

February 3, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Buttigieg and Secretary Granholm,

As the U.S. Department of Transportation (DOT) and the U.S. Department of Energy (DOE) prepare to implement the provisions of the *Infrastructure Investment and Jobs Act* (P.L. 117-58 or the IJA) related to the expansion of zero-emission vehicle (ZEV) transportation technology, I am writing to share my views on the provisions I drafted, or advocated for, in the development of this law.

First, I applaud the quick action in signing an interagency agreement and establishing the required “joint electric vehicles office” between your two departments and appreciate the Administration’s goal of “gathering diverse stakeholder input.”¹ These efforts will help ensure the investments we are making are the most effective for the interests of workers, consumers, our communities, and the environment. After all, those are the true goals – a better economy and cleaner air and water for all Americans.

Ensuring robust stakeholder input is also why implementing the Electric Vehicle Working Group, or “commission” (required by Section 25006), ahead of the one year requirement in the law, is so important. I hope you will confirm that the White House Fact Sheet from December 2021² is alluding to this requirement and that it is slated for progress in the first quarter of 2022. I also want to stress support for not limiting the Joint Office and commission’s engagement with only those areas outlined in the IJA authorizing provision. This provision outlines many key stakeholders, but there are additional industries and groups that the commission should engage with, including but not limited to, the rental car sector, travel and tourism industry, highway patrol and law enforcement, consumer advocacy or educational groups, and school bus operators, just to name a few. This holistic approach should also apply to your interagency engagement strategy to include agencies such as the General Services Administration (GSA), and their ability to reach all federal departments to ensure the maximum effectiveness as the federal government uses its purchasing power to expand the ZEV market.

The wide range of inputs your departments gather will aid our country's efforts on ZEV technology and I appreciate your action to release an EV charging request for information to the public. Obtaining and considering public input through a central federal framework is just one way that the Joint Office and the commission will be successful in establishing the national strategy tasked to you as co-leaders of the commission.

While the IJJA includes a number of important provisions that will jumpstart America's ZEV transportation, below are additional important topics that the administration should consider given the IJJA's first-of-its-kind of investment in this area. The Administration has spoken to a number of these in its announcement in December, including fleets, disadvantaged communities, and creating good union jobs, but additional issues to consider include:

Corridors of Emphasis: A major hurdle to widespread ZEV adoption and usage is "range anxiety" – the fear that inadequate or inefficient charging infrastructure will make ZEV travel over long distances difficult or impractical. As such, providing a charging network that works for all of our traveling public, including our tourists and business travelers, will be vitally important. There are millions of vehicle miles traveled by these groups that could be emission-free and these trips are vital to our economy. A national charging network can only be realized if it reaches popular destinations for long-haul vehicle travel like National Parks, rural and urban tourist attractions, and areas of significant business, convention, and meetings travel. As you designate and consider alternative fueling corridors, and update strategic planning documents like the *National Travel and Tourism Infrastructure Strategic Plan*, I request that you ensure corridors and locations serving long-haul travelers and tourists are a priority for planning and investment. This should be reflected in funding decisions and guidance released to states and localities. Focus on this priority will require continued engagement with stakeholders from the rental car companies, travel associations, and the nation's current traditional fueling operations to fuel "the great American road trip" with cleaner sources of energy and protect some of our most precious destinations from the impacts of continued pollution from transportation emissions.

EV Charging Distances: As you develop the guidance and funding programs for ZEV charging within the IJJA, please consider the diverse range of states and locations in the U.S. For example, in Nevada, the requirement that EV charging be placed no more than 50 miles apart is problematic for our state and our Intermountain West neighbors in being able to receive the necessary certification to allow full use of the EV charging formula funds. On Interstate 80, in the most rural areas where no real power or infrastructure is present, there are seven charging infrastructure gaps of more than 50 miles that would prevent this interstate from being designated as signage ready (i.e. complete). None of those gaps, however, are more than 57 miles and one is only at 51 miles. Please confirm that that you will consider, and provide, the necessary flexibility or waiver authority in regards to the corridor-ready criteria.

Charger Mapping and Consumer Confidence: Proper planning and precise mapping of charging infrastructure must be made available to provide the traveling public is vital to consumer confidence. The Administration should release guidance for localities which should underscore to our states and local communities the value and necessity in using federal funding, in part, to analyze and consider the best locations for siting fueling options. This

will aid the Joint Office's ability to share data and provide reliable information to the traveling public, especially in situations when they are traveling through areas unfamiliar to them. Effective signage should also be a priority, as the vast rural spaces of Nevada are often new to our visitors, and we need to ensure that these travelers are properly informed to avoid unsafe situations. Thus, it is vital that your two departments use all the potential of this Joint Office to produce the most accurate and updated national map of the ZEV charging opportunities in the country. This requirement is included in the IJJA and I want to further emphasize the value in getting that right. I have worked with some smartphone map developers about the need to ensure we have information on charging infrastructure equivalent to that for which we do for gas stations, and a reliable national map and data set from the Joint Office will further ensure that becomes a reality.

Equity: Making access to ZEV technology more equitable and easier for all of our traveling public, including rural and tribal communities, is incredibly important to the goals of this transition to cleaner transportation. We need to consider specifically in the way we map and expand the EV charging infrastructure investments, and at the same time, how we're expanding cleaner transit options for local communities. This will require a significant outreach and education campaign on behalf of the Administration through webinars and understandable resource guides I have long advocated for. Ensuring some conformity of chargers to our national network will also be just as important. We need to ensure that these locations are publicly available, accessible, and workable by everyone. Consumer confidence and understanding is vital for the transition to a cleaner transportation future, and the standardization of the public fueling equipment and process is an important part to that education. We should also be expanding micro-mobility solutions as well, such as bike and scooter share operators, so access can be available to those who aren't driving larger individual vehicles, or riding transit.

ZEV Fleets: Offsetting as many miles with cleaner transportation options as possible is part of the intent in including the GSA and other federal agencies in the commission. This focus should include various fleets, and their stakeholders, and obtaining input from those who operate school buses, manage rental car operations, and e-commerce delivery services, just to name a few examples. I would also like to stress the ongoing need for ZEV conversion of our federal fleets, as well as underscoring the need for charging infrastructure at federal sites for use by the federal workforce, and the public, as appropriate. This kind of coordination is spelled out in the IJJA Commission language. As a perfect example, I have legislation to expand charging access and increase fleet conversion for the National Park Service (NPS) and the U.S. Forest Service. Both are agencies that will benefit from ensuring the long-haul traveling public and tourist market of our economy can get where they would like to go in America, with less anxiety and impact on the environmental of our natural wonders. Please explore any ways the ZEV provisions in the IJJA can be utilized for these purposes, and others, to support fleet conversion and the expansion of federal government charging infrastructure for the public and federal employees. Doing this effectively sets an example for all the state, local and tribal governments in the country, and helps give consumers more access.

Strong Federal Agency Coordination: The fleet conversion and charging infrastructure point in the previous bullet is a good segway and parallel to the overall emphasis needed on interagency coordination. We need as many of our federal agencies thinking creatively about how to tackle and help accelerate this transition. That could be with the U.S. Department of

Housing and Urban Development, or it could be the Department of Agriculture's rural development programs. There are funding or education opportunities at play, but also a need for cooperation as well. One consistent point of challenge with advancing infrastructure in states like mine, is the expanse of federally managed lands. Take for example the intent or interest of my Nevada Department of Transportation or Office of Energy who may require right of way submissions to Bureau of Land Management (BLM), which can create delays in using certain locations. The time frame to receive BLM authorization for EV installations can unduly delay a project, thus delaying the ability to fill in those charging gaps that preclude corridor completion. That is just one example, but I challenge both of your departments, and you as members of the President's Cabinet, to work in a constructive manner across multiple agencies to expand opportunities and break down barriers to the future we're seeking.

Supply Chains: Nevada is a prominent place to invest in expanding our domestic manufacturing and supply chain resiliency when it comes to ZEV technology, including batteries. There are other great opportunities throughout this country. That is why I focused on putting in provisions like Battery Processing and Manufacturing Grants (Section 40207) and Critical Minerals Mining and Recycling Research Funding (Section 40206) into the IJJA. Please consider a constructive strategy to work directly with states about how to coordinate on the necessary and productive partnerships that ensure we are making the right, timely investments with the funding provided from the IJJA and other legislation to increase our domestic competitiveness in the various technologies.

Battery recycling planning state-by-state: ZEVs provide a great opportunity to improve the environment, but we must consider how we prepare for the entirety of the ZEV battery lifecycle. That is why I included that aforementioned DOE grant program for research and development, demonstration, and production projects associated with battery manufacturing and recycling. But for these efforts to be their most effective, we must ensure that the federal government is providing useful guidance, and that states are making preparations for the afterlife of ZEV batteries and components when the original vehicle is no longer on the road. This issue is also one of the reasons I specifically included the Environmental Protection Agency (EPA) in the commission. With your help, states should begin to consider what the process will be for ensuring that their batteries, and their materials, are disposed of responsibly, and do not create any kind of future environmental challenges.

Workforce: I was very pleased to see the 21st Century Workforce Advisory Board (Section 40211) included in the IJJA. This provision, in connection with the EV commission, can help our workers fully succeed as our nation makes this transition. We must use this opportunity as a new industrial revolution for good-paying, secure, and safe jobs for American workers. As you consider this provision please also integrate the work required in transportation workforce assessment, working group, and outreach program in Section 25020 of the IJJA. I specifically included references to "intelligent transportation technologies and systems" noted multiple times in this section of the law to mean things considered "smart transportation", as well as "intelligent" in that they are cleaner transportation technologies. Please ensure you follow this intent and consider the implications of the ZEV workforce of today, tomorrow, and the future, in your work on these provisions.

Additional Issues to Continue to Work On: Beyond the list of issues above, there are additional issues that your Departments should consider. This includes working with our first responder community on issues like EV battery fires and vehicle crash response. There are also issues related to the safe training of our workforce, the cost effective financing of EVs for those with lower incomes, and broader tax policies we need to consider as we move forward.


I am glad that a requirement for state plans for an electric charging network is included in the IIJA. I am writing this letter as part of the call to ensure all of these issues, and more, are also asked of the states to consider. I also appreciate that the Administration will be making summations of these plans public to improve coordination and collaboration, as we have with a coalition at the Governor's level in the west. But overall, it takes less to plan appropriately, and is a lot more cost effective than having to go back if there were avoidable mistakes not considered at the beginning of this exciting endeavor.

In all of this, there will be a need for flexibility as well. Allowing our states to work with their localities on the most efficient use and targeting of these funds should come with the capacity for your departments to work with them, and not hindering this timely expansion of cleaner transportation solutions. That is also the virtue of the funds designated in the IIJA appropriations section for "States and localities that require additional assistance to strategically deploy electric vehicle charging infrastructure."

The national strategy required by the commission is something I am very focused on and I hope can serve as a helpful guidepost and organizer of what is working, as well as what is not, to all of our efforts in this pursuit of a cleaner transportation sector.

Please continue to stay in communication with myself, my staff (Trevor_Dean@cortezmasto.senate.gov), and other Congressional leaders on these issues as we can be of additional assistance in your efforts and give serious consideration to the issues and matters I have outlined above.

Sincerely,



Catherine Cortez Masto
United States Senator