

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

Video Conference Location  
Santa Rosa Junior College  
Doyle Library, Room 4248  
1501 Mendocino Avenue  
Santa Rosa, CA 95401

## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Thursday, March 22, 2018

### **1. CALL TO ORDER – ROLL CALL**

Committee Chairperson, David Hudson, called the meeting to order at 9:36 a.m. Brian Bunger, District Counsel, announced that Director Zane was participating via videoconference from Santa Rosa Junior College.

Present: Chairperson David Hudson; Vice Chair Doug Kim; and Directors David Canepa, Scott Haggerty, Rebecca Kaplan, Karen Mitchoff, Jim Spring, and Shirlee Zane (remote).

Absent: Directors Margaret Abe-Koga, John Gioia, and Brad Wagenknecht.

Also Present: None.

### **2. APPROVAL OF THE MINUTES OF FEBRUARY 22, 2018**

Public Comments:

No requests received.

Committee Comments:

None.

Committee Action:

Director Kaplan made a motion, seconded by Vice Chair Kim, to **approve** the minutes of February 22, 2018; and the motion **carried** by the following vote of the Committee:

AYES: Hudson, Kaplan, Kim, Mitchoff, and Spring.  
NOES: None.  
ABSTAIN: Zane.  
ABSENT: Abe-Koga, Canepa, Gioia, Haggerty, and Wagenknecht.

### 3. CONSIDERATION OF NEW BILLS

Thomas Addison, Senior Policy Advisor, delivered the staff report *Consideration of New Bills*, including discussion and review of the following bills and recommended positions:

- **Assembly Bill (AB) 1796 (Muratsuchi)** – Addresses electric vehicle (EV) charging station installation in rent-controlled buildings - **Support;**
- **AB 2061 (Frazier)** – Increases truck weight limits for electric, fuel cell, or natural gas trucks - **Support;**
- **AB 2940 (Caballero)** – Exempts certain heavy-duty, diesel, low-use and agricultural vehicles from existing requirements that would prevent their registration – **Oppose;**
- **AB 3059 (Bloom)** – Authorizes congestion pricing demonstration projects – **Support;**
- **Senate Bill (SB) 1144 (Dodd)** – Increases civil stationary source and penalty ceilings for serious violations at power plants, petrochemical facilities, and refineries – the Committee revised the recommended action of **Support if amended** to **Seek amendments;**
- **SB 1427 (Hill)** – States legislative intent to improve enforcement of high-occupancy vehicle (HOV) and high-occupancy toll (HOT) lanes – **Support.**

NOTED PRESENT: Director Haggerty was noted present at 9:44 a.m.; Director Canepa was noted present at 9:52 a.m.

Mr. Addison noted that, since the meeting packet was published, the following bill was added to the agenda:

- **AB 2336 (Salas)** – Carl Moyer program spot bill – **Oppose.**

#### Public Comments:

Public comments were made by Jed Holtzman, 350 Bay Area.

#### Committee Comments:

- **AB 1796:** The Committee and staff discussed how this bill would increase the market for new and used EVs; how costly this might be for tenants; the charging levels that could be installed; the possibility that the infrastructure may be unused after tenants who did use it move off the property; the opinion that some charging infrastructure and cables are unreliable and do not fully charge a vehicle overnight; the suggestion that future legislation requires that all rental units have EV charging infrastructure; EV infrastructure requirements for new multi-family and nonresidential buildings in the City of Oakland; the suggestion that the District should seek an author for a bill that penalizes gas vehicles that park in parking spaces designated for EV charging in both private and public lots; the need for the regional agency tenants at the Bay Area Metro Center to enforce penalties

for of gas vehicles parking in EV designated parking spaces of the parking garage; the desire for a provision in this bill requiring EV manufactures to offer rebates upon the installation of a charging station; and California's green building code requirements regarding electric vehicle-capable parking spaces in new and existing multifamily dwellings and nonresidential buildings.

- **AB 2061:** No discussion.
- **AB 2940:** The Committee and staff discussed how this bill would increase the annual truck mileage limitation to 5,000 miles, and would delay regulatory requirements on agricultural trucks; the District's concern that many owners of applicable vehicles that have complied with regulatory State requirements would be unfairly penalized, as this bill would give a significant financial advantage to less scrupulous competitors who have delayed compliance; the estimated number of vehicles that have delaying complying with State regulations; and whether agricultural vehicles that never use public roads and highways or leave their property would be exempt from this legislation.
- **AB 3059:** The Committee and staff discussed how this is a good first step to congestion reduction, but how it should be extended to more than four cities; whether toll roads need to be included; and success other jurisdictions have experienced with similar programs.
- **SB 1144:** The Committee and staff discussed District staff's concerns about the bill's potential impact of setting back the ability to impose higher penalty ceilings, as the District feels that inadequate financial consequences would result in a lack of compliance from those that violate air quality regulations; alternative positions that the Committee could recommend the Board adopt, such as 'oppose unless amended', 'monitor', or 'take no action', could affect the Legislature, and how the District prefers to focus on the bill's potential, rather than dismiss it; the Legislature's general opinion of the Bay Area Air District's Board; the suggestion and feasibility of Board members accompanying Mr. Addison to meetings with legislators and bill authors; the request that Mr. Addison contacts Senator Dodd as soon as possible to convey the Board members' desire to discuss this bill with him, and the request for talking points from staff about this bill; and a motion that the Committee recommend that the Board take a position of 'seek amendments' and request an in-person meeting with the author.
- **SB 1427:** The Committee and staff discussed the percentage of single-occupancy vehicles that are identified as unlawfully using HOV lanes in the Bay Area; the proposed increase of California Highway Patrol solely dedicated to HOV/HOT monitoring, and which State funding source would support that additional enforcement; and how carpools can sometimes be mistaken for single-occupancy vehicles.
- **AB 2336:** No discussion.

Committee Action:

The Committee members' votes on recommended positions as outlined above on these seven bills are reflected below:

	<b>AB 1796</b>	<b>AB 2061</b>	<b>AB 2940</b>	<b>AB 3059</b>	<b>SB 1144</b>	<b>SB 1427</b>	<b>AB 2336</b>
<b>Abe-Koga</b>	Absent	Absent	Absent	Absent	Absent	Absent	Absent
<b>Canepa</b>	Aye	Aye	SECOND	Aye	Aye	Aye	Aye
<b>Gioia</b>	Absent	Absent	Absent	Absent	Absent	Absent	Absent
<b>Haggerty</b>	Aye	Aye	Aye	Aye	Absent	Aye	MOTION
<b>Hudson</b>	Aye	Aye	Aye	Aye	Aye	Aye	Aye
<b>Kaplan</b>	MOTION	MOTION	Aye	MOTION	MOTION	MOTION	Aye
<b>Kim</b>	SECOND	Aye	Aye	Aye	Aye	Aye	Aye
<b>Mitchoff</b>	Aye	Aye	MOTION	SECOND	Aye	SECOND	SECOND
<b>Spering</b>	Aye	SECOND	Aye	Aye	SECOND	Aye	Aye
<b>Wagenknecht</b>	Absent	Absent	Absent	Absent	Absent	Absent	Absent
<b>Zane</b>	Aye	Aye	Aye	Aye	Aye	Aye	Aye

The recommended positions on the above seven bills were approved, with the exception of SB 1144 (the Committee approved the revision of the recommended action of **Support if amended to Seek amendments.**)

**4. SACRAMENTO UPDATE**

Mr. Addison gave the following updates, some pertaining to legislation and potential legislation that was discussed at the February 22, 2018 Committee meeting:

- Regarding funding for AB 617 implementation, both the Assembly and Senate Budget Subcommittees are holding this item open, and a resolution is not anticipated until mid-June 2018. A coalition is being formed by others who wish to hold the State accountable to communities that are disproportionately impacted by air pollution. Bay Area legislators have inquired with the Department of Finance why this is not being funded, and there seems to be an inaccurate perception that air district fees can fund AB 617 implementation.
- Senator Toni Atkins is the new President Pro Tempore of the California Senate.
- Regarding budgetary proposals, initiated by the Department of Finance, to transfer fees (\$26 million annually) assessed on purchasers of new tires in the State of California, from the Carl Moyer program, to the Department of Fish and Wildlife, a coalition of 40 organizations has been formed. The Department of Fish and Wildlife is running a \$20 million annual deficit.
- Regarding potential legislation that would alter the composition of this Air District's Board of Directors, no such bill has been introduced.

Public Comments:

No requests received.

Committee Comments:

The Committee and staff discussed the need for all Board members to be involved in advocacy for AB 617 funding; the suggestion that President Pro Tempore Atkins be invited for a joint reception

hosted by the District and the Alameda Transportation Commission; and the request for an additional column in future bill discussion lists that indicates key supporters and opponents.

Committee Action:

None; receive and file.

**5. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

**6. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

Directors Kim, Zane, Mitchoff, and Canepa expressed their gratitude for Director Kaplan's contributions to this Board, as this was her final Legislative Committee meeting as a Board member.

Director Mitchoff corrected a statement she thought she might have made earlier in the meeting. She said that if she had stated that she "represented refineries", she meant that she "represents a county where refineries are located." She added her opinion that Board members from jurisdictions that have refineries in them are just as concerned with holding refineries and other polluting facilities accountable and protecting public health.

Regarding an unknown driver of a gas vehicle that had parked in an EV parking spot in the building, Director Mitchoff reported that building security will watch the video footage to look for the driver, and that she informed the attendant about the incident.

Director Haggerty acknowledged that detailed discussion was possible at this meeting because there was no meeting scheduled directly after it, as has happened in the past.

Chair Hudson requested that SB 1427 be sent to Metropolitan Transportation Commission Government Relations Manager, Rebecca Long, and to someone at the Association of Bay Area Governments.

Public Comments:

Public comments were given by Jed Holtzman, 350 Bay Area.

**7. TIME AND PLACE OF NEXT MEETING**

At the call of the Chairperson.

**8. ADJOURNMENT**

The meeting adjourned at 11:24 a.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards