Incentives

Electric vehicle infrastructure is exempt from property tax and leasehold excise tax. Costs incurred by businesses related to the installation of electric vehicle infrastructure may be deducted from the basis of their B&O taxation.

The sale of electric vehicles, electric vehicle batteries, or the installation of electric vehicle infrastructure is exempt from retail sales and use tax.

Electric Transportation Jobs

Jobs created to support an electrified transportation network and fleet are considered to be "green economy jobs" for purposes of the state's Green Economy Jobs Growth Initiative.

Electric Vehicle Infrastructure Regulations

The State Building Code Council (Council) must adopt rules for electric vehicle infrastructure. Electric vehicle charging infrastructure must conform to applicable rules adopted by the Council.

The DCTED must provide technical assistance to local governments in integrating the provisions of their act into their existing zoning code and applicable development regulations.

Appropriation: None.

Fiscal Note: Requested on January 23, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.