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August 22, 2022

Docket Management Facility  
United States Department of Transportation – Federal Highway Administration  
1200 New Jersey Avenue, S.E.  
West Building Ground Floor, Room W12-140 Washington,  
D.C. 20590-001

Docket Number: FHWA-2022-0008 Docket  
RIN: 2125-AG10

Re: National Electric Vehicle Infrastructure Formula Program To

Whom It May Concern:

On behalf of the African American Mayors Association (AAMA) and our more than 500 member-mayors, I respectfully submit comments in response to the Department of Transportation (DOT) and the Federal Highway Administration’s (FHWA) request for comments regarding the National Electric Vehicle Infrastructure Formula Program (NEVI).

Under the direction of the Biden Administration, \$5 billion in federal funds will be made available to states to develop a nationwide electric vehicle charging network through the NEVI Formula Program. This announcement is a much-welcomed step toward the administration’s goal of a national network of 500,000 electric vehicle (EV) chargers by 2030.

This is a goal that AAMA commends, and as minimum standards are established for NEVI, we write to ensure that FHWA’s standards reflect broader equity and access considerations that guarantee the nation’s EV infrastructure is accessible to all communities – particularly the communities of color that our member-mayors represent. Specifically, we look forward to final minimum standards for NEVI that incorporate the Administration’s Justice40 pledge: that at least 40% - or at least \$2 billion - of the funding contemplated for NEVI be directed to communities of color that AAMA mayors disproportionately represent and that Justice40 was intended to benefit.

A long-standing concern of many of our member-mayors is that when formula programs like NEVI have historically been directed to states, our cities do not get our fair share of the funding. The result being federal funds contributing – and in some cases worsening – existing disparities.

We believe that any minimum standards for NEVI must require that before states receive final approval for their plans and receive funding from FHWA and DOT, they demonstrate how they will comply with ensuring that 40% of the EV infrastructure they are seeking to build is in communities of color. We believe that remaining faithful to Justice40 in the implementation of NEVI will ensure that state departments of transportation engage with our member-mayors and that the resources and infrastructure developed through NEVI are equitably distributed. In addition to ensuring compliance with the Administration's Justice40 mandate, we look forward to a regulatory framework and proposed minimum standards that produce EV infrastructure that is accessible, reliable, and user-friendly to all Americans. The commitment to equity and social justice is of particular interest to us, as without the technology to charge vehicles locally, Black and Brown communities will be left behind.

As we continue to build transportation infrastructure, it is imperative that equity be a foundational element. With more Americans shifting toward EVs, we must step up to the challenge of embedding equity and accessibility into programs like NEVI from the start. Provisions such as charging stations for any CCS compliant vehicle, increased availability and providing options for payment by the unbanked helps to move this program in the right direction. These provisions on installation and maintenance not only provide for a safer environment, but an opportunity to train the next generation of professionals working in EV charging spaces.

The accessibility elements stated above, in addition to our strong view that any standards must hold states accountable by ensuring states only receive funding when their plans clearly demonstrate how NEVI funding and infrastructure complies with the Justice40's 40% requirement, constitutes the kind of equitable distribution of resources that we know Congress and the Administration intended through its support of the *Infrastructure Investment and Jobs Act of 2021* and the implementation of the Justice40 initiative. AAMA stands ready to support the implementation of this rule as a partner to the DOT, FHWA, private industry and as the Administration's equity "boots on the ground," ensuring that the nation's EV charging infrastructure reaches every community.

The transition to EVs has great potential to benefit Black and Brown communities specifically through intentionality around holding states to account for incorporating the Justice40 requirement into their plans and the kinds of accessibility and interoperability standards described herein. As the voice of mayors that represent many of the communities the Justice40 initiative was designed to benefit, we expect to see this incorporated into state NEVI plans so that our cities can fully leverage this historic opportunity to facilitate an equitable transition into an electric future.

Thank you for your consideration of our comments, and AAMA looks forward to working with the Administration, DOT, FHWA, and our state Departments of Transportation to implement the NEVI program.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Scott, Jr.", with a stylized flourish at the end.

Mayor Frank Scott, Jr.  
President, African American Mayors Association  
Mayor of Little Rock, Arkansas