National Electric Vehicle Infrastructure (NEVI) Program Notice of Proposed Rulemaking Comments

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NCTCOG

Dallas-Fort Worth CLEAN CITIES

North Central Texas Council of Governments

Minimum Requirements NCTCOG Supports

NCTCOG Supports…

1. The expectation of public transparency when EV (Electric Vehicle) charging prices are set by a third party
2. Requirements for equipment certification from ENERGY STAR
3. All electricians installing, maintaining, and operating EVSE (Electric Vehicle Supply Equipment) be certified through either EVITP or another Registered Electrical Apprenticeship program with EVSE-specific training
4. Constant availability of EVSE during times of emergency such as evacuation from natural disasters
5. Registered Electrical Apprenticeship programs that are accessible to underserved communities
6. The continuation of a national standard unit of measurement in $/kWh
7. The incorporation of proper signage indicating the location of all electric vehicle charging stations
8. The expectation of an annual community engagement report providing feedback to State Departments of Transportation.

Potential Comments on the NPRM

Title 23 Limiting EVSE Deployment

Language from NPRM:

- "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 funded under title 23, United States Code" (Page: 37262)
- "These proposed requirements would provide the traveling public with reliable expectations for their EV charging experience anywhere that NEVI Formula funds or title 23, United States Code funds are used to construct EV charging infrastructure. In addition to proposed requirements that would be customer-facing, a series of additional proposed requirements would provide less visible, yet critical, standardization and uniformity for how charging stations would be installed, maintained, and operated." (Page: 37262)

Comments:

- NCTCOG does not support NEVI NPRM applying to other federal funding such as: CMAQ, STBG, HIP, and other DOT funding.
- Inhibits local jurisdictions from installing EVSE to meet their local needs.

Emergency EV Charging Locations

- Language from NPRM:
  - "The FHWA believes the near constant availability of chargers is key for providing a convenient national EV charging network especially along long-distance travel routes. Consideration should be paid to the need of users to access EVSE during times of emergency such as evacuation from natural disasters, and the risk associated with locating EVSE in base flood plains, as required by FHWA regulations at 23 CFR 650 Subpart A." (680.106)
  - "The FHWA would also encourage States to provide emergency response information on-site at charging stations. The FHWA also specifically requests comments on customer service strategies to connect charging stations to or provide access for traffic incident management solutions such as the provision of an emergency call box." (680.106)

- Comments:
  - Allow for charging at Rest Areas in emergency situations
  - Allow for emergency mobile charging or battery storage at Rest Areas

Accommodations for Medium & Heavy-Duty Vehicles

- Language from NPRM:
  - "States are encouraged to consider large vehicles, including medium- and heavy-duty vehicles (such as electric school buses and delivery vehicles) and vehicles with attached trailers" (Page: 37267)

- Comments:
  - Standardize all medium & heavy-duty EV charging by including at least one pull-through space per EVSE location
  - Include signage indicating medium & heavy-duty EVSE
  - Provide template on potential EVSE location designs including pull-through charging space

5-Year Maintenance Period

- Language from NPRM: “The period of 5 years was chosen to provide a reasonable useful life while providing sensitivity to the emerging nature of this type of equipment and the fast pace of technological advancements in the EV charging arena. At the conclusion of the 5-year required maintenance period, States can choose to retire the infrastructure that has reached the end of its useful life and should consider upgrading or replacing the EVSE if necessary. However, if the EVSE is still functioning to meet its intended purpose after 5 years, States should consider maintaining, or supporting the maintenance of, the EVSE to most efficiently make use of Federal resources.” (Section 680.106 i)

- Comments:
  - Retirement criteria should be created in order to close EVSE
  - Federal Assets must be protected and closing EVSE is counterproductive

AC Level 2 Charging

- Language from NPRM: “The FHWA proposes that the minimum number of four ports per charging station apply to projects funded with NEVI Formula Program funds only. States can still install less than four ports DCFC charging stations and AC Level 2 charging stations under non-NEVI funded programs. The FHWA requests comments on whether a different number of DCFC ports should be required at NEVI Formula Program funded charging stations.” (680.106)

- Comments:
  - NEVI funding should accommodate local jurisdictions charging needs
  - Not all EVs are able to use DCFC and Level 2 might be more appropriate
  - Allow AC Level 2 chargers to be installed at an EVSE location before all four DCFC ports are installed

ISO 15118

- Language from NPRM:
  - Bidirectional Charging: “The ISO 15118–1 was updated in 2019 to include use cases for wireless charging bidirectional power transfer allowing the EV to provide energy to the grid, and electric bus charging via overhead charging devices called pantographs. Charger and EV manufacturers and other industry stakeholders collaborate on the development of the standard but implement the standard independently.” (680.120)

  - Plug & Charge Technology: “Defined in the standard include automated charging customer identification and authorization via Plug and Charge,24 manual charging customer identification and authorization via RFID card or other method, AC and DC wired charging, and smart charge management.” (680.120)

  - Comments:
- Bi-directional charging is viewed as counterproductive in comparison to 97% uptime and four DCFC ports all powered at 150 kW each
- Incorporate payment method like the DART Go Pass in order to meet equity needs
- Bi-directional charging only available at non-corridor EVSE locations

Inclusion of Alternative Fuel Corridor Signage

- Language from NPRM:
  - “The FHWA proposes to address requirements about traffic control devices and on-premise signs by cross referencing other existing requirements contained in the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) found at 23 CFR part 655 and the Highway Beautification regulation at 23 CFR part 750.”(Page: 37263)
  - “These established regulations cover the traffic signs, signals, and pavement markings as well as directional and official signs adjacent to Interstates and the Federal-aid primary system (respectively). The FHWA is in the process of updating the Manual on Uniform Traffic Control Devices (MUTCD), which is governed by 23 CFR part 655, through a parallel rulemaking” (680.110)

<u>Comments:</u>

- Update MUTCD before construction begins
- Signage for corridor identification, general services, and specific signs

97% Uptime

- Language from NPRM: “proposes a minimum annual uptime requirement of greater than 97 percent for the charging ports. Comments from the RFI indicated that a minimum uptime requirement is highly desired both from a government and a consumer perspective. Comments also indicated that minimum uptime requirements currently in place for existing EV chargers can range from not specifying a number to requiring 95–99 percent uptime. The FHWA proposes an uptime requirement of at least 97 percent in an effort to provide a reliable national network for EV charging. The FHWA proposes to require that uptime be available as a dataset submitted quarterly.” (680.116)

- Comments:
  - Non-corridor locations should have more flexibility to meet their charging needs
  - An appropriate goal for non-corridor locations should be between 90-95%

Incorporation of Environmental Justice

- Language from NPRM: “In line with this E.O. and addressing the climate crisis, enabling wider adoption of EVs may also have significant benefits to equity and environmental justice whereby a national network of EV charging infrastructure reduces disparities in access to transportation infrastructure and health effects.11 The NEVI Formula Program presents an opportunity to advance both equity and environmental justice for communities that have been underserved by transportation infrastructure and overburdened by costs and environmental harms. When determining where EV charging stations should be located, there should be engagement with rural, underserved, and disadvantaged communities to ensure that diverse views are heard and considered and to ensure that the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution of benefits and services.” (E.O. 12898)

- Comments:
  - Argonne Justice40 tool utilized when placing remaining EVSE locations
  - Ensure that EVSE locations remain open for longer than the maintenance period

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