

Memorandum of Understanding on Electric Vehicle Infrastructure Deployment

This Memorandum of Understanding (MOU) is made and entered into by and among the American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Energy Officials (NASEO), and the United States Departments of Transportation (under the authority of Title VII of division J of the Infrastructure Investment and Jobs Act (Pub. L. 117-58) (in the matter under the heading “Federal Highway Administration—Highway Infrastructure Program”) and 49 U.S.C. 301. 49 U.S.C. 301) and Energy (under the authority of Section 646 of the Department of Energy Organization Act (Pub. L. 95-91, as amended; 42 U.S.C. § 7256)) through the Joint Office of Energy and Transportation (Joint Office) (collectively referred to as “Parties”) on February 18, 2022.

Whereas President Biden intends to drive American leadership forward on electric vehicles (EVs) by strengthening the domestic supply chain, setting a target of 50 percent of EV sale shares in the United States by 2030, and committing to enabling a convenient, equitable, affordable, safe, and reliable nationwide network of 500,000 EV chargers that will be accessible to everyone;

Whereas President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, which created the Justice40 Initiative that sets a goal of at least 40 percent of certain Federal investments flowing to disadvantaged communities.

Whereas the Infrastructure Investment and Jobs Act (IIJA)—also known as the Bipartisan Infrastructure Law (BIL)—provides \$5 billion through the National Electric Vehicle Infrastructure Formula Program to build and operate a nationwide network of EV charging stations along corridors;

Whereas the BIL established the Joint Office of Energy and Transportation to address topics of mutual interest to the U.S. Department of Energy and U.S. Department of Transportation, including providing technical assistance to States and other stakeholders to develop and implement a convenient, equitable, affordable, safe, and reliable national EV charging network;

Whereas many States and regional partnerships have developed and implemented plans to enable electric vehicle charging networks both independently and in conjunction with the Federal Highway Administration’s Alternative Fuel Corridor Program;

Whereas the National Association of State Energy Officials (NASEO) represents the 56 governor-designated energy directors and their offices from each of the States, territories, and District of Columbia (hereinafter referred to as “State Energy Offices”), and acts as a key resource on transportation electrification, electricity and grid modernization, energy system resilience, and other energy priorities of the State Energy Offices and their stakeholders;

Whereas State Energy Offices lead or support transportation electrification planning and EV program implementation, and have deep expertise in planning, designing, and administering EV infrastructure, transportation electrification, and electric system planning and programs;

Whereas the American Association of State Highway and Transportation Officials (AASHTO) represents highway and transportation departments in the 50 States, the District of Columbia, and Puerto Rico, and whose mission is to support these departments (hereinafter referred to as “State Departments of Transportation” or “State DOTs”) to connect America with the transportation system of today and tomorrow with a goal of providing safety, mobility, and access for everyone;

Whereas State DOTs, as infrastructure owners and operators, play a vital role in both the implementation of Federal Highway Administration's Alternative Fuel Corridor designations and the National Electric Vehicle Infrastructure Formula Program;

Therefore, it is the mutual intention of the signatories to collaborate in order to build capacity and provide needed technical assistance to States, the District of Columbia, Puerto Rico, and other U.S territories on EV charging station planning, development, and operations, and to enhance coordination and collaboration between the States and the Federal government to maximize the benefit of both public and private investment in the development of an equitable and accessible national EV charging network.

Purpose

The purpose of this MOU is to provide a framework for collaboration between key State and Federal government agencies to ensure that EV charging station infrastructure investments, including those made through the BIL are invested in a strategic, coordinated, efficient, and equitable manner. Through this MOU, the Parties will work together to:

- Convene national, regional, State, local, Tribal, and private sector actors to build capacity for EV charging station investments, foster coordination across a national network, advance common goals, and tackle shared challenges.
- Enhance coordination between State Energy Offices and State DOTs to leverage existing EV policies and programs with Federal funding while also understanding the importance of private sector investment and engagement.
- Create a user-friendly, inclusive communications feedback loop between key State agencies and the Federal government to ensure effective, coordinated and timely EV charging planning and implementation.
- Identify data, technical, and programmatic assistance needs of the States as they develop and implement State EV Infrastructure Deployment Plans to maximizing the effectiveness of BIL programs.
- Identify potential opportunities for Federal EV charging investments to provide benefits to disadvantaged communities, facilitate job creation, and foster workforce development.

Actions and Responsibilities

NASEO will:

Convene State Energy Offices and, in cooperation with AASHTO, State DOTs on a regional or multi-State basis to share expertise across agencies, coordinate actions across States, explore opportunities to facilitate consistency in State EV Infrastructure Deployment Plans, provide input and feedback on transportation and energy program guidance, synthesize technical assistance needs from the States, and engage and identify additional State stakeholders to support the development of a convenient, equitable, affordable, safe, and reliable national EV charging network. The regional or multi-State groups will build on existing regional EV partnerships¹, and will also provide real-time feedback to the Joint Office on activity effectiveness, as well as implementation challenges and technical assistance needs.

¹ Existing regional and multi-State EV initiatives include: the Pacific Coast Collaborative, Regional Electric Vehicle (REV) Midwest, Regional Electric Vehicle (REV) West, the Southeast Regional Electric Vehicle Information Exchange, the Transportation and Climate Initiative, and the ZEV Task Force.

Work with State and Federal agencies, utilities, and private sector stakeholders to provide input and guidance on EV program design and explore successful public private partnership models.

Provide a mechanism for collecting information from States across the country in an efficient manner and provide analytical support as needed. This may include actions such as drafting model policy and program documents (e.g., model RFPs), identifying best practices from existing programs in the States, and other analyses based on the needs of the Joint Office and the States.

Share information from the Joint Office and other Federal agencies in a timely way with the States through NASEO's Transportation Committee and other transportation initiatives.

AASHTO will:

Convene State DOTs and, in cooperation with NASEO, State Energy Offices on a regional or multi-State basis to share expertise across agencies, coordinate actions across States, explore opportunities to facilitate consistency in State EV Infrastructure Deployment Plans, provide input and feedback on transportation and energy program guidance, synthesize technical assistance needs from the States, and engage and identify additional State stakeholders to support the development of a convenient, equitable, affordable, safe, and reliable national EV charging network. The regional or multi-State groups will build on existing regional EV partnerships², and will also provide real-time feedback to the Joint Office on activity effectiveness, as well as implementation challenges and technical assistance needs.

Work with State and Federal agencies, utilities, and private sector stakeholders to help provide input and guidance on EV program design and explore successful public private partnership models.

Provide a mechanism for collecting information from States across the country in an efficient manner and provide analytical support as needed. This may include actions such as drafting model policy and program documents (e.g., model RFPs), identifying best practices from existing programs in the States, and other analyses based on the needs of the Joint Office and the States.

Share information from the Joint Office and other Federal agencies in a timely way with the States through AASHTO's Electric Vehicle Inter-Committee Working Group, Electric Vehicle Practitioner's Working Group, and other relevant AASHTO Committees and Councils, and technical services programs.

The Joint Office will:

Draw from knowledge across DOE, DOT, and the National Laboratories to provide States with technical assistance and support in the development and implementation of their EV Infrastructure Deployment Plans in support of the National Electric Vehicle Infrastructure Program.

Work with AASHTO and NASEO to work with national, regional, State, local and private sector actors to build capacity to support EV charging station investments, foster coordination across a national network, advance common goals, and tackle shared challenges, as appropriate, within State agencies that will be necessary to plan and implement investments in EV charging infrastructure.

Establish core resources and data sets that States can use to inform the development and implementation of their EV Infrastructure Deployment Plans.

² Existing regional EV initiatives include: the Pacific Coast Collaborative, Regional Electric Vehicle (REV) Midwest, Regional Electric Vehicle (REV) West, the Southeast Regional Electric Vehicle Information Exchange, and the Transportation and Climate Initiative.

Develop, collaborate on, and share informational materials and data that can foster consumer awareness around EV charging technologies and availability.

Share national lessons learned from the National Electric Vehicle Infrastructure program evaluation in a timely manner with States to allow them to incorporate relevant insights into their own activities.

Convene and align additional stakeholders from across the Federal government in support of State planning and implementation of EV charging infrastructure.

Provide technical resources and support States in the implementation of the Justice40 Initiative to advance environmental justice and spur economic opportunity for disadvantaged communities.

Identify and address barriers to a future where everyone can ride and drive electric.

Additional Terms and Termination

This MOU is effective on the day of signature and shall remain in effect until terminated by any Party upon written notice to the other Parties.

This MOU in no way restricts any Parties from participating in any activity with other public or private agencies, organizations, or individuals.

This MOU is neither a fiscal nor a funds obligation document. Nothing in this agreement authorizes or is intended to obligate the Parties to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

This MOU is strictly for internal management purposes for each Party. It is not legally enforceable and shall not be construed to create any legal obligation on the part of any Party by any Party or create any rights in any third party, including that of a Federal contractor.

This MOU shall not be construed to provide a private right or cause of action for or by any person or entity. This MOU is subject to, and will be carried out in compliance with, all applicable laws, regulations, and other legal requirements.

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Modifications

This MOU may be modified by mutually acceptable written amendments duly executed by authorized officials of DOE, DOT, NASEO, and AASHTO. Its provisions will be reviewed annually and amended or supplemented in writing as may be agreed upon mutually

Entire Agreement

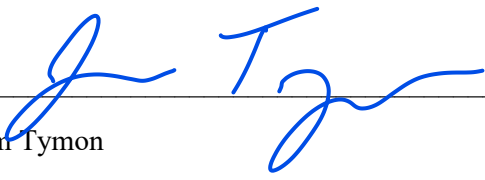
This MOU constitutes the final understanding of all Parties on all subjects contained within it. All prior negotiations, understandings, and agreements are merged into this Agreement.

Execution

The Parties have caused this MOU to be executed in three (3) identical originals by their duly authorized representatives and is entered into the date of the last signature below.

Authorizing Signature and Dates


The signatories below warrant and represent that they have the competent authority on behalf of their respective party to enter into the action and responsibilities of their respective party.



Jim Tymon
Executive Director
American Association of State Highway and Transportation Officials

February 16, 2022

Date



Michael Berube
Deputy Assistant Secretary for Sustainable Transportation
U.S. Department of Energy

February 17, 2022


Date



Andrew Wishnia
Deputy Assistant Secretary for Climate Policy
U.S. Department of Transportation

February 18, 2022

Date



David Terry
Executive Director
National Association of State Energy Officials

February 14, 2022

Date