

January 25, 2022



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Ms. Stephanie Pollack
Deputy Administrator
Federal Highway Administration
United States Department of Transportation
Washington, D.C. 20590

Re: Docket No. FHWA-2021-0022; Development of Guidance for Electric Vehicle
Charging Infrastructure Deployment

Dear Deputy Administrator Pollack:

The American Highway Users Alliance (the Highway Users) is pleased to provide comments in response to the Federal Register notice in this docket, which concerns the Federal Highway Administration's (FHWA's) implementation of the provisions of the recently enacted Infrastructure Investment and Jobs Act¹ concerning funding programs supporting the deployment of electric vehicle (EV) charging infrastructure. 86 Federal Register 67782 (November 29, 2021).

The Highway Users is the united voice of the motoring public -- promoting safe, uncongested highways and enhanced mobility for people and business. The Highway Users, a 300-member coalition, includes companies, trade associations, safety advocacy groups, and motoring clubs. Our members represent or support millions of road users from the truck, bus, auto, RV, and motorcycling modes. Our membership includes companies or associations of them that provide services to highway users and companies that manufacture vehicles and automotive equipment, fuel, asphalt, concrete, signage and other products that are essential to better the road user experience in terms of safety, efficiency, and other ways -- improving the economy and the quality of life of all Americans.

The new infrastructure law features a formula grant program and a discretionary grant program, with both specifically supporting acquisition of EV charging equipment, its installation, and certain operating costs.² FHWA observed in the Federal Register notice in this docket at 67783 that "the recently enacted Bipartisan Infrastructure Law invests in the deployment of [EV] charging infrastructure as one of many important ways to confront the climate crisis." Moreover, aside from the contents of the new law, the private sector, including automobile manufacturers, are increasingly emphasizing production of EVs -- which must be charged. So there is momentum supporting the deployment of EV charging stations.

¹ Public Law No. 117-58, sometimes referred to as "IIJA" and sometimes as the bipartisan infrastructure law (BIL).

² The formula program is set forth in the law at Division J, Title VIII, in paragraph (2) in the sixth proviso under the heading Federal Highway Administration. The discretionary grant program is set forth in section 11401 as an amendment to 23 USC 151. The discretionary grant program originally was included in legislation reported by the Senate Environment and Public Works Committee before being included in the bipartisan infrastructure bill, which became this law. See S. 1931, S. Report No. 117-41 (2021).

In the interest of safe and effective highway mobility, and given the recent and anticipated growth in the production and use of EVs, the Highway Users supports certain actions that would facilitate an effective EV charging network, particularly including improved signage assisting the public and business in finding EV charging stations that provide fast charging and important amenities.

Promptly Revise Portions of the MUTCD Pertaining to Signage to Greatly Improve Information to Help Motorists Find High-Speed EV Charging.

Our principal comment in this docket is that FHWA should act quickly to implement signage reforms to the Manual on Uniform Traffic Control Devices (MUTCD) to better identify to the traveling public locations providing high-speed EV charging and essential, important amenities including food, restrooms and a secure location, with employees who could contact law enforcement if need be. Signage reform related to the availability of high-speed EV charging should not be delayed to be included in a complete revision of the MUTCD.

The Highway Users filed comments in May 2021 in FHWA's docket on MUTCD revisions, urging prompt action to issue a revised MUTCD, including signage reform for EV charging and other reforms. We continue to urge prompt action in that docket.

We are concerned, however, that FHWA may not be able to finalize the full MUTCD revision promptly. Tens of thousands of comments were filed in the spring of 2021 on the proposed revision of the MUTCD and the proposed MUTCD revisions and the comments on them raised hundreds if not thousands of issues.

Further, it is clear that the Administration has attached importance to promptly increasing the availability and use of EVs and EV charging facilities. Accordingly, we cannot imagine why the Administration would want to delay needed signage reforms to better inform the public where to find high-speed EV charging with key amenities while FHWA processes hundreds of other MUTCD issues.

The success of the EV deployment effort can be furthered by improved highway signage identifying places where a driver can find high-speed EV charging and normal amenities, such as restrooms, food service, well-lit premises, and employees who, if needed, could contact law enforcement. In other words, the driver wants to find an EV charging experience comparable to a stop at a modern gas fueling facility. The MUTCD should be revised to advance that goal, which is essential to the success of the Administration's efforts to rapidly expand the use of electric vehicles to help mitigate climate change. Yet even proposed revisions to the Manual on Uniform Traffic Control Devices (MUTCD) issued in 2020 do not allow such signage unless the EV charging is co-located with a gas station and, in any event, the proposal does not distinguish between slow EV charging and fast charging suitable for the traveling public.

There are approximately 20,000 comments in the pending docket to reform the MUTCD, addressing hundreds of issues. The Administration has said that it is eager to advance deployment of modern EV charging equipment.

Accordingly, the issues of providing improved highway signage for locations providing high-speed EV charging with important amenities and security should be immediately broken out from the many other MUTCD issues and resolved extremely promptly.

Tying signage of high-speed EV charging with availability of amenities is consistent with the discretionary grant program which calls for an applicant to show consideration of “the availability of onsite amenities for vehicle operators, such as restrooms or food facilities.” 23 USC 151(f)(4)(A)(iii). Similarly, the statute reflects interest in faster EV charging (23 USC 151(f)(8)(G)), making it appropriate for signage to inform as to high-speed charging availability – with amenities.

In a different section of the new infrastructure law, section 40431, pertaining to electric utility regulation, Congress made clear that it wanted “to improve the customer experience associated with electric vehicle charging, including by reducing charging time.” In addition to installation of fast charging equipment, facilitating that important goal will be greatly aided by promptly changing the MUTCD to promote signage that tells a customer where to find fast charging with good amenities.

In short, FHWA has the opportunity to favor action over bureaucratic process by separating this EV charging signage issue from the long list of issues being considered in the MUTCD docket and acting on it right away. What could be more logical in furthering the use of EVs than enabling signage on the highway advising of the availability, with a distance consistent with regular MUTCD signage practice for fuel and attractions, of high-speed EV charging with normal amenities and security.

Specific Proposals for MUTCD Revision Re: EV Charging. To facilitate prompt action modernizing signage to better inform the public as to the availability of high-speed EV charging with regular amenities, we set forth immediately below, for FHWA’s ready reference, the essence of our comments on this point as we filed them last year in FHWA’s docket on revisions to the MUTCD.

The revisions to the MUTCD proposed by the prior Administration would clarify that supplemental messages identifying an alternative fuel that is available may be added only to the business identification sign panels on the GAS Specific Services sign for a gas facility that provides that alternative fuel in addition to, rather than in lieu of, gasoline.

As electric vehicles (EVs) grow as a percentage of the overall vehicle fleet, it is necessary to provide drivers of those vehicles with information regarding the availability of refueling facilities that are aligned with their expectations of a refueling facility. This generally includes fast, efficient refueling options, foodservice and/or convenience stores, restrooms, and security (including location employees who are able to contact law enforcement should the need arise).

The MUTCD must be promptly revised to accommodate this by allowing alternative fuel logos to be present if, in addition to the alternative fuel, the facility also provides foodservice and/or convenience stores, rest rooms, and on-site employees who are able to contact law enforcement.

Additionally, to align with drivers' expectations, the revision of the relevant portions of the MUTCD should clarify that with respect to EVs, only direct current ("DC") fast chargers are eligible to be identified on highway signs. There will be many slower, "Level 2" chargers available in retail, restaurant and hotel parking lots, for example, that are not designed for fast refueling for highway

travelers. EV drivers will be looking for DC fast chargers so that they can refuel quickly and get back on the road.

Chapters in Part 2 of the proposed revised MUTCD should be revised to reflect these recommendations. As to gas, in section 2J.01A, the criteria to be required by a State or local agency for signing should reflect minimum criteria, not only consideration, and should be expressed as a requirement (standard) (as to A.) rather than guidance. Similarly, as to information on refueling alternative-fuel vehicles described in section 2I.03, the guidance in that section as to “A. Gas, Diesel, and/or alternative fuels” should be a standard (as to A.) and the factors established as minimum requirements. Further, as to those minimum requirements, neither of those two sections lists required availability of foodservice and/or convenience stores or on-site employees who are able to contact law enforcement – in order for a facility to be able to appear on a sign. Also, as noted above, as to EVs, the required minimum criteria should include fast charging. In short, the criteria noted above are important factors in public expectation and should be added to criteria listed in those provisions and established as requirements (standards).

These actions should be taken promptly in final form as soon as possible and in advance of final action on a complete MUTCD revision.

Additional Points

Before closing, we make several additional points.

It is Correct for USDOT/FHWA to Support EV Charging along the National Highway Freight Network.

The discretionary grant program terms require USDOT to consider the extent to which an application would deploy EV charging along the National Highway Freight Network. See 23 USC 151(f)(5)(A)(vi). That network is comprised of the nation’s most important highway freight routes. The guidance should be supportive of grants for EV charging stations along that network, as a way of helping advance penetration of EVs along important routes.

Further, USDOT should treat that network as a designated corridor for purposes of 23 USC 151. That way, there would be no question that EV charging formula funds also could be applied to EV charging facilities along that network.

Responses to Items in the Federal Register Notice on which FHWA Invites Input

Before closing we offer comments on several of the items in the Federal Register notice where FHWA invites input as to guidance it is to provide regarding implementation of the grant programs.

Item 9. Any other factors as determined by the Secretary [pertaining to the formula program].

As noted, FHWA should promptly revise portions of the MUTCD pertaining to signage to greatly improve information to help motorists find high-speed EV charging. Better signage will make the formula grant program more effective in advancing use of EVs and EV chargers.

Item 12. Please provide any suggestions to inform the administration of [the discretionary program supporting EV charging grants].

Just as noted in Item 9 regarding the formula grant program, FHWA should promptly revise portions of the MUTCD pertaining to signage to greatly improve information to help motorists find high-speed EV charging. Better signage will make the formula grant program more effective in advancing use of EVs and EV chargers.

Conclusion

For the reasons set forth above, the Highway Users support prompt adoption of provisions revising the MUTCD regarding signage as to the availability of high-speed EV charging at locations with amenities including food, restrooms and on-site employees. This action, with specifics set forth above, should be taken in advance of action on revisions to the entire MUTCD. The Highway Users thanks the FHWA for its consideration and urges prompt action in accord with these comments.

Sincerely,

Laura C. Perrotta

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President & CEO