



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

September 12, 2022

FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
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THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CB-067-2022 Electric Vehicle Charging Stations

CB-067-2022 (*proposed by*: Council Member Taveras)

Assigned to Planning, Housing, and Economic Development Committee (PHED)

A BILL CONCERNING ELECTRIC VEHICLE CHARGING STATIONS for the purpose of providing the intent for regulating the safety and security of persons using electric vehicle charging stations; providing for definitions; providing for lighting; providing for security by an emergency callbox; providing for security through security cameras; providing for additional types of safety and security; providing for posting and signage; providing for aesthetics; providing for vandalism; providing for the enforcement of this Act; providing for a severability clause; and generally regarding electric vehicles charging station safety and security.

Fiscal Summary

Direct Impact:

Expenditures: Nominal additional expenditures.

Revenues: None likely.

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Indirect Impact:

Potentially positive.

Legislative Summary:

CB-067-2022, sponsored by Council Member Taveras was presented on July 5th, 2022, and referred to the Planning, Housing, and Economic Development Committee. The Bill provides for the intent of safety and security at electric vehicle charging stations in public and private parking garages, as defined¹ and parking lots.

Section 1

Lighting will be required by the owner (the person in whom legal or equitable title rests²) of any electric vehicle charging station, unless used solely during the daytime, defined as 7am-7pm all year round. Stations with no lights are restricted to those daylight hours. The Bill requires the lighting to be a minimal of 15-30 footcandles of light.

Security through operational emergency callboxes and security cameras are required to be provided by owners of both private and public garages, which will be in close proximity to any charging station. For charging stations on parking lots, a callbox will be required, but security cameras will be optional.

Posting and signage requirements for all non-residential sites with charging stations, where individual parking spaces are reserved for electric vehicle charging stations: voltage and amperage levels, hours of operations, if time limits or towaway provisions are to be enforced by property owner, usage fees, safety information, and contact information for reporting when equipment is not operating or other problems.

The Bill states that as appropriate, directional signs are to be provided to effectively guide drivers to the charging station spaces.

Usage fees of electric vehicle charging stations shall be posted by a sign, in addition to other manners of communication, at the site of the electric vehicle charging station.

Site aesthetics provisions of the Bill state that the aesthetics of electric vehicle charging stations is important to not detract from the aesthetics of the surrounding uses.

¹ The Bill defines a Public Parking Garage as a building (other than a motor vehicle sales room) that is used for parking six or more vehicles, where any service or repair facility is incidental; a Private Parking Garage is a garage used for housing vehicles where not more than 50% of the garage is used for vehicles not owned by occupants on the premises.

² A third-party guarantor shall act in the place of or in addition to an owner where legally required to do so.

Vandalism provisions require owners to assess the risk of vandalism and mitigate through preventative strategies such as motion detectors, security lighting, tamper alarms, locked enclosures, anti-vandal hardware, and graffiti resistant coatings.

Enforcement will be carried out by the Department of Permitting, Inspections, and Enforcement (DPIE). First time violation is a \$250 fine; 2nd violation is a \$500 fine; and 3rd and subsequent violations are \$1,000.

Section 2

The legislation states that owners will be encouraged to review the feasibility of installing solar panels at the parking garage or parking lot site that will also charge, in an event a power outage occurs, the security cameras to protect persons and property.

Section 3

The legislation states that owners will be encouraged to review the feasibility of providing an electric vehicle charging station shelter, overhead cover, or canopy that blocks rain, snow, and/or wind to increase convenience and comfort with the use of an electric vehicle charging station.

Current Law/Background:

Currently the County does not have specific laws that provide for safety and security of persons and property for electric vehicle charging stations. The Council did pass CB-048-2021 that required at least two Level 3 or DC Fast Charger electric vehicle charging stations be provided on site for public use at gas stations³, but no wording was including addressing additional safety and security.

An extensive search for similar legislation nationwide revealed very little in terms of what other jurisdictions were doing to provide for safety and security measures at charging stations. Many states and counties are actually trying to hasten charging station construction, given the demand for these facilities with more electric vehicles in use. Montgomery County, Maryland passed Bill 11-14 several years ago, which requires expedited permitting of charging stations, as well as reduced fees for those permits.⁴

Resource Personnel:

Jobina Brown, Director of Communications & Policy Analyst, Council Member Taveras

³ <https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=4983378&GUID=2CE0A4F8-1574-49DB-81E6-B1A6A4E0A634&Options=ID|Text|&Search=charging+station>

⁴ <https://apps.montgomerycountymd.gov/CCLLIMS/BillDetailsPage?RecordId=896>

Discussion/Policy Analysis:

The need for a user's safety at an electric vehicle charging station cannot be overlooked, given the circumstances required to fully charge most electric vehicles (EV's) today. U.S. News and World Report outlined in an article earlier this year that despite emerging technologies that will include faster and more efficient electric vehicle charging stations and other infrastructure to power EV's in the future, today's Level 3 charging stations take about 30-45 minutes to charge an EV about 80% of charging capacity ⁵, which is far different from filling up a conventional internal combustion engine-vehicle with fuel in a few minutes. Remaining at a charging station for 30-45 minutes, especially if the location is poorly lit or has no lights, in a location susceptible to crime or violence, leaves the user particularly vulnerable.

Most charging stations are not at safer, well-lit gas stations, or have security cameras or an emergency callbox as this legislation calls for; many are located in parking lots or parking garages where safety is a factor. There have been internal arguments that an EV charging station user cannot utilize a station without a cellular phone, and that mobile device could be used instead of an emergency callbox. Additionally, arguments have been made to only allow "less safe" stations to operate during the daylight but given the reality of more EV's now in use, the possible shortage of charging stations in the future, and that many people may not be able to charge their EV during the day due to work schedules, inconvenience, or even a lack of planning makes this proposal less than palatable.

The Apartment & Office Building Association of Metropolitan Washington (AOBA) has expressed opposition to the legislation in large part due to cost and liability concerns, but did not offer an alternative to the legislative language. A potential new draft was re-written (DR-2) specific to the liability concern, adding a line to the definition of "Owner" that addresses a third-party guarantor. As of this writing, AOBA has not responded regarding the new draft.

Certain parts of the legislation may also be open to interpretation due to a lack of specificity:

- In Section 5-2904, referring that callboxes and security cameras will be in "close proximity" to the charging station.
- In Section 5-2905 (c), referring to posting of usage fees and also using "other modalities of communication."
- In Section 5-2906, referring to site aesthetics. The Bill's author cited that this is an affirmation statement without any requirement.
- In Section 2, referring to solar panels. There is not clarity as to whether the solar panels will charge the security cameras, the charging station, or both. A technology review prior to implementing solar panels would need to take place to outline the feasibility of this.

⁵ <https://cars.usnews.com/cars-trucks/advice/ev-charging-time>

Fiscal Impact:

- *Direct Impact*

Enactment of CB-067-2022 will have a nominal adverse fiscal impact on the County, mainly through increased workload of inspection and permitting the charging stations. It is not known to what extent the additional workload of inspecting and approving the permitting that this Bill poses will be offset by the permit fee itself.

- *Indirect Impact*

Enactment of CB-067-2022 could have a positive indirect impact by increasing the safety of individuals using charging stations, and the mandated or unmandated clauses for site aesthetics, and shelter infrastructure that the legislation contains.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.