

**DEPARTMENT OF TRANSPORTATION
INFORMATION COLLECTION
SUPPORTING STATEMENT**

Electric Vehicle Charging Infrastructure

OMB Control No. XXXX-XXXX

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) approval for the information collection titled, "Electric Vehicle Charging Infrastructure." The regulation referenced in this rule (23 CFR 680) will apply to NEVI Formula Program projects and projects for the construction of publicly accessible EV chargers funded under title 23, United States Code. This also includes any publicly accessible EV charging infrastructure project funded with Federal funds that is treated as a project on a Federal-aid highway. The NEVI Formula Program is a new program established with the Bipartisan Infrastructure Law (BIL) (enacted as the Infrastructure Investment and Jobs Act)(Pub. L. 117-58)(Nov. 15, 2021), and as such, this is a new clearance request. Data collection referenced in this document apply to NEVI Formula Program projects, projects funded under 23 USC 151(f), and projects funded under other title 23 programs including any EV charging infrastructure project funded with Federal funds that is treated as a project on a Federal-aid highway. The data required for particular programs is specified below.

Part A. Justification

1. Circumstances that make the collection of information necessary.

States will implement the NEVI Formula Program by installing and making operable electric vehicle (EV) charging stations nationwide. Data collection is central to the purposes of this program. The NEVI Formula Program was created to "provide funding to States to strategically deploy EV charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability." Projects described under 23 USC 151(f) include projects "for the acquisition and installation of publicly accessible electric vehicle charging infrastructure ... that is directly related to the charging or fueling of a vehicle." In support of these data collection purposes, States will submit data regarding EV charging stations, as described below.

- 23 CFR 680.112(a) *Quarterly Data Submittal* – States and other direct recipients must ensure the following data are submitted on a quarterly basis in a manner prescribed by FHWA for NEVI Formula Program projects, projects funded under 23 USC 151(f), and projects funded under other title 23 programs, including any EV charging infrastructure project funded with Federal funds that is treated as a project on a Federal-aid highway:
 - (1) Charging station location identifier that the following data can be associated with;
 - (2) Charging port identifier;
 - (3) Charging session start time, end time, and any error codes associated with an unsuccessful charging session by port;

- (4) Energy (kWh) dispensed to EVs per session by port;
 - (5) Peak session power (kW) by port;
 - (6) Payment method associated with each charging session;
 - (7) Charging station port uptime, T_outage, and T_excluded calculated in accordance with the equation in § 680.116(b) for each of the previous 3 months;
- 23 CFR 680.112(b) *Annual Data Submittal* – Beginning in 2024, States and other direct recipients must ensure the following data are submitted on an annual basis, on or before March 1, in a manner prescribed by FHWA for NEVI Formula Program projects, projects funded under 23 USC 151(f), and projects funded under other title 23 programs, including any EV charging infrastructure project funded with Federal funds that is treated as a project on a Federal-aid highway:
 - (1) Maintenance and repair cost per charging station for the previous year.
 - (2) For private entities identified in paragraph (d)(1) of this section, identification of and participation in state or local business opportunity certification programs including but not limited to minority-owned businesses, Veteran-owned businesses, woman-owned businesses, and businesses owned by economically disadvantaged individuals.
 - 23 CFR 680.112(c) *One-time Data Submittal* – Beginning in 2024, States and other direct recipients must ensure the following data are submitted once for each charging station, on or before March 1 of each year, in a manner prescribed by FHWA for projects located along and designed to serve users of designated Alternative Fuel Corridors and funded under the NEVI Formula Program or under 23 USC 151(f):
 - (1) The name and address of the private entity involved in the operation and maintenance of chargers;
 - (2) Distributed energy resource installed capacity, in kW or kWh as appropriate, of asset by type (e.g., stationary battery, solar, etc.) per charging station;
 - (3) Charging station real property acquisition cost, charging equipment acquisition and installation cost, and distributed energy resource acquisition and installation cost;
 - (4) Aggregate grid connection and upgrade costs paid to the electric utility as part of the project, separated into:
 - (i) Total distribution and system costs, such as extensions to overhead/overground lines and upgrades from single-phase to three-phase lines;
 - (ii) Total service costs, such as the cost of including poles, transformers, meters, and service connection equipment
 - 23 CFR 680.112(d) *Community Engagement Outcomes* – For projects funded under the NEVI Formula Program, States must include in the State EV Infrastructure Deployment Plan a description of the community engagement activities conducted as part of the development and approval of their most recently-submitted State EV Infrastructure Deployment Plan, including engagement with DACs.
 - 23 CFR 680.116(c) *Third-Party Data Sharing* – States or other direct recipients must ensure that the following data fields are made available, free of charge, to third-party software developers, via application programming interface for NEVI Formula Program

projects, projects funded under 23 USC 151(f), and projects funded under other title 23 programs, including any EV charging infrastructure project funded with Federal funds that is treated as a project on a Federal-aid highway:

- (1) Unique charging station name or identifier;
- (2) Address (street address, city, state, and zip code) of the property where the charging station is located;
- (3) Geographic coordinates in decimal degrees of exact charging station location;
- (4) Charging station operator name;
- (5) Charging network provider name;
- (6) Charging station status (operational, under construction, planned, or decommissioned);
- (7) Charging station access information:
 - (i) Charging station access type (public or limited to commercial vehicles);
 - (ii) Charging station access days/times (hours of operation for the charging station);
- (8) Charging port information:
 - (i) Number of charging ports;
 - (ii) Unique port identifier;
 - (iii) Connector types available by port;
 - (iv) Charging level by port (DCFC, AC Level 2, etc.);
 - (v) Power delivery rating in kilowatts by port;
 - (vi) Power sharing by port (whether power sharing between chargers is enabled);
 - (vii) Accessibility by persons with disabilities by port (yes/no);
 - (viii) Accessibility by vehicle with trailer (pull-through stall) (yes/no);
 - (ix) Real-time status by port in terms defined by Open Charge Point Interface 2.2 (incorporated by reference, see § 680.120(a)(1)), updated at a frequency that meets reasonable customer expectations.
- (9) Pricing and payment information:
 - (i) Pricing structure;
 - (ii) Real-time price to charge at each charging port, in terms defined by Open Charge Point Interface 2.2 (incorporated by reference, see § 680.120(a)(1)), updated at a frequency that meets reasonable customer expectations; and
 - (iii) Payment methods accepted at charging station.

The Joint Office of Energy and Transportation (Joint Office) will provide a prescribed format for the online submission of these data and will maintain a public database housing the combination of data from all States and other direct recipients.

This information collection supports the Department of Transportation's (DOT) Economic Strength and Global Competitiveness strategic goal. The information will help FHWA facilitate the creation of a national EV charging network that is characterized by convenience, accessibility, reliability, and equity. The information collected through the data submittals will both assist in providing information to consumers regarding the availability of EV charging infrastructure, as well as support analysis of the current state of the practice of public EV charging nationwide. The data submittal will identify the real-time availability of EV chargers by identifying their status (if they are currently in use or otherwise unavailable), location, and price to use. The data submittal will also identify issues or gaps in the overall national EV charging network, allowing States to have early awareness of areas that need additional attention or

investment. This information collection also supports the DOT Climate and Sustainability strategic goal. The information collected about EV chargers funded through this program will assist in program evaluation and help to identify future improvements to the NEVI Formula Program and other programs which provide for funding of EV chargers under title 23, United States Code, including any EV charging infrastructure project funded with Federal funds that is treated as a project on a Federal-aid highway, towards tackling the climate crisis. Additionally, by identifying and making available the real-time availability and status of EV chargers, the data submittal will increase the convenience and accessibility of using EVs as opposed to gasoline-powered vehicles, encouraging users to shift from gasoline-powered transportation to EV.

2. How, by whom, and for what purpose is the information used.

Data collection will be accomplished differently for each of the pertinent requirements in BIL. Automated charging station data (23 CFR 680.112(a)(1)-(6) and third-party data sharing data (23 CFR 680.116(c)) will require initial configuration of EV charging equipment in order to automate transmittal of data in required formats. After this initial configuration, these datasets will need to be validated and submitted at prescribed intervals (quarterly or real-time, as identified by regulation).

Other datasets will require some manual compilation and validation. Uptime (23 CFR 680.112(a)(7)) will include automated data as well as calculated adjustments for exclusions and hours of operation and is reported quarterly. Manual data reported annually include maintenance and repair costs (23 CFR 680.112(b)(1)) and information about entities' participation in state or local business opportunity certification programs (23 CFR 680.112(b)(2)). Manual data reported one time include contact information for private operators (23 CFR 680.112(c)(1)), distributed energy resource installed capacity (680.112(c)(2)), acquisition and installation costs (680.112(c)(3)), and grid connection and upgrade costs (680.112(c)(4)). Some manual data will require staff to review contract and invoice submittals to input and verify data. Community engagement outcomes (23 CFR 680.112(d)) will require staff to collect and synthesize information on community engagement activities and include in the annual State EV Infrastructure Deployment Plan.

The staff time required for these submittals includes time by State DOT's, other direct recipients, and contractors (likely Charging Station Operators or Charging Network Providers). Only the staff time of State DOT's and other direct recipients is used in the estimate of burden hours and annual costs burden (#12 & 13 below) later in this document.

Data collected will serve two primary purposes. First, the data will be used in order to communicate key information with EV drivers about the location, availability, and capabilities of EV charging stations across the country. The ability to communicate this information is critical for the EV users to be able to make informed decisions about travel and particularly about long-distance travel or travel in unfamiliar areas. These data will be used by third-parties to communicate real-time information to EV users through application programming interface.

The data will also serve to enable FHWA and the Joint Office to complete duties required through BIL to publish a public database with EV charging information¹. Specifically, the Joint

¹ Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the Bipartisan Infrastructure Law (BIL) (enacted as the Infrastructure Investment and Jobs Act)(Pub. L. 117-58)(Nov. 15, 2021)

Office is required to establish and maintain information currently available on the Alternative Fuels Data Center (AFDC) website, to identify potential locations for EV charging stations and to provide sortable information regarding various EV charging station characteristics. The provision of this database enables the Joint Office to support States in ongoing assessment and planning for improvements to their EV charging infrastructure in a manner that contributes to the national EV charging network.

3. Extent of automated information collection.

All data will be collected electronically. The format of data collection will be provided to the States and other direct recipients with instructions for submission to the Joint Office. The Joint Office will provide technical support to each respondent to help them with any potential data submittal issues.

The information is being collected through an electronic submittal because it is the easiest, most expeditious, least-cost approach for collecting the information and ensuring it is submitted in a uniform manner. The electronic submittal is inexpensive to distribute and track, minimizes the burden on respondents, and facilitates the creation of a public-facing Joint Office database required by BIL.

4. Describe efforts to identify duplication.

Certain data elements requested through 23 CFR 680.116(c) are also currently made available through the AFDC alternative fueling station locator. However, these data are currently collected through data mining activities and submission requests from a diversity of sources that includes trade media, Clean Cities coordinators, the AFDC website, charging station owners, original equipment manufacturers (OEMs) and industry groups. The current methods used to collect the data displayed on the AFDC alternative fueling station locator require extensive data mining and coordination which can be significantly streamlined through the process described in this document. Additionally, the AFDC alternative fueling station locator currently displays data contributed on a voluntary basis and thus lacks the comprehensive nature and accuracy of required data submittals.

Other data required through 23 CFR 680.112 are not collected through any other means and would not be available if not submitted through the process described herein.

5. Efforts to minimize burden on small businesses.

It is anticipated that small businesses will participate as contractors for some of the State DOTs and other direct recipients in the construction, operation, and maintenance of EV charging stations. For 23 CFR 680.112, data were reviewed to include only the items most critical for managing and improving the Federal programs. For 23 CFR 680.116, data were reviewed to include only the items most critical for improving customer experience, which is expected to increase business at charging stations.

6. Impact of less frequent collection of information.

Efforts were made to require these data submittals at the longest intervals possible, in light of how the data are used. The data required in real-time (23 CFR 680.116(c)) is focused on

information needed for improving customer experience. The data required quarterly (23 CFR 680.112(a)) is primarily submitted automatically with the exception of uptime, which is a critical measure of reliability. All other data elements are required only on an annual or one-time basis.

7. Special Circumstances.

This information collection does require respondents to report information more often than quarterly. Information collected through 23 CFR 680.116(c) requires data be provided in real-time to third party software developers to support a consumer need for real-time status information regarding the location, availability, and cost of EV chargers. However, the required real-time data submission process will occur automatically after initial configuration of EV chargers to provide a data feed for this information.

Based on comments from the NPRM, some of the data required by 23 CFR 680.112 may be confidential business information. To address this concern, the final rule requires that all quarterly, annual, and one-time data required by 23 CFR 680.112 are aggregated and anonymized before being made public.

This information collection does not:

- Require a written response to a collection of information in fewer than 30 days after receipt of it
- Require respondents to submit more than an original and two copies of any document
- Require respondents to retain records for more than three years
- Rely on a statistical sample
- Require the use of a statistical data classification that has not been reviewed and approved by OMB.

There are no other special circumstances associated with this information collection.

8. Compliance with 5 CFR 1320.8.

RIN 2125-AG10: Some comments were received on the proposed data collection and submission requirements, including concerns that some of the data required are burdensome, excessive, and unnecessary. The final rule responded to these concerns through a review of the data requirements to ensure that only those most critical to managing and improving the Federal programs were retained in 23 CFR 680.112 and only those most critical for improving customer experience were retained in 23 CFR 680.116. As a result, some of the proposed data requirements were removed and the frequency of some data elements was extended from quarterly to annually or one-time.

9. Payment of gifts to respondents.

No payments or gifts will be provided to respondents.

10. Assurance of confidentiality.

Based on comments from the NPRM, some of the data required in 23 CFR 680.112 may be confidential business information. To address this concern, the final rule requires that all

quarterly, annual, and one-time data required in 23 CFR 680.112 are aggregated and anonymized before being made public.

23 CFR 680.106(l) further specifies that customer data privacy must be maintained, as noted below.

- 23 CFR 680.106(l) *Customer Data Privacy* – Charging Station Operators must collect, process, and retain only that personal information strictly necessary to provide the charging service to a consumer, including information to complete the charging transaction and to provide the location of charging stations to the consumer. Chargers and charging networks should be compliant with appropriate Payment Card Industry Data Security Standards (PCI DSS) for the processing, transmission, and storage of cardholder data. Charging Stations Operators must also take reasonable measures to safeguard consumer data. This provision does not preclude or restrict requests for additional data from customers if it is clear that additional data are optional and would require the customer’s express consent.

11. Justification for collection of sensitive information.

Data related to charging station usage, installation costs, and maintenance costs are necessary to inform national planning and strategy development needed by the Federal government in coordination with the States to build out a nationwide charging network. Data related to reliability are necessary to identify and correct reliability problems, a common customer frustration and potential impediment to EV adoption. All quarterly, annual, and one-time data required in 23 CFR 680.112 will be aggregated and anonymized before being made public. Data for third-party software developers (23 CFR 680.116) is necessary for charging station customers so that they can have real-time information on station location, availability, price, and other customer-focused information.

12. Estimate of burden hours for information requested.

Each State, the District of Columbia, and Puerto Rico are required to provide information. Other direct recipients under 23 USC 151(f) are also required to provide information. The total annual burden for States and other direct recipients (professional and clerical staff) is estimated to be 10,816 burden hours. This annual burden consists of staff time to: 1) verify submission of quarterly data (4 hours from 52 DOTs and an estimated 300 awardees of recipients under 23 USC 151(f)), most of which is automated from the charging stations; 2) verify submission of annual data (8 hours from 52 DOTs and an estimated 300 awardees of recipients under 23 USC 151(f)), assumed to be submitted by station owner/operators; 3) submit or verify submission of one-time data (30 hours from 52 DOTs and an estimated 100 awardees of recipients under 23 USC 151(f) Corridor Charging Grant Program), assumed to come from contract documents at the time of construction/installation; 4) incorporate community engagement outcomes into the State EV Infrastructure Deployment Plan (12 hours from 52 DOTs); and 5) verify that third-party data is being made available (4 hours from 52 DOTs and an estimated 300 awardees of recipients under 23 USC 151(f))) through an automatic data feed from the charging stations.

Regulation	Number of hours	Number of	Total
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	(annually)	Respondents	
23 CFR 680.112 (a)	4	352	1408
23 CFR 680.112 (b)	8	352	2816
23 CFR 680.112 (c)	30	152	4560
23 CFR 680.112 (d)	12	52	624
23 CFR 680.116 (c)	4	352	1408
Total annual burden for States and other direct recipients:			10,816

13. Estimate of total annual costs burden.

To estimate annual costs, the Bureau of Labor Statistics' median hourly rates were used for General and Operations Managers (\$47.10), Civil Engineers (\$42.33), and Management Analysts (\$44.71), rounded up to the nearest whole dollar (\$45)². This average wage rate is then factored by 1.61 to account for the cost of employer provided benefits to result in a labor cost of \$73 per hour³.

The total annual hourly burden and costs are shown below for all respondents:

	State Departments of Transportation
Average Wage Rate	\$73/hour
Hours	10,816
Total	\$789,568

14. Estimate of costs to the Federal Government.

Federal costs are based on the estimated level of effort required to complete the data collection, multiplied by the hourly rate of staff.

The cost to the Federal Government consists of the staff time and related expenses for the validation and publishing of the data and related coordination with SDOTs and other direct recipients to follow-up on questions from their data submittals. It is assumed FHWA and Joint Office staff will spend 240 hours annually on data collection.

We estimate that the average grade level of the reviewers is GS-13/step 5, paid at approximately

² Bureau of Labor Statistics, Occupational Employment and Wage Statistics (May 2021) at https://www.bls.gov/oes/2021/may/oes_stru.htm

³ Bureau of Labor Statistics, "Employer Costs for Employee Compensation" (December 2021), Table 3. State and Local Government Workers by Occupational and Industry Group at <https://www.bls.gov/news.release/eccec.t03.htm>

\$61 per hour⁴ with no additional costs to the federal government. The cost is:

240 FHWA Headquarters and Joint Office Staff Hours @ \$61 per hour = \$14,640 annually.

15. Explanation of program changes or adjustments.

Not applicable as this is a new program.

16. Publication of results of data collection.

Data collection will begin as of the effective date of the final rule. Quarterly data submittals will be collected after the notice to proceed on an applicable contract. Quarterly data will be submitted and published according to the following anticipated schedule:

	<i>Submitted by States</i>	<i>Published by Joint Office</i>
Q1 (October-December)	January	February
Q2 (January-March)	April	May
Q3 (April-June)	July	August
Q4 (July-September)	October	November

Beginning in 2024, annual and one-time data is submitted by March 1 of each year, with the anticipation of publication by the Joint Office in November of each year.

Real-time data will be available on a continual basis.

17. Approval for not displaying the expiration date for OMB approval.

Approval for not displaying the expiration date is not being requested.

18. Exceptions to certification statement.

There are no exceptions to the certification statement for this information collection.

⁴ All hourly rates based on OPM Salary Table 2023 - DCB. [SALARY TABLE 2023-DCB \(opm.gov\)](https://www.opm.gov/policy-data-oversight/salary-tables/)