

116TH CONGRESS
1ST SESSION

H. R. 2616

To amend title 23, United States Code, to establish a grant program for the installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure along the National Highway System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. DESAULNIER (for himself, Ms. PORTER, and Mr. ROUDA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to establish a grant program for the installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure along the National Highway System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Corridors Act
5 of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Greater adoption of zero emission vehicles
2 will help—

3 (A) reduce emissions and improve air qual-
4 ity;

5 (B) enhance the energy security of the
6 United States by expanding the use of zero
7 emission fuels;

8 (C) enhance fuel choice and utilization of
9 electric vehicle charging infrastructure and hy-
10 drogen fueling infrastructure in order to benefit
11 consumers;

12 (D) ensure that the transportation infra-
13 structure of the United States is equipped to
14 manage the demands and anticipated future
15 needs of the economy; and

16 (E) develop a new economic sector in the
17 United States that will create middle class jobs.

18 (2) Consumer and business adoption of zero
19 emission vehicles depends in part on the availability
20 of reliable and convenient fueling and charging in-
21 frastructure.

22 (3) Electric vehicle charging infrastructure and
23 hydrogen fueling infrastructure must be strategically
24 deployed to ensure the deployment and adoption of
25 zero emission fuels.

1 (4) Infrastructure owners and operators should
2 prepare to meet the charging and fueling needs of
3 electric vehicles and hydrogen vehicles.

4 **SEC. 3. GRANTS FOR CHARGING AND FUELING INFRA-**
5 **STRUCTURE TO MODERNIZE AND RECON-**
6 **NECT AMERICA FOR THE 21ST CENTURY.**

7 Section 151 of title 23, United States Code, is
8 amended—

9 (1) in subsection (a), by striking “Not later
10 than 1 year after the date of enactment of the
11 FAST Act, the Secretary shall” and inserting “The
12 Secretary shall periodically, not less frequently than
13 every 3 years,”;

14 (2) in subsection (b)(2), by inserting “pre-
15 viously designated by the Federal Highway Adminis-
16 tration or” before “designated by”;

17 (3) in subsection (d)—

18 (A) by striking “5 years after the date of
19 establishment of the corridors under subsection
20 (a), and every 5 years thereafter,” and insert-
21 ing “180 days after the date of enactment of
22 the Clean Corridors Act of 2019,”; and

23 (B) by striking “update” and inserting
24 “establish a recurring process, not less fre-
25 quently than every 3 years, to update”;

1 (4) in subsection (e)—

2 (A) in paragraph (1), by striking “and” at
3 the end;

4 (B) in paragraph (2)—

5 (i) by striking “establishes an aspira-
6 tional goal of achieving” and inserting “de-
7 scribes efforts, including through funds
8 awarded through the grant program under
9 subsection (f), that will aid efforts to
10 achieve”; and

11 (ii) by striking “by the end of fiscal
12 year 2020.” and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(3) summarizes best practices and provides
15 guidance, developed through consultation with the
16 Secretary of Energy, for project development of elec-
17 tric vehicle charging infrastructure and hydrogen
18 fueling infrastructure at the State, Tribal, and local
19 level to allow for the predictable deployment of that
20 infrastructure.”; and

21 (5) by adding at the end the following:

22 “(f) GRANT PROGRAM.—

23 “(1) ESTABLISHMENT.—Not later than 1 year
24 after the date of enactment of the Clean Corridors
25 Act of 2019, the Secretary shall establish a grant

1 program to award grants to eligible entities to carry
2 out the activities described in paragraph (5).

3 “(2) ELIGIBLE ENTITIES.—An entity eligible to
4 receive a grant under this subsection is—

5 “(A) a State or political subdivision of a
6 State;

7 “(B) a metropolitan planning organization;

8 “(C) a unit of local government;

9 “(D) a special purpose district or public
10 authority with a transportation function, includ-
11 ing a port authority;

12 “(E) an Indian tribe (as defined in section
13 4 of the Indian Self-Determination and Edu-
14 cation Assistance Act (25 U.S.C. 5304));

15 “(F) an authority, agency, or instrumen-
16 tality of, or an entity owned by, 1 or more enti-
17 ties described in subparagraphs (A) through
18 (E); or

19 “(G) a group of entities described in sub-
20 paragraphs (A) through (F).

21 “(3) APPLICATIONS.—To be eligible to receive a
22 grant under this subsection, an eligible entity shall
23 submit to the Secretary an application at such time,
24 in such manner, and containing such information as
25 the Secretary shall require.

1 “(4) APPLICATION INFORMATION.—In making
2 requirements for applications under paragraph (3),
3 the Secretary may require information including a
4 description of how the eligible entity has consid-
5 ered—

6 “(A) public accessibility of charging or
7 fueling infrastructure proposed to be funded
8 with a grant under this subsection, including—

9 “(i) charging or fueling connector
10 types and publicly available information on
11 station location, station operator contact
12 information, number of simultaneous re-
13 fueling positions, and real-time availability;
14 and

15 “(ii) payment methods to ensure se-
16 cure, convenient, fair, and equal access;

17 “(B) collaborative engagement with stake-
18 holders (including automobile manufacturers,
19 utilities, infrastructure providers, technology
20 providers, zero emission fuel providers, metro-
21 politan planning organizations, States, Indian
22 tribes, units of local governments, fleet owners,
23 fleet managers, fuel station owners and opera-
24 tors, labor organizations, infrastructure con-

1 struction and component parts suppliers, and
2 multi-State and regional entities)—

3 “(i) to foster enhanced, coordinated,
4 public-private or private investment in elec-
5 tric vehicle charging infrastructure and hy-
6 drogen fueling infrastructure;

7 “(ii) to expand deployment of electric
8 vehicle charging infrastructure and hydro-
9 gen fueling infrastructure;

10 “(iii) to protect personal privacy and
11 ensure cybersecurity; and

12 “(iv) to ensure that a properly trained
13 workforce is available to construct and in-
14 stall electric vehicle charging infrastructure
15 and hydrogen fueling infrastructure;

16 “(C) the location of the proposed station
17 or fueling site, including—

18 “(i) the availability of onsite amenities
19 for vehicle operators, including restrooms
20 or food facilities;

21 “(ii) access in compliance with the
22 Americans with Disabilities Act of 1990
23 (42 U.S.C. 12101 et seq.); and

24 “(iii) needs for expanded capacity in
25 the future to meet growth in demand;

1 “(D) infrastructure installation that can be
2 responsive to technology advancements, includ-
3 ing accommodating autonomous vehicles, future
4 electric charging and hydrogen fueling methods,
5 and new payment methods; and

6 “(E) the long-term operation and mainte-
7 nance of the electric vehicle charging infrastruc-
8 ture and hydrogen fueling infrastructure, in-
9 cluding consideration of the need for expanded
10 capacity resulting from increasing demand into
11 the future, to avoid stranded assets and protect
12 the investment of public funds in that infra-
13 structure.

14 “(5) CONSIDERATIONS.—In selecting eligible
15 entities to receive a grant under this subsection, the
16 Secretary shall consider the extent to which the ap-
17 plication of the eligible entity would—

18 “(A) improve alternative fueling corridor
19 networks by—

20 “(i) enabling a non-designated cor-
21 ridor to become a corridor-pending corridor
22 or a corridor-ready corridor;

23 “(ii) converting corridor-pending cor-
24 ridors to corridor-ready corridors; or

1 “(iii) in the case of corridor-ready cor-
2 ridors, providing redundancy—

3 “(I) to meet excess demand for
4 charging and fueling infrastructure;
5 or

6 “(II) to reduce congestion at ex-
7 isting charging and fueling infrastruc-
8 ture in high-traffic locations;

9 “(B) meet current or anticipated market
10 demands for charging or fueling infrastructure;

11 “(C) accelerate the adoption of electric and
12 hydrogen powered modes of transportation
13 through the establishment of new recharging
14 and refueling locations or the expansion of ex-
15 isting infrastructure constructed without Fed-
16 eral assistance; and

17 “(D) support a long-term competitive mar-
18 ket for electric vehicle charging and hydrogen
19 fueling infrastructure.

20 “(6) USE OF FUNDS.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraphs (C) and (D), an eligible entity
23 receiving a grant under this subsection shall
24 only use the funds to contract with a private
25 entity for acquisition and installation of publicly

1 accessible electric vehicle charging infrastruc-
2 ture and hydrogen fueling infrastructure that is
3 directly related to the charging or fueling of a
4 vehicle in accordance with this paragraph.

5 “(B) LOCATION OF INFRASTRUCTURE.—

6 Any electric vehicle charging infrastructure or
7 hydrogen fueling infrastructure acquired and
8 installed with a grant under this subsection
9 shall be located along an alternative fuel cor-
10 ridor designated—

11 “(i) under this section, on the condi-
12 tion that any affected Indian tribes are
13 consulted before the designation; or

14 “(ii) by a State or group of States, in-
15 cluding the Regional Electric Vehicle West
16 Plan of the States of Arizona, Colorado,
17 Idaho, Montana, Nevada, New Mexico,
18 Utah, and Wyoming, on the condition that
19 any affected Indian tribes are consulted
20 before the designation.

21 “(C) OPERATING ASSISTANCE.—

22 “(i) IN GENERAL.—Subject to clauses
23 (ii) and (iii), an eligible entity that receives
24 a grant under this subsection may use a
25 portion of the funds to provide to a private

1 entity operating assistance for the first 5
2 years of operations after the installation of
3 electric vehicle charging infrastructure and
4 hydrogen fueling infrastructure while the
5 facility transitions to independent system
6 operations.

7 “(ii) INCLUSIONS.—Operating assist-
8 ance under this subparagraph shall be lim-
9 ited to costs allocable to operating and
10 maintaining the electric vehicle charging
11 infrastructure and hydrogen fueling infra-
12 structure and service, including costs asso-
13 ciated with labor, marketing, and adminis-
14 trative costs.

15 “(iii) LIMITATION.—Operating assist-
16 ance under this subparagraph may not ex-
17 ceed the amount of a contract under sub-
18 paragraph (A) to acquire and install pub-
19 licly accessible electric vehicle charging in-
20 frastructure and hydrogen fueling infra-
21 structure.

22 “(D) SIGNS.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), an eligible entity that
25 receives a grant under this subsection may

1 use a portion of the funds to acquire and
2 install—

3 “(I) traffic control devices lo-
4 cated in the right-of-way to provide
5 directional information to electric ve-
6 hicle charging infrastructure and hy-
7 drogen fueling infrastructure ac-
8 quired, installed, or operated with the
9 grant; and

10 “(II) on-premises signs to pro-
11 vide information about electric vehicle
12 charging infrastructure and hydrogen
13 fueling infrastructure acquired, in-
14 stalled, or operated with a grant
15 under this subsection.

16 “(ii) LIMITATION ON AMOUNT.—The
17 amount of funds used to acquire and in-
18 stall traffic control devices and on-premises
19 signs under clause (i) may not exceed the
20 amount of a contract under subparagraph
21 (A) to acquire and install publicly acces-
22 sible charging or fueling infrastructure.

23 “(iii) NO NEW AUTHORITY CRE-
24 ATED.—Nothing in this subparagraph au-
25 thORIZES an eligible entity that receives a

1 grant under this subsection to acquire and
2 install traffic control devices or on-prem-
3 ises signs if the entity is not otherwise au-
4 thorized to do so.

5 “(7) PROJECT REQUIREMENTS.—

6 “(A) IN GENERAL.—Notwithstanding any
7 other provision of law, any project funded by a
8 grant under this subsection shall be treated as
9 a project on a Federal-aid highway under this
10 chapter.

11 “(B) SIGNS.—Any traffic control device or
12 on-premises sign acquired, installed, or operated
13 with a grant under this subsection shall comply
14 with—

15 “(i) the Manual on Uniform Traffic
16 Control Devices, if located in the right-of-
17 way; and

18 “(ii) other provisions of Federal,
19 State, and local law, as applicable.

20 “(C) LIMITATION ON SINGLE MANUFAC-
21 Turer USE.—A grant under this subsection
22 may not be used to construct any infrastructure
23 that has the ability to serve vehicles produced
24 by only one vehicle manufacturer.

1 “(8) FEDERAL SHARE.—The Federal share of
2 the cost of a project carried out with a grant under
3 this subsection shall not exceed 80 percent of the
4 total project cost.

5 “(9) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this subsection \$300,000,000 for each of fiscal years
8 2019 through 2028.”.

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