

MEMORANDUM

February 20, 2014

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Bill 32-13, Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles

Bill 32-13, Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles, sponsored by Councilmembers Riemer, Berliner, Andrews, and Council Vice President Leventhal, was introduced on December 10. A public hearing was held on January 28.

Background

Bill 32-13 would prohibit parking of a non-plug-in vehicle in an off-street parking space reserved for plug-in vehicles that is open to the public. Plug-in vehicle parking spaces with a recharging station are becoming more popular as plug-in electric vehicles become more available in the County. There is currently no prohibition on parking a non plug-in vehicle in a parking space reserved for a plug-in electric vehicle.

Although property owners have posted signs prohibiting parking a non plug-in vehicle in a parking space reserved for a plug-in electric vehicle, the Police cannot issue a parking citation without a law prohibiting this. This Bill would permit the Police to issue a parking citation for a violation and thereby encourage parking lot owners to install parking spaces with a recharging station reserved for plug-in vehicles. A violation would be a Class B Violation under County Code §31-51 with a maximum penalty of \$100 for an initial offense. The actual fine would be set by Council resolution under Code §2-57A. The availability of recharging stations in the County should encourage the use of plug-in electric vehicles.

Public Hearing

The lone speaker at the January 28 public hearing, Lanny Hartmann, supported the Bill with amendments. See ©4. We also received written testimony supporting the Bill with amendments from Charlie Garlow, President of the Electric Vehicle Association of Greater Washington D.C. (©7) and Bob Bruninga (©8). Each of these speakers recommended modifying the definition of a plug-in electric vehicle to include a vehicle that has been converted from a gasoline vehicle and a vehicle with a maximum speed less than 65 miles per hour.

Issues

1. Should the definition of a plug-in electric vehicle exclude a vehicle that has been converted to an electric vehicle after its original date of manufacture?

The Bill would limit the definition of plug-in electric vehicle to a vehicle that “has not been modified from the original manufacturer’s specifications.” See line 7-8 on ©2. This provision was included in the Bill to match the definition of a plug-in electric vehicle in a State Bill (HB 1149) that would have similarly prohibited parking a non plug-in electric vehicle in a parking space with a vehicle recharging station. However, in 2013, the General Assembly enacted a revised definition of a plug-in electric vehicle that expressly includes a vehicle that has been modified from its original manufacturer specifications. See Md. Transportation Code §11-145.1 at ©9.

All 3 members of the public testifying on this Bill pointed out that there are many former gasoline vehicles that have been successfully converted to a plug-in electric vehicle that would be prohibited from using a recharging station in a public parking lot by this Bill. The purpose of the Bill is to encourage the use of plug-in electric vehicles. Although it may be more difficult for a property owner or a police officer to recognize a converted plug-in electric vehicle, excluding them would discourage the use of these plug-in electric vehicles. For this reason, the lead sponsor of the Bill, Councilmember Riemer, has proposed an amendment that would modify the definition of a plug-in electric vehicle to match the current State definition in §11-145.1. See Riemer Amendment 1 at ©10. **Council staff recommendation:** amend the Bill to include converted vehicles.

2. Should the definition of a plug-in electric vehicle be limited to a vehicle with a maximum speed of at least 65 miles per hour?

The Bill would limit the definition of plug-in electric vehicle to a vehicle with a maximum speed of 65 miles per hour. Again, this definition was pulled from HB 1149. The current definition in Md. Transportation Code §11-145.1 requires a maximum speed of 55 miles per hour. Reducing the maximum speed was recommended by each of the members of the public who commented on the Bill. Although there are neighborhood plug-in electric vehicles with a maximum speed as low as 25 miles per hour, the State law definition requires a maximum speed of 55 miles per hour. Councilmember Riemer’s proposed amendment would modify the definition of a plug-in electric vehicle to match the current State definition in §11-145.1. See Riemer Amendment 1 at ©10. **Council staff recommendation:** amend the Bill to lower the maximum required speed from 65 miles per hour to 55 miles per hour.

Council staff recommendation: approve the Bill with Riemer Amendment 1.

This packet contains:

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Bill No. 32-13
Concerning: Motor Vehicles and Traffic –
Off-Street Public Parking Regulations
– Plug-in Vehicles
Revised: January 28, 2014 Draft No. 3
Introduced: December 10, 2013
Expires: June 10, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Riemer, Berliner, Andrews, and Vice President Leventhal

AN ACT to:

- (1) define a plug-in vehicle;
- (2) prohibit parking of a vehicle that is not a plug-in vehicle in a public parking space reserved for plug-in vehicles; and
- (3) generally amend the laws governing off-street public parking in the County.

By adding

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Article IV, Off-Street Public Parking Regulations
Section 31-26B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 31-26B is added as follows:**

2 **31-26B. Parking spaces reserved for a plug-in vehicle.**

3 (a) In this Section, a *plug-in vehicle* means a vehicle that:

4 (1) is made by a vehicle manufacturer;

5 (2) is manufactured primarily for use on a public street, road, and
6 highway;

7 (3) has not been modified from the original manufacturer's
8 specifications;

9 (4) has a rated unloaded gross vehicle weight of no more than 8,500
10 pounds;

11 (5) has a maximum speed of at least 65 miles per hour;

12 (6) is propelled to a significant extent by an electric motor that draws
13 electricity from a battery that:

14 (A) for a 4-wheeled vehicle, has a capacity of at least 4
15 kilowatt-hours;

16 (B) for a 2-wheeled or a 3-wheeled vehicle, has a capacity of at
17 least 2.5 kilowatt-hours; and

18 (C) can be recharged from an external source of electricity.

19 (b) A person may not stop, stand, or park a vehicle that is not a plug-in
20 vehicle in a space that:

21 (1) is marked for the use of plug-in vehicles with an official sign that
22 conforms to regulations adopted pursuant to Section 31-23; and

23 (2) provides access to a plug-in vehicle recharging station.

LEGISLATIVE REQUEST REPORT

Bill 32-13

Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles

DESCRIPTION: Bill 32-13 would prohibit a person from parking a non plug-in electric vehicle in an off-street public parking space reserved for plug-in vehicles.

PROBLEM: Plug-in vehicle parking spaces with a recharging station are becoming more popular as plug-in electric vehicles become more available in the County. There is currently no prohibition on parking a non plug-in vehicle in a parking space reserved for a plug-in electric vehicle.

GOALS AND OBJECTIVES: The goal is to encourage the use of plug-in electric vehicles in the County and the installation of parking spaces with a recharging station reserved for plug-in vehicles.

COORDINATION: Police, County Attorney, Department of Transportation

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney, 240-777-7895

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class B Violation

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Lanny Hartmann
7244 Riding Hood Circle
Columbia, MD 21045
lanny3@yahoo.com

January 28, 2014

Dear Council Members,

As an owner of a plug-in electric car, a resident of Maryland, and a frequent traveller to Montgomery County, I urge the Council to pass Bill 32-13 to prohibit parking of a non-plug-in vehicle in a parking space reserved for plug-in vehicles. Currently there is no law, that I'm aware of, in Maryland that prohibits non-plug-in vehicles from blocking access to electric vehicle charging stations.

Many times I have been unable to charge my electric car at a public charging station because the spaces in front of it have been occupied by non plug-in vehicles. This can be very discouraging and I believe it has a negative effect on the adoption of plug-in vehicles in the state and in Montgomery County.

There have been several attempts at legislation on this issue in the Maryland General Assembly that have not moved forward. The recommendation of the Maryland Electric Vehicle Infrastructure Council on page 32 of its Final Report to the Governor and Maryland General Assembly, is that "action on this issue at the state level be deferred until local governments and/or market forces have had more opportunity to address it in ways appropriate to different situations."

This is an opportunity for Montgomery County to take the lead and be the first to address this issue in the state of Maryland and help encourage more people to drive plug-in electric vehicles.

There are a few recommendations that I detail below.

Please consider the following changes in order to be consistent with the definition of a plug-in vehicle specified in 2013 Maryland Senate Bill 600.

In (a) (5), CHANGE from 65 to 55 miles per hour.

REMOVE (a) (3) has not been modified from the original manufacturer's specifications;

ADD "Plug-in vehicle" includes a qualifying vehicle that has been modified from the original manufacturer specifications.

I ask you to avoid adding amendments that increase the complexity of compliance and enforcement of the law. Specifically, I caution against adding any language that states that the qualifying plug-in vehicle must be plugged in or that it must vacate the parking space upon reaching a full charge. In some public parking situations, such as park and ride lots, or when a car is left to charge overnight, it is not practical for the operator of the plug-in vehicle to vacate the parking space immediately when the car is finished charging.

Also, in some situations, a plug-in vehicle owner will leave a note granting permission to unplug their car if another person arrives and can park in an adjacent space where the charging cable will reach. An amendment requiring the car to be plugged in would put at risk the owner of the vehicle who allowed his car to be unplugged or who was the victim of someone maliciously or innocently unplugging the owner's car without permission.

Thank you for your consideration.

Sincerely,

Lanny Hartmann

Drummer, Bob

From: Lanny H [lanny3@hotmail.com]
Sent: Monday, January 27, 2014 11:50 AM
To: Drummer, Bob
Subject: Comments on Bill 32-13

Dear Mr. Drummer,

Below are the comments that I believe were incorporated in a revision to 2012 Maryland House Bill 108.

Some Maryland residents have taken gasoline cars and converted them to run on batteries. Being that they modified their cars to run on electric power rather than petroleum fuel, the following sentence would exclude them:

(3) has not been modified from original manufacturer's specifications;

May I suggest a change that would preserve the intent of the bill while not inadvertently excluding vehicles that have been modified to be genuine plug-in electric vehicles. The following wording should be changed.

FROM:

(1) is made by a vehicle manufacturer;

TO:

(1) is made by a vehicle manufacturer or has been converted to electric;

ELIMINATE:

(3) has not been modified from original manufacturer's specifications;

Also, I believe that "(5) has a maximum speed of at least 65 miles per hour," was changed to be consistent with the Maryland motor vehicle code.

Lanny Hartmann
410-419-2774

Drummer, Bob

From: Lanny Hartmann [lanny3@yahoo.com]
Sent: Thursday, January 30, 2014 12:50 PM
To: Riemer, Hans; Drummer, Bob
Subject: Notes on Bill 32-13
Attachments: 4hrcharging.jpg

Dear Councilmember Riemer,

Thank you for sponsoring Bill 32-13 and listening to my testimony at the public comment session this week. I am pleased that Montgomery County is taking the lead on addressing this issue which is important to the growing number of plug-in vehicle drivers and the property owners that provide public charging stations.

I would like to pass along to you and Mr. Drummer some additional information that may be helpful.

The Fiscal and Policy Note on 2013 Maryland HB 1149 refers to the Electric Vehicle Infrastructure Council Report that I mentioned in my testimony. "The report recommend that action on this issue be deferred until local governments and/or market forces have had more opportunity to address the nuanced issues involved. These issues included the amount of time that an electric vehicle should be allowed to be plugged-in to a charger and whether the amount of time should vary for parking spaces located on different types of properties."

That part of the report is found on page 32. Here is a [Link to the 2012 EVIC Final Report](#).

With regard to the amount of time that a vehicle should be allowed to remain plugged in at a charging station, I believe that market forces, in the form of a tiered pricing structure, are preferred over legislation. This is already being used successfully in a number of charging station locations in Montgomery County. I have attached a photo of a sign that exhibits an example of this pricing model that, in and of itself, discourages plug-in vehicles from remaining at a charging station more than a few hours. In this particular example, the sign designates the price as \$.55 per hour for the first 4 hours and \$1.00 per hour after 4 hours. This charging station is at The Tower Building on Wootton Parkway in Rockville.

I am available to answer questions or help in any way to get this bill passed.

Sincerely,

Lanny Hartmann
phone: 410-419-2774

Drummer, Bob

From: Lauer, Linda
Sent: Friday, January 31, 2014 12:30 PM
To: Drummer, Bob
Subject: FW: Bil 32-13 Written testimony

You may have seen this, but just in case.

From: Charlie Garlow [mailto:charliegarlow350@gmail.com]
Sent: Thursday, January 30, 2014 5:22 PM
To: Lauer, Linda
Cc: Leventhal's Office, Councilmember
Subject: Bil 32-13 Written testimony

Dear Council member Leventhal,
Thanks for co-sponsoring this bill. I hope you will endorse the modifications I propose here.
I'm sorry I missed the hearing. It would have been good to see you again.

Dear Ms. Lauer, Clerk of the County Council,

Please enter these comments in the record for Bill 32-13 pertaining to Plug-In Vehicles.

This bill would prohibit parking of a non-plug-in vehicle in parking spots that have been designated for electric vehicle charging. This is a good bill, but needs some modification.

First, it should not require that the plug-in vehicle is manufactured by an original equipment manufacturer such as Chevy, Ford, etc. Rather it should allow for any electric car to park and charge. For example, I am the proud owner of an electric Porsche [Model 914, 1974] which was converted from gasoline. It is a great commuter car, and I see no reason that this bill should discriminate against me or other owners of conversion electric cars. I have a friend who has a very nice BMW converted to electricity. My friend Chip Gribben from Laurel MD comes to Montgomery County often. He has a Ford Focus that he converted to electricity. There are more of these conversions all the time. They look so nice that it would be difficult for a ticketing officer to tell whether this is an OEM car or not.

Second, although my car can go 80 mph [I try not to get caught !], I see no reason that we should not allow parking by cars that can not go faster than 65 mph. Why? First, how is a ticketing officer going to know if an electric vehicle can go 65 mph or faster, and thus qualify for charging in a charging spot? Enforcement would be problematic. Second, there are some very nice vehicles, referred to as neighborhood electric vehicles which only go 25 mph. Some go faster. They should be allowed to go to the shopping mall and charge up just like the rest of us. You can see pictures of those that are closed and open shells at this web site.

<http://www.ecofriend.com/5-neighborhood-electric-vehicles.html>

Thank you,
Charlie Garlow, President, Electric Vehicle Assoc of Greater Washington DC. www.evadc.org
9929 Woodburn Road
Silver Spring, MD 20901

Drummer, Bob

From: Leventhal's Office, Councilmember
Sent: Tuesday, February 18, 2014 12:31 PM
To: Drummer, Bob
Subject: FW: [EVADC Listserve] FW: Electric Vehicles and charging spots in Monty County

Dear Bob, I'm forwarding this to you in case you think it is worth mentioning in the committee packet on this bill.

Best,
George

From: Robert Bruninga [mailto:bruninga@usna.edu]
Sent: Tuesday, January 07, 2014 12:18 PM
To: EVADC@yahoogroups.com
Cc: bruninga@usna.edu; Leventhal's Office, Councilmember
Subject: RE: [EVADC Listserve] FW: Electric Vehicles and charging spots in Monty County

Charlie,

I cannot go to the meeting, but PLEASE email back to these contact individuals and Mr Drummer, that the definition of a PEV is flawed since it outlaws the market for conversion EV's and that is one of the more vital small business markets of the EV industry. In fact, it was converted Prius's that got the whole PEV market underway.

There are many companies that will convert almost any make and model of any old gas car to electric for only a few thousand dollars, far less than the expensive high performance models coming from the established car manufacturers. There are even senators and congressmen driving converted PEV's. And since gas cars sold today typically have a 20 to 25 year life span before salvage, the market for EV conversions of these fine cars to emission free EV's is huge over the next 2 decades to get us to the electric transportation baseline we need by 2030.

The sentence "has not been modified from the original manufacturer's specifications"
Must not stand!

Bob Bruninga, PE
IEEE National Committee on Transportation and Aerospace
Senior Research Engineer, US Naval Academy
410-293-6417

From: EVADC@yahoogroups.com [mailto:EVADC@yahoogroups.com] **On Behalf Of** Garlow, Charlie
Sent: Tuesday, January 07, 2014 10:04 AM
To: evadc@yahoogroups.com
Subject: [EVADC Listserve] FW: Electric Vehicles and charging spots in Monty County

Does anyone want to step forward and act as our trail boss on this issue? Want to testify on Jan 28 at 1:30PM?
How about getting something like this going in YOUR county?
My thought is to open it to conversions and to specify that PEVs must be plugged in, whether full or not. That would eliminate tickets for PEV owners who plug in and then get filled up. Your thoughts?

Statute Text

Article - Transportation

§11-145.1.

(a) "Plug-in electric drive vehicle" means a motor vehicle that:

- (1) Is made by a manufacturer;
- (2) Is manufactured primarily for use on public streets, roads, and highways;
- (3) Is rated at not more than 8,500 pounds unloaded gross vehicle weight;
- (4) Has a maximum speed capability of at least 55 miles per hour; and
- (5) Is propelled to a significant extent by an electric motor that draws electricity from a battery that:
 - (i) Has a capacity of not less than 4 kilowatt-hours for 4-wheeled motor vehicles and not less than 2.5 kilowatt-hours for 2-wheeled or 3-wheeled motor vehicles; and
 - (ii) Is capable of being recharged from an external source of electricity.

(b) "Plug-in electric drive vehicle" includes a qualifying vehicle that has been modified from original manufacturer specifications.

Bill 32-13, Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles

Riemer Amendment 1

Amend lines 3-21 as follows:

- (a) In this Section, a *plug-in vehicle* means a vehicle that:
- (1) is made by a vehicle manufacturer;
 - (2) is manufactured primarily for use on a public street, road, and highway;
 - (3) [[has not been modified from the original manufacturer's specifications;
 - (4)] has a rated unloaded gross vehicle weight of no more than 8,500 pounds;
 - [[5)] (4) has a maximum speed capability of at least [[65]] 55 miles per hour; and
 - [[6)] (5) is propelled to a significant extent by an electric motor that draws electricity from a battery that:
 - (A) for a 4-wheeled vehicle, has a capacity of at least 4 kilowatt-hours;
 - (B) for a 2-wheeled or a 3-wheeled vehicle, has a capacity of at least 2.5 kilowatt-hours; and
 - (C) can be recharged from an external source of electricity.
- (b) Plug-in vehicle includes a qualifying vehicle that has been modified from original manufacturer specifications.
- (c) A person may not stop, stand, or park a vehicle that is not a plug-in vehicle in a space that:



ROCKVILLE, MARYLAND

MEMORANDUM

January 22, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
 Joseph F. Beach, Director, Department of Finance

SUBJECT: Council Bill 32-13, Motor Vehicles and Traffic – Off-Street Public Parking Regulations, Plug-in Vehicles

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

- cc: Bonnie Kirkland, Assistant Chief Administrative Officer
- Lisa Austin, Offices of the County Executive
- Joy Nurmi, Special Assistant to the County Executive
- Patrick Lacefield, Director, Public Information Office
- Joseph F. Beach, Director, Department of Finance
- Michael Coveyou, Department of Finance
- Kevin Myers, Department of Finance
- Robert Hagedoorn, Department of Finance
- Arthur Holmes, Director, Department of Transportation
- Brady Goldsmith, Office of Management and Budget
- Alex Espinosa, Office of Management and Budget
- Felicia Zhang, Office of Management and Budget
- Naeem Mia, Office of Management and Budget

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MONTGOMERY COUNTY

2014 JAN 24 AM 9:07

Fiscal Impact Statement
Council Bill 32-13
Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles

1. Legislative Summary (Enter narrative that explains the purpose of the legislation).

Bill 32-13 would prohibit parking of a vehicle that is not a plug-in vehicle in a public off-street parking space reserved for plug-in vehicles.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Estimate minimal change in revenue or expenses.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

None in prior years.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

No affect on PC costs.

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

None anticipated.

6. An estimate of the staff time needed to implement the bill.

None.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

The enforcement of any new law creates some marginal increase of County Police responsibility and would be prioritized within all law enforcement responsibilities.

8. An estimate of costs when an additional appropriation is needed.

No additional appropriation anticipated.

9. A description of any variable that could affect revenue and cost estimates.

If enforcement of publicly accessible parking spaces on private property became a significant problem, there may be a need for additional police officers and some marginal increase in fine revenue.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Even a range cannot be predicted.

11. If a bill is likely to have no fiscal impact, why that is the case.

The number of statues that could be enforced on private property at publicly accessible parking spaces is very limited and historically has not been a public safety priority.

12. Other fiscal impacts or comments.

The legislation provides for enforcement through parking citations in the same manner as other citations are issued as violations of Chapter 31 of the County Code. Lines 21 and 22 suggest that an official electric vehicle charging station sign will be created pursuant to Section 31-23. This action would be required for the County Police to be able to enforce the restriction on publicly accessible parking spaces located on private property. This would be similar to the current enforcement of ADA reserved parking spaces on private property.

The following contributed to and concurred with this analysis:

Rick Siebert, Chief, Division of Parking Management, Department of Transportation

Thomas Didone, Assistant Chief, Department of the County Police

Cliff Royalty, Office of the County Attorney


Jennifer A. Hughes, Director
Office of Management and Budget

1/23/14
Date

Economic Impact Statement
Bill 32-13, Motor Vehicle and Traffic – Off-Street Public Parking Regulations, Plug-in Vehicles

Background:

This legislation would prohibit parking of a vehicle that is not a plug-in vehicle in a public off-street parking space that is reserved for plug-in vehicles. At the present time, non-plug-in vehicles are not prohibited from parking in spaces reserved for plug-in vehicles. By restricting certain parking spaces for plug-in vehicles, such restriction could encourage more use of electric plug-in vehicles across the County.

1. The sources of information, assumptions, and methodologies used.

Department of Transportation

2. A description of any variable that could affect the economic impact estimates.

The number of electric plug-in vehicles could affect the economic impact attributed to an increase in the number of sales of electric plug-in vehicles by County automotive dealerships.

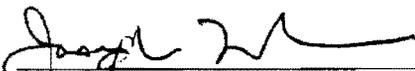
3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

If the Bill encourages the use of electric plug-in vehicles, the spending by County residents for such vehicles may increase and the revenues to the County's automotive dealerships would also increase. However, the increase in sales of such vehicles as a result of this legislation (as opposed to other factors or the combination of other factors) can not be reliably forecasted based on available data. Therefore the economic effect cannot be measured with any specificity.

4. If a Bill is likely to have no economic impact, why is that the case?

See paragraph 3.

5. The following contributed to and concurred with this analysis: David Platt and Rob Hagedoorn, Finance;



Joseph F. Beach, Director
Department of Finance

12/17/13

Date