

116TH CONGRESS
1ST SESSION

S. 674

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 SENATE OF THE UNITED STATES

MARCH 6, 2019

Mr. CARPER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

1 **SEC. 2. GRANTS FOR CHARGING AND FUELING INFRA-**
2 **STRUCTURE TO MODERNIZE AND RECON-**
3 **NECT AMERICA FOR THE 21ST CENTURY.**

4 (a) PURPOSE; FINDINGS.—

5 (1) PURPOSE.—The purpose of this section is
6 to establish a grant program to strategically deploy
7 electric vehicle charging infrastructure and hydrogen
8 fueling infrastructure along designated alternative
9 fuel corridors that will be accessible to all drivers of
10 zero emission vehicles.

11 (2) FINDINGS.—Congress finds that—

12 (A) greater adoption of zero emission vehi-
13 cles will help—

14 (i) reduce emissions and improve air
15 quality;

16 (ii) enhance the energy security of the
17 United States by expanding the use of zero
18 emission fuels;

19 (iii) enhance fuel choice and utiliza-
20 tion of electric vehicle charging infrastruc-
21 ture and hydrogen fueling infrastructure in
22 order to benefit consumers;

23 (iv) ensure that the transportation in-
24 frastructure of the United States is
25 equipped to manage the demands and an-
26 ticipated future needs of the economy; and

1 (v) develop a new economic sector in
2 the United States that will create middle
3 class jobs;

4 (B) consumer and business adoption of
5 zero emission vehicles depends in part on the
6 availability of reliable and convenient fueling
7 and charging infrastructure;

8 (C) electric vehicle charging infrastructure
9 and hydrogen fueling infrastructure must be
10 strategically deployed to ensure the deployment
11 and adoption of zero emission fuels; and

12 (D) infrastructure owners and operators
13 should prepare to meet the charging and fueling
14 needs of electric vehicles and hydrogen vehicles.

15 (b) GRANT PROGRAM.—Section 151 of title 23,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “Not later
18 than 1 year after the date of enactment of the
19 FAST Act, the Secretary shall” and inserting “The
20 Secretary shall periodically”;

21 (2) in subsection (b)(2), by inserting “pre-
22 viously designated by the Federal Highway Adminis-
23 tration or” before “designated by”;

24 (3) in subsection (d)—

1 (A) by striking “5 years after the date of
2 establishment of the corridors under subsection
3 (a), and every 5 years thereafter,” and insert-
4 ing “180 days after the date of enactment of
5 the Clean Corridors Act of 2019,”; and

6 (B) by inserting “establish a recurring
7 process to regularly” before “update”;

8 (4) in subsection (e)—

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

11 (B) in paragraph (2)—

12 (i) by striking “establishes an aspira-
13 tional goal of achieving” and inserting “de-
14 scribes efforts, including through funds
15 awarded through the grant program under
16 subsection (f), that will aid efforts to
17 achieve”; and

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

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

21 “(3) summarizes best practices and provides
22 guidance, developed through consultation with the
23 Secretary of Energy, for project development of elec-
24 tric vehicle charging infrastructure and hydrogen
25 fueling infrastructure at the State, Tribal, and local

1 level to allow for the predictable deployment of that
2 infrastructure.”; and

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

4 “(f) GRANT PROGRAM.—

5 “(1) ESTABLISHMENT.—Not later than 1 year
6 after the date of enactment of the Clean Corridors
7 Act of 2019, the Secretary shall establish a grant
8 program to award grants to eligible entities to carry
9 out the activities described in paragraph (5).

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

12 “(A) a State or political subdivision of a
13 State;

14 “(B) a metropolitan planning organization;

15 “(C) a unit of local government;

16 “(D) a special purpose district or public
17 authority with a transportation function, includ-
18 ing a port authority;

19 “(E) an Indian tribe (as defined in section
20 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 5304));

22 “(F) an authority, agency, or instrumen-
23 tality of, or an entity owned by, 1 or more enti-
24 ties described in subparagraphs (A) through
25 (E); or

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

3 “(3) APPLICATIONS.—To be eligible to receive a
4 grant under this subsection, an eligible entity shall
5 submit to the Secretary an application at such time,
6 in such manner, and containing such information as
7 the Secretary shall require, including a description
8 of how the eligible entity has considered—

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

12 “(i) charging or fueling connector
13 types and publicly available information on
14 real-time availability; 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, and units of local governments, fleet
23 owners, fleet managers, fuel station owners and
24 operators, labor organizations, infrastructure

1 construction and component parts suppliers,
2 and 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 station or fueling
17 site, such as consideration of—

18 “(i) the availability of onsite amenities
19 for vehicle operators, such as restrooms or
20 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) height and fueling capacity re-
25 quirements for facilities that charge or re-

1 fuel large vehicles, such as semi-trailer
2 trucks;

3 “(D) infrastructure installation that can be
4 responsive to technology advancements, such as
5 accommodating autonomous vehicles and future
6 charging methods; and

7 “(E) the long-term operation and mainte-
8 nance of the electric vehicle charging infrastruc-
9 ture and hydrogen fueling infrastructure, to
10 avoid stranded assets and protect the invest-
11 ment of public funds in that infrastructure.

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

16 “(A) improve alternative fueling corridor
17 networks by—

18 “(i) converting corridor-pending cor-
19 ridors to corridor-ready corridors; or

20 “(ii) in the case of corridor-ready cor-
21 ridors, providing redundancy—

22 “(I) to meet excess demand for
23 charging and fueling infrastructure;
24 or

1 “(II) to reduce congestion at ex-
2 isting charging and fueling infrastruc-
3 ture in high-traffic locations;

4 “(B) meet current or anticipated market
5 demands for charging or fueling infrastructure;

6 “(C) enable or accelerate the construction
7 of charging or fueling infrastructure that would
8 be unlikely to be completed without Federal as-
9 sistance; and

10 “(D) support a long-term competitive mar-
11 ket for electric vehicle charging and hydrogen
12 fueling infrastructure.

13 “(5) USE OF FUNDS.—

14 “(A) IN GENERAL.—An eligible entity re-
15 ceiving a grant under this subsection shall only
16 use the funds to contract with a private entity
17 for acquisition and installation of publicly ac-
18 cessible electric vehicle charging infrastructure
19 and hydrogen fueling infrastructure that is di-
20 rectly related to the charging or fueling of a ve-
21 hicle in accordance with this paragraph.

22 “(B) LOCATION OF INFRASTRUCTURE.—
23 Any electric vehicle charging infrastructure or
24 hydrogen fueling infrastructure acquired and
25 installed with a grant under this subsection

1 shall be located along an alternative fuel cor-
2 ridor designated—

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

6 “(ii) by a State or group of States,
7 such as the Regional Electric Vehicle West
8 Plan of the States of Arizona, Colorado,
9 Idaho, Montana, Nevada, New Mexico,
10 Utah, and Wyoming, on the condition that
11 any affected Indian tribes are consulted
12 before the designation.

13 “(C) OPERATING ASSISTANCE.—

14 “(i) IN GENERAL.—Subject to clauses
15 (ii) and (iii), an eligible entity that receives
16 a grant under this subsection may use a
17 portion of the funds to provide to a private
18 entity operating assistance for the first 5
19 years of operations after the installation of
20 electric vehicle charging infrastructure and
21 hydrogen fueling infrastructure while the
22 facility transitions to independent system
23 operations.

24 “(ii) INCLUSIONS.—Operating assist-
25 ance under this subparagraph shall be lim-

1 ited to costs allocable to operating and
2 maintaining the electric vehicle charging
3 infrastructure and hydrogen fueling infra-
4 structure and service, including costs asso-
5 ciated with labor, marketing, and adminis-
6 trative costs.

7 “(iii) LIMITATION.—Operating assist-
8 ance under this subparagraph may not ex-
9 ceed the amount of a contract under sub-
10 paragraph (A) to acquire and install pub-
11 licly accessible electric vehicle charging in-
12 frastructure and hydrogen fueling infra-
13 structure.

14 “(D) SIGNS.—

15 “(i) IN GENERAL.—Subject to this
16 paragraph and paragraph (6)(B), an eligi-
17 ble entity that receives a grant under this
18 subsection may use a portion of the funds
19 to acquire and install—

20 “(I) traffic control devices lo-
21 cated in the right-of-way to provide
22 directional information to electric ve-
23 hicle charging infrastructure and hy-
24 drogen fueling infrastructure ac-

1 quired, installed, or operated with the
2 grant; and

3 “(II) on-premises signs to pro-
4 vide information about electric vehicle
5 charging infrastructure and hydrogen
6 fueling infrastructure acquired, in-
7 stalled, or operated with a grant
8 under this subsection.

9 “(ii) APPLICABILITY.—Clause (i) shall
10 apply only to an eligible entity that—

11 “(I) receives a grant under this
12 subsection; and

13 “(II) is using that grant for the
14 acquisition and installation of publicly
15 accessible electric vehicle charging in-
16 frastructure and hydrogen fueling in-
17 frastructure.

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

1 “(iv) NO NEW AUTHORITY CRE-
2 ATED.—Nothing in this subparagraph au-
3 thorizes an eligible entity that receives a
4 grant under this subsection to acquire and
5 install traffic control devices or on-prem-
6 ises signs if the entity is not otherwise au-
7 thorized to do so.

8 “(6) PROJECT REQUIREMENTS.—

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

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

18 “(i) the Manual on Uniform Traffic
19 Control Devices, if located in the right-of-
20 way; and

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

23 “(7) FEDERAL SHARE.—The Federal share of
24 the cost of a project carried out with a grant under

1 this subsection shall not exceed 80 percent of the
2 total project cost.

3 “(8) FUNDING.—There is authorized to be ap-
4 propriated to carry out this subsection \$300,000,000
5 for each of fiscal years 2019 through 2028.”.

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