August 26, 2025

***VIA ELECTRONIC FILING***

U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: FHWA 2025-0010, National Electric Vehicle Infrastructure Formula Program Guidance**

Enclosed for filing in the above-referenced matter please find the comments of the Alliance for Transportation Electrification.

Respectfully,

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**COMMENTS OF THE ALLIANCE FOR TRANSPORTATION ELECTRIFICATION**

## Introduction

The Alliance for Transportation Electrification ("ATE") is pleased to submit these comments on the Federal Highway Administration's (FHWA's) revised National Electric Vehicle Infrastructure (NEVI) Formula Program Interim Final Guidance (Interim Final Guidance). We believe that the Interim Final Guidance is likely to have its intended effect—to streamline the NEVI program and provide flexibility in implementation—and we support the FHWA's efforts to accelerate the timely deployment of funds to States, fulfilling Congress' intent as enacted in the Infrastructure Investment and Jobs Act (IIJA).

## Background

ATE is a 501(c)(6) non-profit corporation established in early 2018 with the goal of promoting policies and regulatory measures to accelerate the pace of EV adoption and of charging infrastructure deployment. We have nearly 60 members that include many electric utilities; automobile, truck and bus manufacturers; EV charging hardware and service providers; and related trade associations and non-profit organizations. Our focus is typically at the State level with the regulation of electric utilities, so we have always advocated for a "federalist approach" with the federal government giving authority and flexibility to State officials—and the NEVI program is in keeping with this approach.

## The Importance of the NEVI Program

Pursuant to ATE's mission, we support efforts to accelerate the timely deployment of NEVI funds toward EV charging projects across the United States. EV sales continue to grow in the U.S., representing more than 10% of the new light-duty vehicle market in 2024,[1] and EV charging infrastructure has also been increasing, with more than 7,500 public DC fast charging ports deployed in the first half of 2025.[2] However, charging infrastructure buildout remains insufficient to meet consumer needs. Lack of public EV charging is a primary barrier to EV adoption and hinders Americans' freedom to opt for a vehicle that uses their transportation fuel of choice. To effectively support such freedom, public EV charging should be universally available and reliable.

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[1] Alliance for Automotive Innovation. Get Connected: Electric Vehicle Quarterly Report 2024 (Q4). https://www.autosinnovate.org/posts/papers-reports/Get%20Connected%20EV%20Quarterly%20Report%202024%20Q4.pdf

[2] Paren. US EV Fast Charging – Q2 2025. https://www.paren.app/reports/state-of-the-industry-report-us-ev-fast-charging-q2-2025

**Streamlining the NEVI Program**

To streamline the NEVI program, we support the Interim Final Guidance's requirement that States file EV Infrastructure Deployment Plans in a timely manner. We are confident that these comprehensive plans, once approved by the FHWA Division Office, will provide more certainty for the States to move forward quickly to plan, obligate, and deploy the remainder of their unobligated funding, to the benefit of Americans and the U.S. economy.

This certainty is also important for the private sector, which is engaged in siting and developing public EV charging, and the electric utility industry, which supplies the charging fuel. Utility planning and service connection processes to energize public EV charging can take time, as can ordering critical electrical equipment, which remains subject to lengthy supply chain delays due to the increased demand for electrification end uses. Early, high-confidence engagement is key, and we believe the Interim Final Guidance provides more certainty to all involved.

To enable continued progress toward the NEVI program's goals, we recommend that the FHWA continue to make available to States the tools and resources developed by the Joint Office of Energy and Transportation (Joint Office). The Joint Office was an innovative, cross-sector government collaboration that supported and enabled parallel collaboration within the private sector. The tools and resources developed by the Joint Office, if maintained and updated to reflect current federal policy, can continue to be useful to States and support timely implementation of NEVI plans. For example, the EV Charging Analytics and Reporting Tool (EV ChART) should continue to be made available, so that the private sector and States have a consistent national template for reporting purposes.

We also find that our utility members and State Public Utilities Commissions look to, reference, use, and at times adopt federal definitions, formulas, guidance, and other technical assistance made available on the Joint Office website. These resources are valuable well beyond the NEVI program, and we urge the FHWA to continue making them available, as this extends the return on the federal government's investments in developing them.

**Flexibility in Implementation**

We support the implementation flexibility that the Interim Final Guidance offers. We believe this implementation flexibility will enable States to move quickly to meet their individual needs and will support innovation within the private sector around technology, knowledge, and business models.

We note a few key opportunities that this implementation flexibility creates:

- We see an opportunity for States and the private market to work with electric utilities, many of which offer hosting capacity maps, to identify the best sites for public EV charging—considering travel patterns, grid conditions, and nearby amenities—that may not have been eligible under previous guidance. We stress that obtaining accurate up-front information about grid capacity, while potentially time-consuming in the near term, can greatly reduce installation costs and timelines later in the process.
- We see an opportunity for States to approve the use NEVI funds for the upgrade of electric distribution infrastructure in locations where it is required to meet NEVI minimum requirements—such as rural locations where 480-volt, three-phase distribution infrastructure may not exist—and we encourage the FHWA to adopt interpretive language that supports the use of funds in this way.
- We see an opportunity for States—according to their individual needs, but especially in key freight corridors—to dedicate a portion of their funding toward EV charging for medium- and heavy-duty vehicles, and to adjust their approaches to power levels, spacing requirements and costs accordingly. Charging for medium- and heavy-duty vehicles is more complex and costly than charging for light-duty vehicles, and we support flexibility that allows States with more expansive existing EV charging networks, or with higher medium- and heavy-duty EV traffic, to use NEVI funds in this way.
- We see an opportunity for States to look to resources such as EPRI, the National Labs, and other entities which provide technical assistance on the process of installing EV charging, acknowledging that at the commencement of the NEVI program, not every State was resourced with the personnel or expertise to oversee the deployment of EV charging in the way the IIJA intended.

Lastly, we appreciate the emphasis the Interim Final Guidance places on the operation and maintenance of charging infrastructure, and we agree with the importance of protecting the investment of public funds and facilitating a positive driver experience. In ATE's experience, there is no one right business model to best achieve these objectives—the market remains a complex mix of real estate, hardware, software, and maintenance. Many factors impact success and customers experience—such as ownership, financing, risk management, equipment warranties, and service level agreements—and we have seen success in various models, including site-host-owned and third-party-owned charging infrastructure. We therefore encourage FHWA to extend its implementation flexibility to this question of business model and charging infrastructure ownership, leaving this up to the States and the private sector without prescriptive regulations.

**Conclusion**

ATE continues its support for NEVI, and for FHWA's efforts to efficiently and timely deploy NEVI funding to the States. We believe that NEVI has been, is, and can continue to be a key catalyst for private investment in EV charging across the United States, supporting American jobs and enabling freedom of choice for American drivers. We look forward to seeing Congress' intent in the IIJA— "to provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability"—fulfilled, and we view the Interim Final Guidance as an important step toward this future.