



March 29, 2024

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

Dear Mr. Secretary:

We are writing to recommend changes to the Charging and Fueling Infrastructure (CFI) Discretionary Grant Program for round two that will help it better meet its potential to help increase charging access in historically underserved communities and advance Justice40 goals.

Forth is a national nonprofit organization working to electrify transportation by bringing people together to create solutions that reduce pollution and barriers to access. Since our founding in 2011, we have partnered with USDOE, state and local governments, and community-based organizations to support equitable transportation electrification. More recently, with support from several private foundations, we have helped dozens of communities design equitable transportation electrification programs and pursue federal funding to implement these programs. In the first round of Charging and Fueling Infrastructure (CFI) Discretionary Grant Program funding, we helped 36 government agencies to apply for millions of dollars in charging funds.

In our work on the ground in communities across the country, it has been impressive to see how quickly and effectively USDOT, working closely with USDOE through the Joint Office of Energy and Transportation, has launched the first substantial national investment in electric vehicle charging. Electric vehicle sales and community interest in charging infrastructure are booming. However, as the second round of CFI funding launches in coming months, we believe several significant changes are needed.

Our top ten recommendations are summarized below, and then described in more detail. We would be happy to discuss any of these recommendations further with your team.

1. FHWA should further clarify the definition of “publicly available” charging to ensure that workplaces and multifamily housing are included.
2. FHWA should clarify that charging *can* be located where there is a separate payment required for parking.
3. FHWA should clarify that applicants can use program funds for staff time and program administration.
4. FHWA should provide timely, public, and transparent answers to questions about CFI grants.
5. FHWA should explicitly allow applications that do not identify specific charging locations.
6. FHWA should provide more clarity about what "meaningful public engagement" means.
7. FHWA should complete debrief sessions before opening round 2, or should pursue a different approach to feedback.
8. JOET and FHWA should dramatically increase technical assistance to communities, both directly and through nonprofit intermediaries.
9. FHWA should increase coordination and transparency among applicants.
10. FHWA should provide more clarity about when the next CFI round, and future rounds, will be opening and for how long.

1. FHWA should further clarify the definition of “publicly available” charging to ensure that workplaces and multifamily housing are included. The intent of the CFI program is to support charging for those who face barriers to charging at home, and both multifamily housing and workplaces are key places that can help serve this need. DOE’s Vehicle Technologies Office has awarded several million dollars in grant funding to Forth and others to encourage workplace and MFH charging, but these efforts will be stunted if CFI funding continues to exclude such locations. Round one stated that “Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible.” This definition is overly restrictive and leaves out many potential low-income EV drivers who could benefit from this program funding. For example, a shopping mall might theoretically restrict access to employees and customers, but would consider someone using charging infrastructure in its parking area to be a customer. An apartment complex may have parking spaces that are open to any visitor. FHWA should broaden this definition to include charging that provides access to a broad and diverse range of community members, or should at least provide clear guidance that charging for employees or tenants is eligible if it is also made available to visitors on an equal basis.

2. FHWA should clarify that charging *can* be located where there is a separate payment required for parking. Free parking is counterproductive to the Administration's transportation decarbonization goals, as it encourages additional VMT, and FHWA should do nothing to further encourage it. Applicants received different, confusing, and conflicting advice on this matter during round one and FHWA needs to make a clear and unequivocal statement that requiring payment for parking does not render locations ineligible - be they in public or private lots, the public right of way, or elsewhere.

3. FHWA should clarify that applicants can use program funds for staff time and program administration. Justice40 communities, in particular, must be able to recover the cost of managing and staffing charging programs, or they will be unable to apply. Communities we worked with received different, and directly contradictory, answers to this question. One applicant was told “[p]rogram administration and staffing costs are not eligible under the CFI Program.” Another was given directly conflicting advice: “Yes, you may include your organization’s direct labor expenses in the budget as needed.”

4. FHWA should provide timely, public, and transparent answers to questions about CFI grants. During round 1, responses were emailed directly to those answering questions, and they frequently conflicted. A single limited public FAQ was issued but not until a month before proposals were due. As noted above, this meant that different applicants received directly contradictory answers to key questions. This created an environment of confusion and frustration, and one that further disadvantaged Justice40 communities that did not have the time and resources to go digging for additional clarification. FHWA should answer all questions publicly in an FAQ document it updates frequently, say every other week, as USDOE frequently does for its funding opportunities.

5. FHWA should explicitly allow applications that do not identify specific charging locations. Historically underserved communities do not have funding or capacity to engage community members to identify the most important charging locations **prior** to applying for CFI funds, nor do they wish to create false hopes by doing this outreach without knowing if they will have any funding to actually install charging. During a grant period that may last five years, it’s also likely some locations will need to be updated. Furthermore, CFI’s own guidance suggests meaningful public engagement – but if all charging locations are already defined, what is left to engage about? Despite all these factors, it **seems** that FHWA disqualified proposals without specific street locations. We suggest FHWA explicitly allow proposals that propose to install charging in eligible categories (e.g. at public facilities serving Justice40 communities) but that plan to spend some time and funding for “meaningful public engagement” to finalize specific locations. At a

minimum, if specific GPS coordinates for charging need to be provided for a proposal to be competitive, FHWA needs to explicitly state that in guidance.

6. FHWA should provide more clarity about what "meaningful public engagement" means. In particular, if locations must be specifically identified in the proposal, what form of meaningful engagement is still possible? It should also clarify how “meaningful public engagement” – which has no budget limitations - is different than the “educational and community engagement activities” that may only consume a small percentage of project funds.

7. FHWA should complete debrief sessions before opening round 2, or should pursue a different approach to feedback. We know many unsuccessful applicants have requested debriefing with FHWA. We have heard unofficially that it may be six months before debriefs are complete - which may be long after the second round has opened, and perhaps even after it has closed. This would make debrief sessions unhelpful. If FHWA is short on resources we suggest it focus on broader 'lessons learned' and outreach for round 2, perhaps simply providing written feedback to individual applicants rather than an extensive interview. In any case, FHWA should be clear and realistic about its capabilities and timelines.

8. JOET and FHWA should dramatically increase technical assistance to communities, both directly and through nonprofit intermediaries. A “first come first serve” approach will likely serve those who have had the most resources, access to information, and prior experience with transportation electrification. By contrast, historically underserved and rural communities with fewer resources and experience with electric transportation will need substantial support to compete. JOET webinars and other efforts have been helpful, but we suggest additional efforts. These should include more live presentations at conferences and events, and live question and answer sessions online, from both JOET and FHWA staff, clarifying what made successful round 1 applications compelling, and what they are looking for in round 2. These efforts should also include a simple “meet the requirements” proposal template for future applicants to understand project eligibility and to eliminate initial uncertainty in an application. Just as you have funded NASEO and AASHTO to support state NEVI leads, we encourage you to support and fund technical assistance providers helping local governments and communities. You should also consider small \$50-150,000 “planning grants” directly to Justice40 communities through a quick and easy process to help them conduct meaningful public engagement, identify specific locations, and draft strong proposals.

9. FHWA should increase coordination and transparency among applicants. FHWA should release basic information (applicant name, contact information, project summary) about all applicants, both awarded and unawarded, so technical assistance providers can understand

which communities may need help and which communities are not applying for funding. This would also promote transparency and confidence in the program's decision making. We also encourage FHWA to establish a voluntary teaming list, as USDOE often does on funding opportunities, so that potential applicants can better coordinate, combine forces, and find partners who can help them. Finally, we encourage FHWA to require or encourage applicants to inform their state DOT that they intend to apply, to encourage more coordination with NEVI plans and other efforts.

10. FHWA should provide more clarity about when the next CFI round, and future rounds, will be opening and for how long. This will help communities plan, seek outside help, conduct competitive processes to identify charging partners, and otherwise make for a more robust pool of applications. Ideally, there would be multiple CFI rounds each year; the next best thing would be a clear and predictable schedule.

Thank you again for the amazing effort your team has made to roll out a generational investment in sustainable, clean, electric transportation. We appreciate what an enormous undertaking this represents. We hope that these recommendations can help make this work even more impactful, especially for Justice40 communities.

We would be happy to discuss any of these issues in more detail with the appropriate members of your staff.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeff Allen', with a long horizontal flourish extending to the right.

Jeff Allen
Executive Director

cc: Deputy Secretary Polly Trottenberg
Gabe Klein, Executive Director, Joint Office of Energy and Transportation
Senator Jeff Merkley