



American Association of State Highway  
and Transportation Officials



August 27, 2025

Gloria M. Shepherd  
Executive Director  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: Comments on the Federal Highway Administration's National Electric Vehicle Infrastructure Formula Program Guidance (Docket No. FHWA-2025-0010)

Dear Executive Director Shepherd:

The American Association of State Highway and Transportation Officials (AASHTO) and the National Association of State Energy Officials (NASEO) appreciate the opportunity to provide input to the Federal Highway Administration (FHWA) in response to the Notice and Request for Comments on revised National Electric Vehicle Infrastructure (NEVI) Formula Program Interim Final Guidance as published in the Federal Register on August 13, 2025.

AASHTO is a nonprofit, nonpartisan association representing the state transportation departments (state DOTs) in the 50 states, the District of Columbia, and Puerto Rico, with the mission to support state DOTs in connecting America with the transportation system of today and tomorrow. AASHTO's primary goal is to foster the development, operation, and maintenance of an integrated national transportation system.

NASEO represents the governor-designated State Energy Directors and their offices from each of the 56 states, territories, and the District of Columbia. State Energy Offices have a significant role in alternative fuel policy and program development and rollout, including infrastructure planning and deployment, grid planning, and building private sector partnerships with vehicle and charging and refueling manufacturers, as well as electric utilities. State Energy Offices are also typically a key supporting agency or state lead for the National Electric Vehicle Infrastructure (NEVI) program.

AASHTO and NASEO support FHWA's efforts to revise the NEVI Formula Program Guidance and streamline EV charging infrastructure deployment. AASHTO and NASEO believe the revised guidance will provide the flexibility needed by State DOTs and Energy Offices to effectively and efficiently deliver their EV charging infrastructure projects on time and on budget. Further, AASHTO and NASEO believe the improved efficiency will expedite state DOTs' and State Energy Offices' ability to fully build out their networks along the alternative fuel corridors and begin funding projects along state highways and in their communities. AASHTO and NASEO provide these general comments and recommendations to FHWA for consideration and encourage FHWA to consider those comments submitted by individual State DOTs and Energy Offices.

## **Comments and Recommendations on the Interim Final Guidance**

### Communication and Messaging

AASHTO and NASEO anticipate submission of 52 distinct State EV Infrastructure Deployment Plans (NEVI Deployment Plans), each subject to review by their FHWA Division Office. These offices may interpret and apply guidance and existing regulations differently, resulting in inconsistent implementation across jurisdictions. As state DOT practitioners routinely engage in collaborative efforts, these inconsistencies in the application of rules and guidance contribute to confusion and miscommunication. Therefore, AASHTO and NASEO recommend that FHWA prioritize clear, consistent, and transparent communication in the processes of plan approval, obligation, project agreements, and the certification of fully built-out status.

### Fully Built Out Certification

According to the guidance, states have the discretion to determine the distance and siting of NEVI funded EV chargers along designated Alternative Fuel Corridors (AFCs), taking into consideration the siting and operation of existing non-NEVI funded chargers. Based on this interpretation, AASHTO and NASEO conclude that while non-NEVI stations are not directly eligible for certifying a state's fully built out status, they may be indirectly considered when assessing the need for NEVI funded EV chargers. AASHTO and NASEO request FHWA confirm, refine, or correct this interpretation to avoid confusion or complications in state DOT fully built out certification requests.

Additionally, while the NEVI guidance clearly outlines where states should submit their NEVI Deployment Plans for review and approval, it does not specify the process for submitting requests for fully built-out certification. This distinction is critical, as several states are preparing to submit such requests based on their current deployment and construction progress. Therefore, AASHTO and NASEO recommend that FHWA revise the guidance to include clear instructions for submitting a fully built-out certification request. Furthermore, given the close working relationship between states and their respective FHWA division offices—and the division offices' deep understanding of each State DOT's operations and geographic context—AASHTO and NASEO recommend that states submit their certification requests directly to their FHWA division office.

### Alternative Fuel Corridors

Although the Infrastructure Investment and Jobs Act (IIJA) expanded the Alternative Fuel Corridor (AFC) program, states have been designating AFCs since 2016. These designations were made well before the NEVI Program was conceived and before the IIJA mandated EV charging infrastructure deployment along AFCs. While several additional rounds of AFC designation have occurred, no formal process has been proposed for de-designation. Many state AFCs were designated prior to NEVI's inception, and in some cases, changing conditions mean these corridors may no longer represent the most suitable locations. As a result, states may need a mechanism to de-designate certain AFCs. The ability to both designate and de-designate AFCs is fundamental to effective EV infrastructure planning. Therefore, AASHTO and NASEO recommend that FHWA amend the NEVI Program guidance to include clear direction for both designating new AFCs and de-designating those that are no longer necessary.

#### Availability of the EV-ChART Data Portal

AASHTO and NASEO have observed notable uncertainty regarding the continued availability of EV-ChART. According to the NEVI Program guidance, states shall use the EV-ChART data portal as the compliance reporting tool. To avoid confusion or miscommunication and to provide certainty to the state planning process, AASHTO and NASEO recommend FHWA confirm the use and operation of EV-ChART for a period that allows States to utilize EV-ChART for compliance with 23 CFR 680.106(i), which pertains to long-term stewardship and requires states to ensure chargers are maintained in compliance for no less than 5 years from the initial date of operation.

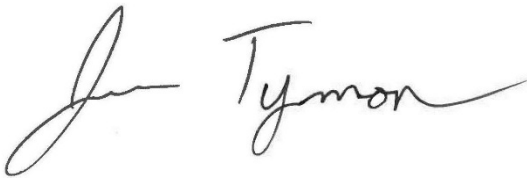
#### 23 CFR 680 Requirements

Pursuant to the NEVI Program Guidance and 23 CFR 680.112(d), states are required to submit a Community Engagement Outcomes Report detailing outreach efforts to disadvantaged communities. However, due to the issuance of various Presidential Executive Orders, the definition of “disadvantaged communities” as outlined in 23 CFR 680.104 has become ambiguous and lacks clear delineation. Therefore, AASHTO and NASEO request additional and more certain guidance surrounding the definition and application of the term “disadvantage communities.”

The current NEVI Standards rule, 23 CFR 680, remains highly prescriptive, placing a significant technical burden on state DOTs working to deploy EV charging infrastructure. While these standards are important for ensuring a reliable EV charging network, they can also be overly burdensome, as infrastructure deployment varies widely across states. Flexibility and compliance discretion are still necessary to support effective state-level planning and to provide assurance that funding will not be subject to claw backs due to non-compliance. To address this, AASHTO and NASEO recommend that FHWA establish a clear procedure or pathway for granting compliance discretion, thereby reducing uncertainty and enabling greater flexibility in the planning process.

Thank you for considering our comments. If you have any questions, please contact Josh Rodriguez, AASHTO’s Program Director for Environment at (202) 624-3638 or [jrodriguez@aaashto.org](mailto:jrodriguez@aaashto.org) or Jessie Lund, NASEO’s Senior Program Director for Transportation at (703) 512-0163 or [jlund@naseo.org](mailto:jlund@naseo.org).

Sincerely,



Jim Tymon  
Executive Director  
AASHTO



David Terry  
President  
NASEO