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**CALIFORNIA
ENERGY COMMISSION**



California Energy Commission

DRAFT GUIDING PRINCIPLES

SB 114 Funded Charging and Refueling Infrastructure Program

Senate Bill 114, 2023

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CHAPTER 1:

Program Overview

Background

Senate Bill 114¹ (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023), which amended Section 121 of Assembly Bill 181 (Committee on Budget, Chapter 52, Statutes of 2022), appropriated \$125,000,000 for the 2023-2024 fiscal year to the California Energy Commission (CEC) to fund zero-emission school bus charging or fueling infrastructure and related activities, including, but not limited to, charging or fueling stations, equipment, site design, construction, and related infrastructure upgrades.

The appropriation is intended to complement \$375,000,000 appropriated to the California State Air Resources Board (CARB) for the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program (HVIP), which provides funding to replace internal combustion school buses owned by local educational agencies with new zero-emission school buses.

SB 114 makes funding available from Proposition 98's \$1.5 billion budget for one-time grants that support the adoption of zero-emission school buses and supporting infrastructure. Proposition 98 is a constitutional amendment passed by the California Legislature in 1988 that sets a minimum annual funding level for K-12 schools and community colleges. The guaranteed annual funding is sourced from the state General Fund and local property tax revenues. The annual amount is affected by the number of students in K-12 attendance and the growth of the economy and is determined by comparing three formulas.² Within the guaranteed funding level, the Legislature has complete discretion on how funding is allocated and is broken up into ongoing investments, such as child nutrition reimbursement rates and transitional kindergarten expansion, and one-time investments like the zero-emission school buses and infrastructure allocation. SB 114 appropriated a total of \$500,000,000 to the CEC and CARB for the 2023-2024 fiscal year with an additional \$1 billion intended to be allocated evenly over the 2024-2025 and 2025-2026 fiscal years, subject to future appropriations.

Program Budget and Timeline

SB 114 appropriated \$125,000,000 from the General Fund to the CEC in the 2023-2024 fiscal year. Grants from the SB 114 funded program must be encumbered (i.e., awarded by the CEC) to local educational agencies by June 30, 2029. Awarded local educational agencies must spend their grant funds within three fiscal years after the fiscal year that the grant is received.

¹ Senate Bill 114 Education Finance: Education Omnibus Budget Trailer Bill, Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023.
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB114

² For more information about Proposition 98 and how the minimum guaranteed annual funding is calculated, refer to Legislative Analyst's Office. 2005. "Proposition 98 Primer."
https://lao.ca.gov/2005/prop_98_primer/prop_98_primer_020805.htm

Any funds that are not spent will be returned to the state. There is no specific restriction on annual spending provided it is within the overall budget and funds are available.

The Legislature has indicated its intent to continue to fund zero-emission school buses and supporting charging or fueling infrastructure after the 2023-2024 fiscal year. SB 114 states the Legislature intends to appropriate of \$375,000,000 to CARB in the 2024-2025 and 2025-2026 fiscal years and \$125,000,000 to the CEC in the 2024-2025 and 2025-2026 fiscal years. These guidelines are intended to apply to the SB 114 funding appropriated in fiscal year 2023-2024 as well as future funding appropriated by the Legislature for the purposes described herein.

Key Program Elements Mandated by Statute

SB 114 specifies several required elements for the SB 114 funded program, which are summarized below:

Element 1. CARB and the CEC shall release a single application to cover vehicle purchases, infrastructure investments, and other associated funding requests.

Element 2. The CEC shall fund up to the full purchase cost of zero-emission school bus charging or fueling infrastructure and provide funding for associated costs, including workforce development and training.

Element 3. CARB and the CEC shall prioritize zero-emission school bus and infrastructure awards but may fund renewable fuel school buses and infrastructure when a local educational agency provides sufficient evidence of significant barriers to the adoption of zero-emission technology and alternate approaches to decrease internal combustion vehicle use are not appropriate.

Element 4. CARB and the CEC shall prioritize awards that replace the oldest internal combustion buses in the state as well as grantees that are small and rural school districts, serve a high percentage of unduplicated pupils, and will purchase vehicle-to-grid (V2G) capable zero-emission school buses and infrastructure where available.

Element 5. At least 90 percent of a grantee's award shall be expended for the purchase of zero-emission school buses and supporting charging infrastructure and related activities, including, but not limited to, charging or fueling stations, equipment, site design, construction, and related infrastructure upgrades.

Element 6. A grantee may spend a maximum of 10 percent of the grant award towards its school transportation program.

Element 7. Grant agreements must include a requirement for grantees to submit school bus and infrastructure information and documentation to CARB and the CEC. Local educational agencies must scrap the school buses that were replaced by the funded zero-emission school buses within 24 months of delivery of the replacement vehicles.

Element 8. Grants shall supplement, not supplant, existing services and funds provided by grantees in support of transportation programs.

CHAPTER 2:

Guiding Principles of the Program

Program Objective

The primary goal of the SB 114 Funded Charging and Refueling Infrastructure Program is to support local educational agencies in California with the transition to zero-emission school bus fleets. Providing charging and fueling infrastructure awards will support the operation of zero-emission school buses and reduce cost barriers for fleet operators ready to transition. Enabling the replacement of internal combustion school buses with zero-emission school buses will reduce transportation pollutants and emissions, contributing to the improvement of community health and progress towards California’s climate goals.

Program Eligibility

Grant awards are to be distributed to local educational agencies in California. As defined in SB 114, local educational agencies are any of the following:

- a) A school district, county office of education, or charter school with ownership of title for a school bus or school buses.
- b) A school district or charter school that contracts with a county office of education or private contractor for the maintenance and operation of its school buses.
- c) A county office of education that contracts with a private contractor for maintenance and operation of its school buses.
- d) A joint powers authority currently operating home-to-school transportation programs on behalf of school districts, county offices of education, or charter schools.

Charter schools classified as a nonclassroom-based charter schools as of the 2021–22 fiscal year second principal apportionment certification pursuant to Section 47612.5 of the Education Code are not eligible for this funding.

Program Administration

The CEC, through a competitive solicitation process, will seek to contract with a third-party implementer to administer the SB 114 Funded Charging and Refueling Infrastructure Program. Local educational agencies’ grant awards will be scheduled and considered at a CEC business meeting for approval by the CEC prior to execution of an agreement between the local educational agency and third-party implementer.

Role of the Guiding Principles for the Program

In adherence with SB 114, this document outlines Guiding Principles for the SB 114 Funded Charging and Refueling Infrastructure Program. Historically, the CEC has utilized a block grant program managed by an awarded third-party implementer to distribute complementary infrastructure funding to local educational agencies. The CEC has developed these Guiding Principles to be utilized by the competitively selected third-party implementer as the overarching objectives for program design, implementation, and administration.

Access and Acceleration

Ensuring local educational agencies can access the program’s funding is a priority. The third-party implementer should design a streamlined application with necessary but minimal application questions and supporting documents required for submission. This design work includes coordinating with the CARB HVIP program to release a single online application for vehicle purchases, infrastructure investments, and other associated funding requests. Applicants will be given adequate time and reminders to complete the application after the announcement of the program’s opening.

The third-party implementer should design a program that can be launched quickly and provides a simple and effective user-experience that offers adequate customer service to accelerate zero-emission school bus charging and fueling infrastructure adoption.

The program will need a funding structure that ensures local educational agencies are reimbursed in a timely manner that aligns with their project’s progress and that allows local educational agencies to spend their grant award within three fiscal years after the fiscal year that the grant is received, as required by SB 114. The implementer will be expected to develop processes and procedures to ensure incentive requests are submitted to the CEC for payment and processing within 30 calendar days of receipt of a complete and valid request from a local educational agency for incentive funds.

Energy Equity and Priority Awardees

The CEC and the State are committed to reducing energy equity gaps and investing in underserved communities across California. The third-party implementer must design a program that prioritizes grantees that are from small and rural school districts or serve a high percentage of unduplicated pupils. A small school district is defined in SB 114 as a district with fewer than 2,501 units of average daily attendance using the most recently reported annual data in the California Longitudinal Pupil Attendance Data System (CALPADS).³ A rural school district is defined as a California school with a locale code of 31 (town, fringe), 32 (town, distant), 33 (town, remote), 41 (rural, fringe), 42 (rural, distant), or 43 (rural remote), as classified by the National Center for Education Statistics (NCES).⁴ As defined in the Education Code,⁵ an unduplicated pupil is a pupil enrolled in a school district or a charter school that is either an English learner, eligible for a free or reduced-price meal, or is a foster youth.

³ California Department of Education. “California Longitudinal Pupil Attendance Data System (CALPADS).” <https://www.cde.ca.gov/ds/sp/cl/>

⁴ National Center for Education Statistics. “Locale Definitions.” <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>

⁵ California Education Code, Section 42238.02(b)(1), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=42238.02.&lawCode=EDC

Outreach and Engagement

The implementer will be expected to develop and conduct an outreach and program awareness plan targeted at priority grantees and approved by the CEC to ensure local educational agencies are aware of the available funding and to maximize participation. To develop stakeholder-informed strategies for program improvement, the implementer should also disseminate feedback surveys and/or host forums that allow awardees to discuss their experiences and motivations for participation in the incentive program. Annually, the implementer will be expected to coordinate with the CEC to conduct a technical advisory workshop to track the needs of local educational agencies.

Technology and Standards

In alignment with SB 114, priority will be given to grantees purchasing zero-emission school buses with bidirectional charging. The third-party implementer will set evaluation criteria that assesses codes, certifications, and standards for funded charging and fueling infrastructure to ensure safety, network communications, remote software updates, managed charging, and interoperability. To ensure safe and proper installation, the third-party implementer will also outline requirements for all vendors and installers.

Funding

To reduce cost barriers, the program may fund up to the full purchase price of charging or fueling infrastructure. The procurement of charging or fueling infrastructure and related costs such as, but not limited to, equipment, site design, construction, infrastructure upgrades, and warranty must make up at least 90 percent of a grantee's award.

The third-party implementer will put forth a comprehensive list of eligible infrastructure and soft costs.

A grantee may spend up to 10 percent of the grant award to incorporate or supplement funding for the grantee's school transportation program. This amount can include project management, technical assistance, and workforce development and training costs.

The third-party implementer will also put forth a list of unallowable costs, that includes but is not limited to the purchase of zero-emission school buses, forgone profit, forgone rent, discounted or refunded equipment costs, utility service upgrades and integration that are reimbursed by an existing utility program, and foregone salary, fringe, or indirect costs. Zero-emission school buses will be eligible for funding through CARB's HVIP.

Incentive Stacking

It is reasonable to allow for incentive stacking to help local educational agencies maximize resources that will support their transition to zero-emission school buses. Incentive funds from sources outside the CEC may be leveraged, but the combined funding sources cannot exceed the total project cost. Other sources of CEC funding, including funding from a block grant incentive project, may not be leveraged towards the grantee's project. Utility programs that reimburse utility service upgrades and integration costs may be utilized but cannot be reimbursed by the SB 114 program.

Implementation Manual

The selected third-party implementer will be required to work with the CEC to produce an implementation manual for the program. Using these guiding principles, the implementation manual will, at minimum, outline in detail the project eligibility, application process, incentive structure and funding mechanism, eligible project costs, infrastructure standards and technical requirements, and expectations of grant awardees and associated vendors and installers.

The implementer will also develop a list of entities that can provide technical assistance to grant awardees, which shall include but not be limited to recommending the appropriate infrastructure equipment, site evaluation, utility assessments, and general planning.

Program Reporting

The CEC values program transparency and information sharing. The third-party implementer will readily make program development and implementation data available to both the public and the CEC. This will include but is not limited to the amount of funding available for potential applicants and details of infrastructure projects, such as location, award amounts, and project characteristics of the SB 114 funded program. Individual project progress will be shared with the CEC.

The third-party implementer will develop grant agreements with awarded local educational agencies that include a requirement to submit school bus and infrastructure information and to meet a legislative requirement for proof of scrappage of the school buses that were replaced by the funded zero-emission school buses within 24 months of delivery of the replacement vehicles.

The third-party implementer will manage data collection from the awarded local educational agencies and share this data with the CEC. Data collection from awarded local educational agency reporting should be as simple and streamlined as possible. The implementer should request five or more years of data collection but will require grantees to submit at least 12 months of data collection. Grantees should be required to report data quarterly at the beginning date of the final infrastructure commissioning. The third-party implementer will collect key performance indicators (KPIs) to track project milestones, measure project performance, and determine project success. The implementer will work with the CEC to define units of measurements and necessary metrics for reporting.

Fiscal Responsibility

Fiscal responsibility to California citizens is important to the CEC. When it comes to administering this program, the third-party implementer should consider cost efficiencies, ensuring appropriate use of the funds, and leveraging efforts to streamline program administration. The implementer will establish appropriate oversight mechanisms to ensure that the grantees properly use the SB 114 funds for the intended purposes. The implementer should develop a plan to implement internal control processes and documentation standards to minimize errors, fraud, waste, and abuse.

GLOSSARY

CALIFORNIA AIR RESOURCES BOARD (CARB)— The state's lead air quality agency consisting of an 11-member board appointed by the Governor, and just over thousand employees. CARB is responsible for attainment and maintenance of the state and federal air quality standards, California climate change programs, and is fully responsible for motor vehicle pollution control. It oversees county and regional air pollution management programs.

CALIFORNIA ENERGY COMMISSION (CEC)— The California Energy Commission is the state's primary energy policy and planning agency. It has seven core responsibilities: advancing state energy policy, encouraging energy efficiency, certifying thermal power plants, investing in energy innovation, developing renewable energy, transforming transportation, and preparing for energy emergencies.

HYBRID AND ZERO-EMISSION TRUCK AND BUS VOUCHER INCENTIVE PROGRAM (HVIP)— A project launched in 2009 by CARB in partnership with CALSTART to accelerate the purchase of cleaner, more efficient trucks and buses in California.

INTERNAL COMBUSTION ENGINE (ICE)—The ignition and combustion of the fuel occurs within the engine itself. The engine then partially converts the energy from the combustion to work.

VEHICLE-TO-GRID (V2G)—A system which is capable of controllable, bidirectional electrical energy flow between a vehicle and the electric grid. The electrical energy flows from the grid to the vehicle in order to charge the battery; it flows in the reverse direction when the grid requires energy.

ZERO-EMISSION VEHICLE (ZEV)—Vehicles that produce no emissions from the on-board source of power (e.g., an electric vehicle).