

Charging and Fueling Infrastructure Discretionary Grant Program

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year	2021	2022	2023	2024	2025	2026
Contract authority	---	\$300M	\$400M	\$500M	\$600M	\$700M

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL establishes a Charging and Fueling Infrastructure discretionary program to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations within communities that will be accessible to all drivers of electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles.

Statutory Citation

§ 11401; 23 U.S.C. 151(f)

Funding Features

Type of Budget Authority or Authorization of Appropriations

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Distribution of Funds

- Community Grants:
 - 50% of the amounts made available each fiscal year shall be used to provide Community Grants.
 - Of this amount, the Secretary may use not more than 1% to provide technical assistance to eligible entities. [§11401(5); 23 U.S.C. 151(f)(8)(A) and (J)]
 - The maximum amount of a Community Grant shall not be more than \$15,000,000. [§ 11401(5); 23 U.S.C. 151(f)(8)(I)]
- Corridor Grants: [The remaining] 50% of the amounts made available each fiscal year shall be used to provide Corridor Grants.

Federal Share

- The Federal share of the cost of a project carried out with a grant under this program shall not exceed 80% of the total project cost. [§ 11401(5); 23 U.S.C. 151(f)(10)(A)]
- As a condition of contracting with an eligible entity under this program, a private entity¹ shall agree to pay the share of the cost of a project carried out with a grant under this program that is not paid by the Federal share. [§ 11401(5); 23 U.S.C. 151(f)(10)(B)]

¹ For the CFI program, a private entity is defined as a corporation, partnership, company, or nonprofit organization. [23 U.S.C. 151(f)(1)]

Eligible Activities

- For Corridor Grants:
 - An eligible entity receiving a grant under this program shall only use the funds to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle. [§ 11401(5); 23 U.S.C. 151(f)(6)(A)]
 - An eligible entity and the private entity with which it contracts may enter into a cost-sharing agreement under which the private entity provides a portion of the revenue from the eligible infrastructure to the eligible entity. The revenue received by the eligible entity from the cost-sharing agreement may only be used for a project that is eligible under Title 23, United States Code. [§ 11401(5); 23 U.S.C. 151(f)(6)(E)]
 - An eligible entity may use a portion of awarded funds to provide operating assistance to a private entity for the first 5 years of operations after the installation of the eligible infrastructure while the facility transitions to independent system operations. [§11401(5); 23 U.S.C. 151(f)(6)(C)(i)]
 - Operating assistance is limited to the costs allocable to operating and maintaining the eligible infrastructure and service and may not exceed the amount of the contract to acquire and install the eligible infrastructure. [§ 11401(5); 23 U.S.C. 151(f)(6)(C)(ii) and (iii)]
 - An eligible entity may use a portion of a grant under this program to acquire and install traffic control devices located in the right-of-way to provide directional information to eligible infrastructure acquired, installed, or operated with the grant, only if –
 - the grant is for the acquisition and installation of eligible infrastructure and the amount used to acquire and install traffic control devices does not exceed the amount of the contract to acquire and install the eligible infrastructure; and
 - the eligible entity has the authority to acquire and install the traffic control devices. [§ 11401(5); 23 U.S.C. 151(f)(6)(D)]
 - any traffic control device or on-premises sign acquired, installed, or operated with a grant under this program shall comply with–
 - the Manual on Uniform Traffic Control Devices (MUTCD), if located within a roadway right-of-way; and
 - other provisions of Federal, State, and local law, as applicable. [§ 11401(5); 23 U.S.C. 151(f)(9)(B)]
 - Grants for propane fueling infrastructure are limited to infrastructure for medium- and heavy-duty vehicles. [§ 11401(5); 23 U.S.C. 151(f)(7)]
- For Community Grants:
 - The Secretary may provide a grant for projects that are expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure. This includes–
 - development phase activities; and
 - acquisition and installation of eligible infrastructure, including any related construction or reconstruction and the acquisition of real property, to expand access to eligible infrastructure. [§ 11401(5); 23 U.S.C. 151(f)(8)(D)]
 - An eligible entity that receives a grant may use the grant funds to contract with a private entity for the acquisition, construction, installation, maintenance, or operation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle. [§ 11401(5); 23 U.S.C. 151(f)(8)(H)]

- A recipient of a Community Grant may use not more than 5% of the grant funds on educational and community engagement activities to develop and implement education programs through partnerships with schools, community organizations and vehicle dealerships to support the use of zero-emission vehicles and associated infrastructure. [§ 11401(5); 23 U.S.C. 151(f)(8)(K)]
- Any traffic control device or on-premises sign acquired, installed, or operated with a grant under this program shall comply with—
 - the Manual on Uniform Traffic Control Devices (MUTCD), if located within a roadway right-of-way; and
 - other provisions of Federal, State, and local law, as applicable. [§ 11401(5); 23 U.S.C. 151(f)(9)(B)]
- Grants for propane fueling infrastructure are limited to infrastructure for medium- and heavy-duty vehicles. [§ 11401(5); 23 U.S.C. 151(f)(7)]

Eligible Entities

- a State or political subdivision of a State as defined by 23 U.S.C. 101;
- a metropolitan planning organization;
- a unit of local government;
- a special purpose district or public authority with a transportation function, including a port authority;
- an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
- a territory of the United States;
- an authority, agency, or instrumentality of, or an entity owned by, 1 or more entities described above; or
- a group of entities described above. [§ 11401(5); 23 U.S.C. 151(f)(3)]
- For Community Grants only, a State or local authority with ownership of publicly accessible transportation facilities is also eligible. [§ 11401(5); 23 U.S.C. 151(f)(8)(C)]

Program Features

This is a new program established under BIL.

Location of Projects

- For Corridor Grants, eligible infrastructure acquired and installed with a grant under this program shall be located along an alternative fuel corridor designated under 23 U.S.C. 151, on the condition that any affected Indian tribes are consulted before the designation. [§ 11401(5); 23 U.S.C. 151(f)(6)(B)]
- For Community Grants, eligible infrastructure acquired and installed with a grant under this program may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity. [§ 11401(5); 23 U.S.C. 151(f)(8)(E)]

Award Considerations

- In awarding Corridor Grants the Secretary shall:
 - consider the extent to which the project would improve alternative fueling corridor networks, meet current or anticipated market demands for eligible infrastructure, enable or accelerate the construction of eligible infrastructure that would be unlikely to be completed without Federal assistance, support a long-term competitive market for eligible infrastructure without significantly impairing existing alternative fuel infrastructure providers, provide access to electric vehicle charging infrastructure, hydrogen fueling

- infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure in areas with a current or forecasted need, and deploy eligible infrastructure for medium- and heavy-duty vehicles and in proximity to intermodal transfer stations,
 - ensure to the maximum extent practicable, geographic diversity amongst recipients,
 - consider whether the private entity that the eligible entity contracts with submits the most recent year of audited financial statements and has experience in installing and operating eligible infrastructure, and
 - consider whether, to the maximum extent practicable, the eligible entity and the private entity that the eligible entity contracts with enter into an agreement to operate and maintain eligible infrastructure, including whether the agreement provides a remedy and opportunity to cure if requirements in the agreement are not met. [§ 11401(5); 23 U.S.C. 151(f)(5)]
- For Community Grants, the Secretary shall:
 - prioritize projects that expand access to eligible infrastructure within rural areas, low- and moderate- income neighborhoods, and communities with a low ratio of private parking spaces to households or a high ratio of multiunit dwellings to single family homes; and [§ 11401(5); 23 U.S.C. 151(f)(8)(F)]
 - consider the extent to which the project contributes to geographic diversity of awards and meets current or anticipated market demands for eligible infrastructure, including demands to minimize the time it takes to recharge or refuel. [§ 11401(5); 23 U.S.C. 151(f)(8)(G)]

Treatment of Projects

- Treats every project funded under the program as if it were located on a Federal-aid highway. This ensures applicability of Davis-Bacon wage requirements that apply to other projects on Federal-aid highways. [§ 11401(5); 23 U.S.C. 151(f)(9)(A)]

Additional Information and Assistance

- For more information on Alternative Fuel Corridors:
https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/
- The Charging and Fueling Infrastructure discretionary program is independent of the National Electric Vehicle Infrastructure (NEVI) Formula program. For more information on the NEVI program, please see the NEVI Formula program fact sheet, found at:
https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fact_sheets.cfm.
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit:
https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm