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Docket Number:	22-EVI-03
Project Title:	National Electric Vehicle Infrastructure Deployment Plan Development, 2022-26 for CEC and Caltrans
TN #:	251069
Document Title:	Earthjustice Comments on 2023 Update to the National Electric Vehicle Infrastructure (NEVI) Plan
Description:	N/A
Filer:	Spencer Kelley
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/17/2023 3:46:31 PM
Docketed Date:	7/17/2023



July 17, 2023

Jim McKinney
Senior Policy Analyst
California Energy Commission
715 P Street
Sacramento, California 95814

Re: 2023 Update to the National Electric Vehicle Infrastructure Plan (Docket Number 22-EVI-03)

Dear Mr. McKinney:

On behalf of Earthjustice, I submit comments on the 2023 Update to the National Electric Vehicle Infrastructure (NEVI) Plan. The NEVI program established by the Biden Administration's Bipartisan Infrastructure Law creates the opportunity to strategically pave the way for a zero emissions future for smaller and large vehicles by incorporating forward-thinking planning and charging support. In a significant time of addressing the changing climate and air pollution, allocation of funding at an early stage in the development of infrastructure projects can critically impact the trajectory of priorities for the health and safety of communities. We recognize the large charging needs California has for all types of vehicles. In particular, we need to focus now on addressing barriers for charging for medium- and heavy-duty trucks.

Accordingly, we recommend NEVI formula funds be allocated for medium- and heavy-duty charging in a significant way, including deployment of \$50 million in Years 2 and 3 (\$100 million total) to help supercharge efforts to build out charging for medium- and heavy-duty vehicles.

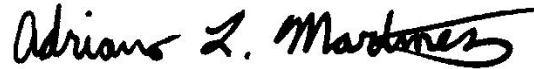
Additional public charging for trucks is needed in California. Some categories of trucks will have imminent deadlines to put electric trucks on the road. For example, the California Air Resources Board's Advanced Clean Fleets Regulation requires all new trucks entering the State's Drayage Truck Registry to be zero-emission starting in January of 2024. In addition to private sector investments and additional grant proposals, we need to adequately and strategically use all our federal funds to support efforts toward building public charging infrastructure to charge these vehicles. Delaying funding from NEVI formula funds toward medium- and heavy-duty vehicles could delay efforts to deploy electric trucks in some of the nation's most overburdened communities near our seaports. Every funding source provides an opportunity to address ongoing concerns in these communities, and funds should be allocated with this in mind.

It is our understanding that the light-duty charging scope proposed in the NEVI program will not come anywhere near exhausting all of California's formula funds for the program. There could be as much as \$160 million of NEVI formula funds left over after the state deploys its passenger vehicle charging effort. Thus, Earthjustice recommends that left over funds should be directed towards medium- and heavy-duty charging. There is also no reason to wait until later years of the program to start spending these funds on truck charging given near term needs for charging.

This approach aligns with California's policies to mitigate air pollution and the harmful effects of climate change. Heavy-duty vehicles contribute a significant amount of Nitrogen Oxide emissions to the air, reducing air quality for drivers and neighborhoods surrounding high truck traffic. For areas such as the South Coast Air Basin, which does not meet the federal ozone and fine particulate ambient air quality standards, prioritizing reductions in criteria pollutant emissions is key.

We appreciate your consideration of these comments, and we look forward to working together on making the most of these significant federal funds.

Sincerely,

A handwritten signature in black ink that reads "Adrian Martinez". The signature is written in a cursive style with a prominent flourish at the end.

Adrian Martinez
Deputy Managing Attorney
Earthjustice

CC: Patty Monahan, Commissioner, CEC
Tony Tavares, Director, CALTRANS
Roman Partida-Lopez, Chair, Disadvantaged Communities Advisory Group