August 27, 2025

The Honorable Gloria M. Shepherd,
Executive Director
Federal Highway Administration.
Department of Transportation

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Executive Director Shepherd,

The Electric Drive Transportation Association (EDTA) is the cross-industry trade association promoting the advancement of electric drive technologies and electric transportation. EDTA's members represent the entire value chain of electric drive, including vehicle manufacturers, materials and component manufacturers, electric utilities, and infrastructure developers. Collectively, these companies are building the next-generation transportation system, which is increasing U.S. competitiveness and creating jobs while creating cleaner communities.

EDTA strongly supports the National Electric Vehicle Initiative (NEVI) program and Interim Final Guidance to streamline its requirements. We also support the increased flexibility that will allow the states to customize their plans and investments, especially in the certification of Fully Built Out status.

We appreciate the opportunity to provide recommendations on further action that will ensure that NEVI funds are used effectively to serve communities across the nation and allow the program to adapt to changing technologies and evolving charging needs.

In general, we recommend that additional revisions be aimed at further streamlining processes, such as permitting and environmental reviews, removing barriers to private sector participation, and integrating additional charging infrastructure models into the minimum standards.

We have detailed specific minimum standards changes that will achieve these goals and look forward to working with you to ensure the success of this crucial program.

General Revisions

We urge the agency to update the NEVI guidance to future-proof charging infrastructure with updated connector standards. The industry's movement toward the J3400 standard creates the opportunity to revisit the federal requirements with a focus on performance, rather than design. We urge the FHWA to adopt the J3400 standard and align NEVIs minimum standards to reflect that eligibility. Updating the NEVI connector standards to include flexibility, as well as universality, will enable more efficient investment in connectors that better serve the market. The standards should also explicitly include non-proprietary connectors designed for medium- and heavy-duty (MD/HD) charging.

Another area with potential for streamlining is site host agreements. We recommend that the requirements for site host agreement letters be simplified with a standardized form. A standardized form would accelerate project deployments and reduce processing burdens.

We encourage FHWA to eliminate the NEVI standards that are barriers to private sector investment and participation in the NEVI program, in particular limits on "use of income," use of data, technology-specific payment method mandates, and mandates to share data with competitors via third party applications. Each of these stands in the way of American business participation. States should also be permitted and encouraged to distribute NEVI funds through rebate structures, leveraging proven models that benefit from the private sector's investment planning capacity.

We recommend that the data collection protocols for calculating mandatory up-time be revisited to enable more efficient and more accurate information collection. Lessons learned from currently deployed infrastructure can inform updated collection methods to better capture the necessary reliability data.

We recommend that FHWA clarify eligible uses of NEVI funds to include the costs of upgraded electric service for a charging facility. The cost of upgrading utility infrastructure to serve new loads – such as DCFC stations – is often shared between the utility and the customer according to a "line extension" policy. In some areas where electric service is limited, the customer share of these costs may be prohibitive for commercial DCFC station operators.

FHWA can help states deploy NEVI funds to best meet the unique needs of their citizens by clarifying that NEVI funds may be used to offset the customer's portion of these upgrade costs. The interim final guidance lists examples of eligible infrastructure, including "on-site electric service equipment." Deleting "On-site" from this interpretive list would clarify that *all* electric service equipment - including

costs associated with bringing upgraded electric service to the facility - are eligible expenses under the NEVI program.

In the streamlined Fully Built Out certification process, we ask that the FHWA encourage states to ensure that privately-funded retail charging stations are incorporated into state-level corridor planning and any determination of whether a corridor is "fully built out." By including privately-financed stations in infrastructure planning, states will not be required to fund facilities where service is already planned or in operation.

We further recommend the following specific technical revisions in the Minimum Standards to ensure that federal funds can support deployment of diverse and emerging charging technologies, serve drivers' evolving needs and charging patterns, and fully enable the participation of MD/HD charging facilities in the program.

Community-Based Charging

FHWA should clarify the status of detachable cord/connector and define "location" for purposes of the minimum port requirements.

680.104, Definitions

680.106(c).

FHWA should adopt the J3400 standard. In adopting the J3400 standard, including Case B, we urge the agency to clarify the definition and standards of "connector," in the referenced sections. Clarifications will reduce potential technical compatibility issues and remove ambiguity that could limit the eligibility of Level-2/AC EVSE with user-detachable cable.

We recommend the following proposed revisions:

> § 680.104: "Connector means the device that ~~attaches~~ **permits** the attachment of an EV to a charging port in order to transfer electricity.
>
> " § 680.106(c): "Each AC Level 2 charging port must have a permanently attached J1772 **compatible** connector and must charge any J1772- compliant vehicle."

Alternatively, a user-detachable cable (Case B) hardware configuration, as defined in the J3400 standard, utilizing a J3068 socket-outlet, can be offered as a compliant solution.

680.106(b)

Clarify the four-port minimum per "location" requirement in non-highway use cases. For instance, curbside charging use cases are not contemplated by a highway corridor charging template. Curbside charging stations should not have the impractical requirement of four ports in the same pedestal, and

the spaces served by those four ports should not be required to be contiguously sited. For community-based charging, we recommend that the standards recognize different metrics. One option is the Argonne National Lab/VTO report "Using Mapping Tools to Prioritize Electric Vehicle Charger Benefits to Underserved Communities," measures the number of ports deployed within 0.5 miles/15-minute walk of a centroid of a census tract).

680.108(a): ISO 15118

Establish that LIN CP signaling (included in J3400 and J3068 standards) is a sufficient alternative to meet ISO 15118 standards. We support the adoption of LIN CP signaling as an alternative to ISO-15188 for Level 2 AC chargers. The J3400 standard includes provisions for LIN CP using J3068 signaling for AC power transfer.

LIN CP signaling allows for a more robust communication protocol between the EVSE and EV, while still being backwards compliant with the current PWM-CP signaling protocol defined in the J1772 standards. LIN CP utilizes readily available components that need significantly less power than ISO-15118 hardware, which reduces costs.

LIN CP J3068 signaling will allow the North American Level-2 AC charging industry to more quickly integrate next generation features, including as plug and charge and bi-directional charging. Further, when LIN CP is combined with a user-detachable cable, there is a potential for a chip embedded in the cable to allow plug and charge compatibility for vehicles that currently do not support plug and charge systems. This capability enhances convenience and security for drivers of older plug-in vehicles.

Medium- and Heavy-Duty Charging

EDTA also supports a comprehensive reconsideration of the NEVI regulations to effectuate Congressional intent to include MD/HD charging facilitates, which have distinct technological and operational needs.

For instance, MD/HD charging facilities serving commercial fleets may be open to the general public or semi-public, i.e., serve more than one company, but not open to the general public.

References in the NEVI authorizing legislation to “publicly available electric charging infrastructure” should be interpreted in accordance with this expressed intent. Specifically, “publicly available electric charging infrastructure” should be treated as inclusive of fully public and semi-public facilities, in the case of MD/HD facilities.

Accordingly, we recommend changes to the federal regulations to support the expansion of MD and HD chargers under NEVI and other Title 23 federal projects:

23 CFR 680.106(c): CCS Connector Type/capability

This standard should be modified when applied to MD/HD infrastructure to permit connectors based on non-proprietary standards specifically designed for MD/HD needs. The CCS standard's limit is 500 kW. Next generation charging equipment based on nonproprietary technology and standards, such as the Megawatt Charging System (MCS), should be permitted.

23 CFR 680.106(d): 150 kW

Higher powered charging facilities will need to be recognized for MD/HD charging. The top end of 920V may be insufficient for Megawatt charging. While minimum power levels are reasonable, the higher power needs of this segment need to be accommodated in regulation and requirements.

23 CFR 680.106(e): 24/7 Availability

The Investment in Infrastructure and Jobs Act (IIJA), the statutory authority under which these standards are established, directs that MD/HD commercial stations operated on a semi-public business structure are acceptable if "authorized commercial motor vehicle operators from more than one company" are served. Section 106(e) should be modified to mirror the explicit inclusion of semi-public commercial MD/HD stations.

23 CFR 680.106(f): payment methods, including contactless payment method, phone payment, no membership, access to users with limited English and disability

The payment methods specified in this section do not serve the distinct needs of MD/HD semi-public stations. Historically, fleet payment cards do not have NFC capability, which this provision requires. The payment method between a station owner and the 2 or more commercial motor vehicle operators should be consistent with the needs of those market participants, rather than general public, which will not be utilizing these facilities. Ensuring specific payment methods does not advance a public interest in the HD space, unless the station is fully public, so we urge that this provision is not applied to MD/HD semi-public stations.

23 CFR 680.106(k): Customer service including multilingual service

Similarly, this requirement should be non-applicable to MD/HD facilities that exclusively serve fleets and do not serve members of the general public. In these circumstances, where the recipient of federal funds owns the charging stations (and has a relationship with another party for availability) then the level of customer service provided should be dictated by the contract terms between these businesses, as there is no general-public consumer to protect.

If the station operates under the Charging as a Service model and is open to any MD/HD driver, then this requirement could be acceptable.

23 CFR 680.106(l): Customer data privacy: limits on data collection

The provision requires that recipients "retain only that personal information strictly necessary to provide the charging service." This requirement was written to protect the data of general public customers and does not apply in fleet charging business structures.

Fleet operators collect and use data about their own fleet, which is essential to the efficient operation of the fleet. This may include data that is not "necessary to provide the charging service." We recommend that information about corporate customers or a fleet's own data are excluded from this requirement.

23 CFR 680.106(m): Use of program income

MD/HD should be explicitly excluded from compliance with this provision. The regulations governing funding recipient and site-host income and revenues, including how the funding recipients and site hosts use the revenues and how these companies participate in the market, are antithetical to the functioning of the MD/HD service business structures. The restriction would severely diminish participation in federal programs to expand MD/HD charging.

680.108(a): ISO 15118

Clarify that this requirement does not apply to semi-public stations, as fleets do not necessarily need Plug and Charge capability.

680.110: Signage

Clarify that this requirement does not apply to semi-public stations. Authorized fleet drivers have the ability to locate stations without signage and the requirements could be confusing to the general public.

680:116: Info on publicly available stations pricing, availability, uptime, third party data access

Clarify that this requirement does not apply to semi-public stations, where authorized fleets are the only parties that need access to this information.

We thank you for your consideration and look forward to working with you to ensure the most effective investments in our nation's critical transportation system.

Sincerely,

Genevieve Cullen
President