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Governor

WYOMING Department of Transportation

"Provide a safe and effective transportation system"

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K. Luke Reiner
Director

January 28, 2022

Federal Highway Administration
1200 Jersey Avenue SE
Washington, DC 20590

RE: Wyoming Department of Transportation Comments to the Federal Highway Administration Request for Information

Docket No. FHWA-2021-0022 | Development of Guidance for Electric Vehicle Charging Infrastructure Deployment | 86 *Federal Register* 67782 *et seq.* (November 29, 2021)

The Wyoming Department of Transportation (WYDOT) thanks the Federal Highway Administration (FHWA) for the opportunity to inform guidance regarding the Electric Vehicle (EV) Charging Program and the discretionary Charging and Fueling Infrastructure Program. WYDOT submits the following state-specific remarks and also wishes to concur with the group comments from the rural state DOTs of Idaho, Montana, North Dakota, South Dakota, and Wyoming and the Regional Electric Vehicle Plan for the West (REV West).

GENERAL COMMENTS

For WYDOT and other rural state DOTs, the key to successful implementation of the EV Charging Program and the Charging and Fueling Infrastructure Program is flexibility relative to the challenges rural and disadvantaged areas face. WYDOT stands ready to facilitate accessible, equitable, and reliable EV charging and alternative fueling infrastructure along important corridors that serve as vital links for a complete national network; however, to do so requires an understanding of rural challenges and reasonable accommodations to overcome such challenges.

NATIONAL EV CHARGING PROGRAM

Extend Alternative Fuel Corridor Program Distance Requirement | *Considerations 1, 3, 4, and 7*

The National EV Charging Program requires states to build out designated corridors via the Alternative Fuel Corridor Program, which includes a requirement for only a 50-mile maximum allowable distance between EV charging infrastructure for a corridor to be considered "corridor ready" or designated as an alternative fuel corridor. To ensure rapid buildout of important corridors, especially longer routes through rural areas, FHWA needs to extend this maximum distance requirement to at least 100 miles between charging stations. A longer distance requirement to reach designation acknowledges advancements in EV ranges, allows for expeditious federal highway corridor buildout, and hastens buildout of state highway systems and other public roadways to achieve a more complete, accessible, and reliable EV charging network.

According to the Department of Energy, the median range for EVs is over 200 miles¹—making the 50-mile maximum distance requirement obsolete and cumbersome. A more reasonable approach would be extending the maximum distance to at least 100 miles to achieve an alternative fuel corridor designation while still ensuring appropriate accessibility, reliability, and redundancy. An additional benefit of a higher maximum distance requirement is quicker corridor buildout, resulting in more immediate development of state highway corridors and more engagement of local private investment along public routes and locations beyond federal highways. For instance, US 14 from Cody and US 26/191 from the Wind River Reservation are popular tourist routes to reach Yellowstone National Park and provide access to more remote communities, but both are off the interstate highway system. Though initial focus will be on I-80 and other interstate corridors, the sooner WYDOT can facilitate buildout of other routes that are important to both locals and visitors alike, the sooner the true benefits of a complete EV network will be realized. Reaching smaller scale corridors will also foster local private investment that will promote substantial economic and public benefit versus largescale corridors that might be out of reach for small contractor and local business participation.

At the very least, FHWA should provide maximum distance exceptions for corridors through rural areas, such as I-80 through Wyoming. Wyoming, like other rural states, has been challenged in reaching corridor designations because of the 50-mile maximum distance requirement. This is especially true for rural routes like I-80 in Wyoming that extends over 400 miles with significant distances between towns and other viable staging areas for EV infrastructure, especially within the relatively small 50-mile intervals required for corridor designation. Despite being a highly trafficked route, I-80 passes through long stretches of land severely lacking in any of the furnishings required for an EV charging station to be placed every 50 miles—including the absence of any electrical infrastructure, readily accessible internet connectivity, or affordable, available land for acquisition. Establishing an EV charging station with such necessities in these remote areas would result in a completely insufficient benefit-cost ratio to justify the investment—with the cost for installation rapidly outpacing the benefit to the limited number of users that opt for remote stations rather than stop in a town. Yet rural corridors are vital links in creating a complete and connected national EV charging network. Allowing for longer distances between EV chargers, supported by ever increasing EV ranges, would allow I-80 and similar rural corridors to be designated and built out quickly to shift focus to other important public routes and areas that will support rural economies, promote EV acceptance, and encourage EV use in rural areas.

Allow Flexibility in Eligible Installation Locations | Consideration 3 and 4

Though Wyoming has prioritized interstate and other National Highway System routes under the Alternative Fuel Corridor Program, many other state highways also provide important connections to key destinations in the state for local communities and visitors. Nothing should hinder state DOTs in building out both federal highways and state highways simultaneously under the Alternative Fuel Corridor Program. This flexibility will allow states, especially rural states with populations spread out far beyond main highway corridors and only accessed through state highways, to buildout EV charging networks strategically in areas that will see higher EV

¹ “Transportation Analysis Fact of the Week #1220,” Office of Energy Efficiency and Renewable Energy, Department of Energy (January 10, 2022).

usage. As referenced earlier, US 14 from Cody and US 26/191 from the Wind River Reservation to Yellowstone—an area of the state expected to see higher EV usage—not only connect communities, but also link Wyoming’s tourism industry with the state’s keystone national park attractions. However, both US 14 and US 26/191 are far from any interstate corridor. Ensuring the possibility of simultaneous investment in all state highways will result in more efficient and effective buildout in areas that will see the most use, especially early on.

Additionally, placing focus on state highways and other smaller-scale corridors will see that the economic and public benefits of EV charging infrastructure are realized for smaller contractors and local private investors who may not have the capability to participate in larger scale interstate buildouts. Largescale buildouts along corridors like I-80 through Wyoming will most likely require out-of-state contractors to complete buildout in a timely, efficient manner. Waiting for these large corridors to be completed before moving on to state highways will frustrate and potentially alienate local contractors and investors eager to participate and benefit from early investment and participation in EV charging infrastructure. Simultaneous focus on strategically important largescale and small scale corridors will bolster both large and small contractors as well as engage local private investors—creating jobs in rural areas, stimulating local economies from construction through to completion and use, and helping promote EV adoption in rural areas.

Reasonable EV Corridor Plan Submission Deadlines | Consideration 9

FHWA should provide reasonable deadlines and flexibility for filing state DOT EV corridor buildout plans. Since fiscal year 2022 is well underway, FHWA should allow state plans to contain only the first fiscal year of activity for the initial submission deadline and include a separate deadline for the other fiscal years’ worth of planned activities. Additionally, the lack of available equipment meeting Buy America requirements creates complications for implementing plans in a timely manner. In response, FHWA should also allow state plans to be contingent on equipment availability or the availability of a Buy America waiver as well as provide states opportunities to amend plans after filing to reflect impacts of Buy America and other complications.

CHARGING AND FUELING INFRASTRUCTURE PROGRAM

Separate Benefit-Cost Ratio Confidence Scale for Rural Areas | Consideration 11

To make the application process as easy and approachable as possible, WYDOT encourages FHWA to avoid any benefit-cost ratio (BCR) requirements. However, if FHWA decides to implement a BCR requirement and confidence scale for evaluating Charging and Fueling Infrastructure Program applications, then FHWA should include a separate confidence scale specifically for comparing rural project BCRs. Rural areas usually apply for smaller scale projects in sparsely populated, less trafficked areas compared to urban applications. This situation can result in smaller BCRs for rural projects when compared to urban projects. When rural BCRs are compared on the same confidence scale used to grade urban applications serving larger populations, rural projects may look less impressive even if their relative benefits are equally impactful to their smaller populations. When establishing charging and alternative fueling infrastructure to fill service gaps and achieve connectivity and continuity of the national network, rural areas may have to place charging and fueling infrastructure in locations where the

cost of construction and maintenance outweigh the benefit or use of equipment, at least for some time. In contrast, urban areas will have an easier time finding more lucrative places for such infrastructure given an abundance of densely populated and highly trafficked areas. If FHWA plans to include a confidence scale to compare BCRs, then FHWA needs to create a separate confidence scale that compares rural BCRs apart from their urban counterparts. This separate comparison will ensure a fair competition that encourages and promotes connectivity in rural areas to avoid gaps in the national network and inequities among rural, traditionally underserved populations.

Straightforward Grant Guidance, Requirements, and Reporting | Consideration 12

For local businesses, especially small, disadvantaged businesses in rural areas, any grant guidance and requirements for applying and reporting should be straightforward and easy to enact to facilitate maximum participation that will promote a national network of charging and alternative fueling options. Rural localities along with small, disadvantaged businesses do not have the bandwidth, resources, or in-house expertise to compete with larger businesses or urban centers that can afford grant writers and professional consultants. The less intimidating and more reasonable grant guidance and requirements are, the more the Charging and Fueling Infrastructure Program will attract and engage a diverse set of applicants from rural areas and small, disadvantaged businesses that will support equality in charging and fueling access and will be key to realizing the full economic benefits of this program.

CONCLUSION

WYDOT thanks FHWA for its consideration of these comments and strongly encourages its action in implementing the provided recommendations to ensure rural states can fully participate in and help advance a national EV charging network.

Sincerely,

Luke Reiner

K. Luke Reiner

WYDOT Director

Attached: Comments of the transportation departments of Idaho, Montana, North Dakota, and South Dakota

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WYDOT Comments -- FHWA EV Charging Programs RFI

Final Audit Report

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