U.S. Department of Transportation
Federal Highway Administration

1200 New Jersey Ave., SE
Washington, DC 20590

February 6, 2025

State Department of Transportation Directors

Subject: Suspending Approval of State Electric Vehicle Infrastructure Deployment Plans

Dear State Department of Transportation Directors:

The Federal Highway Administration (FHWA) administers several grant programs under which the applicable statutes require the Secretary to apportion grant funds to States under a prescribed statutory formula. The National Electric Vehicle Infrastructure (NEVI) Formula Program is one such program. Most statutory formula programs require the Secretary to make the prescribed apportionments to the States on a specific date and then make the funds available for obligation. *See, e.g.,* 23 U.S.C. 104. The NEVI Formula Program, however, is unique in that this Program requires the Secretary to approve a plan for each State describing how the State intends to use its NEVI funds.[1] The State plans are to be developed in accordance with guidance the Secretary provides on how States are to strategically deploy the electric vehicle (EV) charging network.[2] The NEVI Formula Program requires the Secretary to approve each State's plan prior to the obligation of NEVI Formula Program funds for each fiscal year.[3]

The new leadership of the Department of Transportation (U.S. DOT) has decided to review the policies underlying the implementation of the NEVI Formula Program. Accordingly, the current NEVI Formula Program Guidance dated June 11, 2024, and all prior versions of this guidance are rescinded. The FHWA is updating the NEVI Formula Program Guidance to align with

[1] *See* National Electric Vehicle Infrastructure Formula Program provisos 4-9 of paragraph (2) under the Highway Infrastructure Programs heading in Title VIII, Division J of the Infrastructure Investment and Jobs Act, Pub. L. 117-58; November 15, 2021; 135 Stat.1422. *See also* Paragraph 5c of FHWA Notice N 4510.895 Apportionment of Fiscal Year 2025 Highway Infrastructure Program Funds for the National Electric Vehicle Infrastructure Formula Program Pursuant to the Infrastructure Investment and Jobs Act as well as Paragraph 5c of FHWA Notices N 4510.863, N 4510.873, and N 4510.883 for the apportionments for Fiscal Years 22, 23 and 24, respectively..

[2] *See* National Electric Vehicle Infrastructure Formula Program provisos 14-15 of paragraph (2) under the Highway Infrastructure Programs heading in Title VIII, Division J of the Infrastructure Investment and Jobs Act, Pub. L. 117-58; November 15, 2021; 135 Stat.1423.

[3] *See* National Electric Vehicle Infrastructure Formula Program provisos 4-9 of paragraph (2) under the Highway Infrastructure Programs heading in Title VIII, Division J of the Infrastructure Investment and Jobs Act, Pub. L. 117-58; November 15, 2021; 135 Stat.1422. *See also* Paragraph 5c of FHWA Notice N 4510.895 Apportionment of Fiscal Year 2025 Highway Infrastructure Program Funds for the National Electric Vehicle Infrastructure Formula Program Pursuant to the Infrastructure Investment and Jobs Act as well as Paragraph 5c of FHWA Notices N 4510.863, N 4510.873, and N 4510.883 for the apportionments for Fiscal Years 22, 23 and 24, respectively.

current U.S. DOT policy and priorities, including those set forth in DOT Order 2100.7, titled "Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities." The FHWA aims to have updated draft NEVI Formula Guidance published for public comment in the spring. After the public comment period has closed, FHWA will publish updated final NEVI Formula Guidance that responds to the comments received.

As result of the rescission of the NEVI Formula Program Guidance, FHWA is also immediately suspending the approval of all State Electric Vehicle Infrastructure Deployment plans for all fiscal years. Therefore, effective immediately, no new obligations may occur under the NEVI Formula Program until the updated final NEVI Formula Program Guidance is issued and new State plans are submitted and approved. Instructions for the submission of new State plans for all fiscal years will be included in the updated final NEVI Formula Program Guidance. Since FHWA is suspending the existing State plans, States will be held harmless for not implementing their existing plans. Until new guidance is issued, reimbursement of existing obligations will be allowed in order to not disrupt current financial commitments.

If you have any questions, please contact Gary Jensen, Director of the Office of Natural Environment at Gary.Jensen@dot.gov or 202-366-2048

Sincerely,

Emily Biondi

Emily Biondi
Associate Administrator
Office of Planning, Environment and Realty

cc: FHWA: HOA, HCC, HPL, HCF, FHWA Division Offices
Joint Office Director