

ATTACHMENT A

BILL: ASSEMBLY BILL 463
AS INTRODUCED FEBRUARY 6, 2023

AUTHOR: ASSEMBLYMEMBER GREGG HART (D – SANTA BARBARA)

SUBJECT: ELECTRICITY: PRIORITIZATION OF SERVICE: PUBLIC
TRANSIT VEHICLES.

STATUS: REFERRED TO UTILITIES AND ENERGY COMMITTEE

ACTION: WORK WITH AUTHOR

RECOMMENDATION

Staff recommends that the Board of Directors adopt a WORK WITH AUTHOR position on Assembly Bill 463 by Assemblymember Hart, as introduced.

ISSUE

This bill was introduced on February 6, 2023, to amend provisions related to electricity in the Public Utilities Code.

Specifically, the bill would:

- Require the Public Utilities Commission to, when establishing priorities among the types and categories of customers who receive service during electricity shortages, to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles.
- Require, when electrical companies submit wildfire mitigation plans to the Wildfire Safety Division for approval, that these companies include protocols related to deenergizing portions of the electrical distribution system that mitigate public safety impacts on public transit vehicle charging infrastructure.

DISCUSSION

Existing law requires the Public Utilities Commission to establish priorities among the categories of customers who receive electrical or gas service so that in times of temporary shortages, service can be reduced in accordance with those established priorities. Currently, considerations for these priorities include a determination of the customers and uses of electricity and gas that provide the most important public benefits and serve the greatest public utility, the determination of imminent danger to public health, the determination of the potential effects of extreme heat on health and safety, as well as

a determination of the economic, social, and other effects of a temporary discontinuation of service for these customers.

AB 463 seeks to add to this list of considerations the determination of economic, social equity, and mobility impacts that a temporary discontinuation of service would have to customers who rely on public transit vehicles.

Transit agencies are under a mandate by the California Air Resources Board that all bus fleets must be zero-emission by 2040. It is crucial that the power supply that the state has mandated that transit agencies may need to use not be impacted by shortages, which could lead to a lifeline service being cut off for disadvantaged communities around the state. This bill would help us achieve reliability in our transit service as we transition to an all zero-emission bus fleet.

AB 463 would only apply to investor-owned utilities (IOU) in California. The PUC has regulatory authority over investor-owned utilities in California, but not over municipal-owned utilities (MOU) such as the Los Angeles Department of Water and Power (DWP), Pasadena Water and Power, and Burbank Water and Power. IOUs currently provide approximately 30-40% of the power utilized by Metro. The balance of that power is provided by DWP. AB 463, while beneficial, would only provide a higher priority for transit in the areas covered by IOUs. In order for Metro to ensure that its service can remain operational during shortages, it is important that the agency ensure this priority is provided by the relevant MOUs in our area as well. That conversation may involve legislation, or it may involve other structures to guarantee that priority. Historically, MOUs have opposed state legislation that governs their operations.

Staff recommends that the Board adopt a WORK WITH AUTHOR position on AB 463 (Hart). This position will allow us to work with Assemblymember Hart on the establishment of the priority for transit with IOUs but also allow us to explore how the State can help us address the issue with MOUs as well.

DETERMINATION OF SAFETY IMPACT

The impact to safety is still being determined.

FINANCIAL IMPACT

The estimated financial impact of this action is still being evaluated.

EQUITY PLATFORM

Transit is a lifeline service to many communities in Los Angeles County. During times of electrical shortages, workers who rely on transit service to get to work and residents who need to reach their appointments deserve to feel more secure in the idea that they will be able to continue relying on transit. This will become even more acutely important as we transition more of our fleet to zero-emission technology. For example, the G Line (Orange) runs through Equity Focus Communities in the San Fernando Valley, and its recent transition to all-electric buses makes it even more crucial for us to be able to maintain electrical service to the area.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Staff recommendation supports strategic plan goal #3: Enhance communities and lives through mobility and access to opportunity.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or oppose position on the bill. A support or oppose position would be inconsistent with Metro's Board approved 2023 State Legislative Program Goal #7: Coordinate with our local and state partners to incorporate the region's needs in emerging climate change and sustainability programs, as we are seeking to include all Board priorities on this issue into the legislation.

NEXT STEPS

Should the Board decide to adopt a WORK WITH AUTHOR position on the legislation; staff will communicate the Board's position to the author and work to ensure inclusion of the Board's priorities in the final version of the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.