

# FINAL BILL REPORT

## E2SHB 1287

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### PARTIAL VETO C 300 L 21 Synopsis as Enacted

**Brief Description:** Concerning preparedness for a zero emissions transportation future.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby and Pollet).

**House Committee on Environment & Energy**  
**House Committee on Transportation**  
**Senate Committee on Environment, Energy & Technology**  
**Senate Committee on Transportation**

#### **Background:**

#### Electric Utility Resource Plans and Transportation Electrification Plans.

Electric utilities may be operated by municipalities (municipal electric utilities), public utility districts (PUDs), which are special purpose districts which may be formed to generate and distribute electricity, and privately owned electrical companies (investor-owned utilities). Investor-owned utility rates are subject to review and approval by the Utilities and Transportation Commission (UTC).

Each electric utility must develop one of two types of resource plans that estimate electricity loads and resources over a defined period of time:

- Utilities with 25,000 or more customers that are not fully served by the Bonneville Power Administration (BPA) must develop Integrated Resource Plans (IRPs). An IRP must include forecasts of projected customer demand and assessments of commercially available conservation and efficiency resources and renewable and nonrenewable technologies.
- Utilities with fewer than 25,000 customers or that are fully served BPA customers must complete a Resource Plan with fewer required components than IRPs.

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

Integrated Resource Plans and other Resource Plans must be updated at least every two years.

Since 2019 the governing body of a municipal electric utility or PUD may adopt an electrification of transportation plan that, at a minimum, establishes a finding that utility outreach and investment in the electrification of transportation infrastructure does not increase net costs to ratepayers in excess of 0.25 percent. In addition, an investor-owned utility may submit to the UTC an electrification of transportation plan that deploys electric vehicle supply equipment (EVSE) or provides other electric transportation programs, services, or incentives to support electrification of transportation, provided that such EVSE programs or services do not increase costs to customers in excess of 0.25 percent above the benefits of electric transportation to all customers over a period consistent with the utility's planning horizon under its most recent IRP. The UTC may allow an incentive rate of return on investment through December 31, 2030, on capital expenditures for EVSE that is deployed for the benefit of ratepayers, provided that the capital expenditures do not increase costs to ratepayers in excess of 0.25 percent.

#### Building Requirements for Electric Vehicle Infrastructure.

The State Energy Code (Code) is part of the State Building Code, which sets the minimum construction requirements for buildings in the state. The Code provides a maximum and minimum level of energy efficiency for residential buildings and the minimum level of energy efficiency for nonresidential buildings. The State Building Code Council (Council) maintains the Code. Unless otherwise amended by rule, the Code must reflect the 2006 edition. The Council reviews, updates, and adopts model state building codes every three years. The Council must adopt rules for electric vehicle infrastructure requirements. Rules adopted by the Council must consider applicable national and international standards.

In 2019 the Legislature directed the Council to develop rules for electric vehicle infrastructure that require electric vehicle charging capability at all new buildings that provide on-site parking. These rules must be implemented by July 1, 2021, and provide that:

- where parking is provided, the greater of one parking space or 10 percent of parking spaces, rounded to the next whole number, must be provided with wiring or raceway size to accommodate 208/240 V 40-amp or equivalent electric vehicle charging;
- electrical rooms serving buildings with on-site parking must be sized to accommodate the potential for electrical equipment and distribution required to serve a minimum of 20 percent of the total parking spaces with 208/240 V 40-amp or equivalent electric vehicle charging;
- load management infrastructure may be used to adjust the size and capacity of the required building electric service equipment and circuits; and
- for accessible parking spaces, the greater of one parking space or 10 percent of accessible parking spaces, rounded to the next whole number, must be provided with

electric vehicle charging infrastructure that may also serve adjacent parking spaces not designated as accessible parking.

### Zero-Emission Vehicle Program.

Under the federal Clean Air Act (federal CAA), most states, including Washington, are restricted from enacting their own emissions standards for new motor vehicles, which is an authority generally reserved to the federal government. California is the only state allowed under the federal CAA to adopt state standards for vehicle emissions. California's vehicle emissions standards must be at least as protective of public health as federal standards and must be approved by the United States Environmental Protection Agency (EPA). Other states may adopt vehicle emissions standards that are identical to California's vehicle emissions standards for specific vehicle model years. The motor vehicle emissions standards established by California contain two program components: low-emission vehicle (LEV) requirements and zero-emission vehicle (ZEV) requirements.

The California ZEV program requires that a specified percentage of the vehicles delivered for sale in the state by manufacturers must be ZEVs. California's current ZEV standards for passenger cars and light-duty trucks require that ZEV credits equal to 9.5 percent of vehicles produced by manufacturers and delivered for sale in California be ZEVs by 2020, increasing to 22 percent for model year 2025 and beyond. In 2020 the Legislature enacted a bill that requires the Department of Ecology (Ecology) to adopt all of California's motor vehicle emission standards, including the ZEV program.

### Greenhouse Gas Emission Limits.

In 2008 Washington enacted legislation that sets a series of limits on the emission of greenhouse gases (GHGs) within the state. Ecology is responsible for monitoring and tracking the state's progress toward the emission limits. In 2020 the state limits were updated to the following:

- By 2020, reduce overall emissions of GHGs in the state to 1990 levels, or 90.5 million metric tons.
- By 2030, reduce overall emissions of GHGs in the state to 45 percent below 1990 levels, or 50 million metric tons.
- By 2040, reduce overall emissions of GHGs in the state to 70 percent below 1990 levels, or 27 million metric tons.
- By 2050, reduce overall emissions of GHGs in the state to 95 percent below 1990 levels, or 5 million metric tons, and achieve net-zero GHG emissions.

### **Summary:**

#### Electric Vehicle Infrastructure Tool.

The Department of Transportation (Transportation) must develop and maintain a publicly

available mapping and forecasting tool (tool) that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and use. Transportation must consult with the departments of Ecology and Commerce and the state Office of Equity in the development of the tool.

The tool must:

- be designed to enable deployment of charging and refueling infrastructure to support transportation electrification efforts that result in emission reductions consistent with state greenhouse gas (GHG) emission limits;
- initially prioritize on-road transportation;
- incorporate Transportation traffic data for passenger and freight vehicles;
- integrate population, health, environmental, and socioeconomic data; and
- integrate related analyses, such as the state energy strategy.

If feasible or to the extent feasible, the tool must also:

- provide the data necessary to support state agencies with a role in transportation electrification efforts;
- provide data at a scale that supports electric utility planning for system-wide impacts and for impacts on specific components of the distribution system;
- forecast zero-emission vehicle (ZEV) use that would achieve state emission reductions consistent with state emission limits;
- evolve over time to support future transportation electrification programs;
- address specified elements, including the amount, type, location, and year of installation of electric vehicle supply equipment, the electric vehicle characteristics necessary to model future electric vehicle penetration levels and use cases, the estimated energy and capacity demand, political boundaries, and existing infrastructure;
- integrate scenarios including varying levels of public transportation and active transportation use; and
- incorporate infrastructure located at or near the border with neighboring states and provinces.

Transportation must conduct a stakeholder process in developing the tool and must involve stakeholders early in the tool development process. Transportation may contract with consultants or the Department of Commerce to develop and implement all or part of the tool, and may rely on or contract for privately maintained data. Funds in the Electric Vehicle Account may be used for the mapping and forecasting tool. To the extent that the tool is used to recommend future electric vehicle charging sites, Transportation must consider recommending sites that are co-located with small retailers and other amenities.

#### Utility Resource Plans.

The Integrated Resource Plans and Resource Plans of electric utilities must support and account for:

- modeled load forecast scenarios that consider anticipated levels of ZEV use in a utility's service area, including anticipated levels of ZEV use provided in the Transportation mapping and forecasting tool, if feasible;
- analysis, research, recommendations, actions, and other information found in utilities' transportation electrification plans; and
- assumed use case forecasts and associated energy impacts, which may apply forecasts from Commerce's mapping and forecasting tool. This requirement applies only to plans due to be filed after September 1, 2023.

Building Requirements for Electric Vehicle Infrastructure.

The State Building Code Council's (Council) electric vehicle infrastructure requirements for buildings must exceed the minimum requirements established in 2019 for residential and commercial buildings to the extent necessary to support anticipated levels of ZEV use that result from the implementation of the ZEV program and that result in emission reductions consistent with state emission reduction limits. The Council must adopt rules to implement these electric vehicle infrastructure requirements by July 1, 2024, and may update those rules periodically thereafter.

By July 1, 2024, the Council must also implement rules for residential R-3 occupancies to require electric vehicle charging capability (by providing wiring or raceway to accommodate 208/240 V 40-amp electric vehicle charging) at all new buildings that provide on-site parking, in an amount that is the greater of at least one parking space, or 10 percent of parking spaces.

Electric Vehicle Goals.

A goal is established that all publicly and privately owned passenger and light duty vehicles of model year 2030 or later sold, purchased, or registered in Washington state be electric vehicles, contingent upon a road usage charge or equivalent vehicle miles traveled fee or tax being in effect in Washington with at least 75 percent of registered passenger and light duty vehicles in Washington participating.

**Votes on Final Passage:**

House	65	31	
Senate	25	23	(Senate amended)
House	54	43	(House concurred)

**Effective:** July 25, 2021

**Partial Veto Summary:** The Governor vetoed the section that established a contingent goal that all publicly and privately owned passenger and light duty vehicles of model year

2030 or later sold, purchased, or registered in Washington state be electric vehicles.