

# National Electric Vehicle Infrastructure Formula Program

## PCFO Request for Comments Snapshot

*June 30, 2022*

<u>Department:</u> U.S. Department of Transportation	<u>Agency:</u> Federal Highway Administration (FHWA)
<u>Application Deadline:</u> August 22, 2022	<u>Docket Number:</u> FHWA-2022-0008

### Summary

The FHWA released a Notice of Proposed Rulemaking that proposes regulations setting minimum standards and requirements for projects funded under the National Electric Vehicle Infrastructure (NEVI) Formula Program and projects for the construction of publicly accessible electric vehicle (EV) chargers. The standards and requirements proposed would apply to the installation, operation, or maintenance of EV charging infrastructure; the interoperability of EV charging infrastructure; traffic control device or on-premises signage acquired, installed, or operated in concert with EV charging infrastructure; data, including the format and schedule for the submission of such data; network connectivity of EV charging infrastructure; and information on publicly available EV charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications.

### Background

Under the Bipartisan Infrastructure Law, the NEVI Formula Program provides \$5 billion as the first major Federal funding program that focuses on a nationwide development of EV charging infrastructure. The FHWA proposes to establish regulations that would set minimum standards and requirements for projects funded under the NEVI Formula Program and projects for the construction of publicly accessible EV chargers.

The FHWA is directed by the BIL to create minimum standards and requirements for NEVI-funded projects. As outlined in statute, the purpose of the NEVI Formula Program is to “provide funding to States to strategically deploy EV charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.” This purpose would be satisfied by creating a convenient, affordable, reliable, and equitable network of chargers throughout the country. Currently, there are no national standards for the installation, operation, or maintenance of EV charging stations, and wide disparities exist among EV charging stations in key components, such as operational practices, payment methods, site organization, display of price to charge, speed and power of chargers, and information communicated about the availability and functioning of each charging station. The FHWA aims to add a requirement that EV charging station standards apply to all projects that install EV charging infrastructure using funds provided under title 23, United States Code.

This regulation would enable States to implement federally-funded charging station projects in a standardized fashion across a national EV charging network that can be utilized by all EVs regardless of vehicle brand. Such standards would provide consumers with reliable expectations for travel in an electric vehicle across and throughout the United States and support a national workforce skilled and trained in EVSE installation and maintenance.

The BIL specifically required that minimum standards and requirements be developed related to six areas:

1. Installation, operation, and maintenance by qualified technicians of EV infrastructure
2. Interoperability of EV charging infrastructure
3. Traffic control devices and on-premise signs acquired, installed, or operated
4. Data requested related to a project funded under the NEVI Formula Program, including the format and schedule for the submission of such data
5. Network connectivity of EV charging infrastructure
6. Information on publicly available EV charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications

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**Who Should Respond** The Request for Comments does not specify stakeholders to respond. Stakeholders interested in the deployment of the NEVI program, including states, local governments, nonprofits, businesses, and other organizations, are welcome to respond.

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**Response Guidelines** All submissions should include the agency name and the docket number that appears in the heading of this document or the Regulation Identifier Number (RIN) for the rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Questions concerning this Request for Comments can be directed to Mr. Gary Jensen, Office of Natural Environment, (202) 366-2048, or via email at [Gary.Jensen@dot.gov](mailto:Gary.Jensen@dot.gov), or Ms. Dawn Horan, Office of the Chief Counsel (HCC-30), (202) 366-9615, or via email at [Dawn.M.Horan@dot.gov](mailto:Dawn.M.Horan@dot.gov).

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**Key Questions** The FHWA requests comment on the proposed rulemaking across the 6 areas of minimum standards and requirements included in the full Notice of Proposed Rulemaking.

The FHWA also requests comment on the consideration, options, and use of information to account for the analysis of the proposed rule, as described in detail in the "Preliminary Regulatory Impact Analysis (PRIA)" available in the docket. The PRIA supports this proposed regulation and estimates the costs and benefits associated with establishing minimum standards and requirements, derived from the costs of implementing the proposed regulation for each provision of the rule. To estimate these costs, the PRIA compares the costs and benefits of proposed provisions to the costs and benefits of the options States would likely choose for their own EVSE programs in the absence of the rule.

## How to Submit

To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- Federal eRulemaking Portal: Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.
  - Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.
  - Hand Delivery: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.
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## Resources

- [Request for Comments Notice](#)
- [Regulations.gov Program Page](#)