

## **Regular Meeting, Electric Vehicle Charging Stations Infrastructure Commission – MINUTES**

July 24, 2020

Senator David Watters opened the meeting at 11:02 AM and read the “Right to Know” provision regarding abiding by the Governor’s Emergency Order Update regarding providing public access to the meeting and additional access by video and other electronic means.

### **Introductions**

Commission members present: Senator David Watters; Richard Bailey (DOS), Representative George Sykes; Gary Lemay (Drive Electric NH); Rebecca Ohler (NHDES); Carleton Simpson (Unitil); Dan Bennett (NHADA); Matthew Mailloux (NHOSI); Kevin Miller (ChargePoint); Dave Rodrigue (NHDOT); Kevin Boughan (Eversource); Peter King (BIA); *Representative Steven Smith – unable to make it*

Public present: Elaine O’Grady (NESCAUM); Liz Nixon (PUC); Donna Gamache (Eversource); Rep. Lee Oxenham; Linda Coleman; Bradley Greenland; Jessica Wilcox (NHDES/GSCCC); Timothy White (NHDES)

### **Approval of March Minutes**

Senator David Watters moved to approve the March 6, 2020 meeting minutes and Rep. George Sykes seconded. The minutes were unanimously approved.

### **Federal Legislation Relative to EVs**

**House Legislation** – Kari Thurman, District Director and Oliver Edelson, Legislative Aide for Congressman Pappas

The House passed HR2 “The Moving Forward Act” with FAST Act embedded – investing in infrastructure that is “smarter, safer and made to last”, which includes electric vehicles (EV) and charging equipment (aka electric vehicle supply equipment, EVSE). Two key areas of investment were discussed:

- Manufacture of Zero Emission Vehicles (electric and hydrogen fuel cell) – this section would increase the cap on the number of vehicles eligible for a federal tax credit from the current 200,000 units to 600,000 units to spur sales of ZEVs to help manufacturers and prospective buyers; establish a new tax credit for the purchase of used EVs to enhance the lifecycle; and provide incentives for federal agencies to purchase EVs, including buses and postal trucks.
- Expansion of publicly available EVSE – public EVSE would be available at all post offices by 2026; the number of designated EV Corridors would be increased; funding for EVSE would be increased and EVSE would be allowed along interstate highways at rest areas and park & rides; updates building codes and provides technical assistance to provide for EVSE at multi-family buildings and businesses; provides \$1.4 billion for publically available EVSE; and established an EVSE rebate program up to 75% of the installation cost.

Discussion followed the presentation and several questions were asked. In the notes below “A” indicates the presenter’s answer.

G. Lemay – Is there a timeframe for Senate consideration of this bill and what are the chances it will pass the Senate and become law?

A: FAST Act expires soon and we expect action, but can't guess on timeline or path forward. This is top priority for House Democrats and those on the transportation and infrastructure committees.

K. Miller – will HR2 or FAST Act items be tied to or included in a coronavirus aid package?

A: HR 2 is directly tied to rebuilding the economy. Expanding EVSE creates jobs. Some provisions of Moving Forward Act may get lumped into a coronavirus aid bill.

Senator Watters – please expand on the Post Office EVSE proposal, what types of chargers and is there language or guidance in the bill regarding public access to those chargers?

A: This section of the bill is less defined. The deadline is 2026, but the exact technology required is not specified. Technology may change in 6 years. He can provide more information later. Senator Watters noted that depending on the language there may be a need for state action to enable federal investments.

Senator Watters – any requirements for state funding match to access the federal funds?

A: He is not sure on match requirements, but noted that the Federal funding would be to expand state capabilities by providing both funding and technical assistance. It provides up to \$2 billion for state energy plan updates to include EV charging in state energy plans (Section 33338). Senator Watters asked that he share this language with the Clerk to distribute to the Commission members.

Senator Watters asked NHADA how auto dealers/industry are doing?

D. Bennett – there are concerns regarding inventory regarding both new products and parts. NH dealers made it through the past few months better than other states because the Governor of NH made sales an essential service, our showrooms were allowed to remain open. Some are reporting a better May than prior to Covid. On the other side of the coin, the first thing vehicle manufacturers did was to delay EV production. It will impact availability, and \$2 gasoline prices doesn't help move these vehicles.

M. Mailloux – pre-pandemic there seemed to be a shift away from private vehicle transportation and more towards shared mobility model. Any thoughts on whether the pandemic will shift this move and what state and local governments can do to prepare?

A: We don't know how Covid will impact society in this aspect or whether there will be a long-term shift. It will become more clear as we find our way out of the pandemic, but there is a policy need to understand autonomous and shifts in transportation systems to better prepare for both hurdles and benefits.

R. Ohler – in past stimulus acts there has been a lot of focus on funding shovel ready projects, which could be difficult for EV charging if timeframe is too short. Permitting can take time and matching funds might not be readily available. Will there be a focus on shovel ready projects?

A: Doesn't believe that there will be those expectations with HR2 because it's a moving forward act and not a Coronavirus emergency funding bill.

R. Ohler – does the bill contemplate increasing gas tax?

A: Not sure, but don't think there are any decrees on that.

K. Miller – there are sections in HR2 that look at expanding vehicle miles traveled pilots as a funding mechanism to ensure more equitable road funding. He also noted that the presence of rebates in the

bill will likely spur the more shovel ready projects, but other types of incentives will enable multiple times frames for project development.

Senator Watters – we have a separate commission on autonomous vehicles. He also noted that the recently signed MHD ZEV MOU might have some implications that can inform HR2 in that it shows the direction that the states are moving.

***Senate Legislation*** – Peter Clark, Special Assistant for Projects & Policy (Senator Shaheen)

The Transportation Innovation Guaranteeing Emission Reduction through Energy Efficiency (TIGER-EE) Act, led by Senator Shaheen, has not been introduced yet, but should be in the next few weeks. The bill attempts to get at the issue that the transportation sector has surpassed the electric power sector as the greatest source of greenhouse gas (GHG) emissions. We also seen decreases in overall energy efficiency of the transportation sector. This is modeled after the Transportation Investment Generating Economic Recovery (TIGER) program which is now called the Better Utilizing Investment to Leverage Developments, or BUILD program. This Bill will improve the energy efficiency of the U.S. transportation sector, modernize aging infrastructure, reduce harmful pollution and boost America’s competitiveness in the global marketplace. Specifically, the legislation would create a \$300 million competitive infrastructure grant program within the Department of Transportation (DOT) to fund innovative projects that promote energy efficiency while meeting significant transportation needs. Applications would be reviewed as to how the project improves energy efficiency, economic and environmental sustainability. It encourages non-federal contributions. Potential use of funds is broad to provide some flexibility for DOT in awarding projects, and could support construction and expansion of electric charging and hydrogen stations, port infrastructure, passenger and freight rail, and communications projects. There is a rural state set aside to ensure that no less than 20% of funds to be allocated to projects in rural areas such as NH.

D. Bennett – is there any opportunity for a vehicle marketplace incentive in the legislation?

A: He can pass the comment on to the legislative team.

Senator Watters - you referenced public entities that deal with infrastructure. Does it include regulated utilities?

A: The intent is to ensure that it’s flexible so that it’s not limited to states and local governments, but to all stakeholders with a stake in infrastructure projects.

R. Ohler: NHDES provided feedback on the bill earlier this week and our thanks to NESCAUM for their expert review and the following recommendations: the estimated amount of fuel reduction should be part of the application/reporting requirements; add airport ground service equipment as eligible; and include in evaluation how use of funds would have beneficial impact on low income and environmental justice communities.

Senator Watters - glad to see the inclusion of hydrogen – our commission includes that as well – expressed thoughts on offshore wind and the project in Maine. He requested a link to the bill when it’s introduced and asked that Becky share it with the commission.

Peter will send final text to the commission

**Medium-Heavy Duty Zero Emission Vehicle Memorandum of Understanding (MHD ZEV MOU)** – Elaine O’Grady, Policy & Program Director for Clean Transportation Policy (NESCAUM) – see slide presentation at <https://www.des.nh.gov/organization/divisions/air/tsb/tps/msp/documents/20200724-nescaum-presentation.pdf>

Though emissions from light duty vehicles are decreasing overall, emissions from medium and heavy duty (MHD) vehicles such as trucks and buses are increasing as e-commerce expands. Heavy duty vehicles are the second largest source of oxide of nitrogen emissions that contribute to ground level ozone even though they only represent 4 percent of the vehicles on the road.

Fifteen states plus Washington DC signed the MHD ZEV MOU on July 14, 2020 to accelerate electrification of trucks and buses. These states represent almost 50 percent of the US economy and 40 percent of all goods movement in the US. The MOU builds on the success of 2013 light-duty MOU for ZEVs. It calls for 30% of new truck/bus sales to be zero emissions by 2030 and 100% by 2050.

The MOU outlines the development of an action plan. The plan will include measures designed to benefit low income communities and communities of color that are historically burdened with higher levels of pollution generated by this class of vehicles. The action plan will include incentives, adoption of CA's Advanced Clean Trucks regulation, utility action, and other steps to be taken to achieve the goals. Stakeholder outreach to utilities, EVSE providers, trucking companies, and other stakeholders is occurring now. A draft plan is anticipated in January 2021, and a final plan by early summer 2021.

K. Miller – In NH, PUC is looking at beneficial rate design. How important is that for MD & HD Truck in meeting the charging needs?

A: The states are planning outreach to utilities to get their input into such questions, but the initial thinking is that it might not be as important for MHD fleet charging due to the high utilization rate, but might be necessary to support long haul and trucking corridors.

M. Mailloux – Looking at the participating states, this effort is very coastal. How will this plan succeed given such a large portion of the country is not included?

A: The signatory states are hoping additional states will sign on, but most truck traffic is not cross-country, it is regional (e.g. last mile delivery). The regional delivery is where the states will focus on in early stages to meet 2030 goals, but to get to 2050 we will need to engage more states.

Senator Watters - a 2019 bill to transition the state fleet to electric (note bill is Senate Bill 275 in the 2019 session. This bill passed the House and Senate and was vetoed by the Governor). During the legislative process there was good discussion that resulted in a good bill. What are you hearing from the trucking industry?

A: The industry is supportive of marketing enabling actions like incentives, fleet purchases, and outreach to fleet managers, but not as responsive to mandates requiring sales so there has been a mixed reaction. The MOU does not require participating states to adopt California's MHD ZEV standards, but some state will. It will also make economic sense for some fleets to transition to EVs.

Senator Watters - where does the market stand, what models are available?

A: Over 70 bus/truck models available today with many announcements about more coming as well as large purchases from big companies. Some industry leaders are not the traditional trucking companies so, just as it is with light duty EVs, there are new companies entering the market with a focus on the development of electric trucks and buses in addition to the more traditional manufacturers (e.g. Daimler). CA did a lot of analysis on availability of models and total cost of ownership.

Senator Watters - though NH is not a signer, can we participate in conversation

R. Ohler – yes, NHDES has been an active “observer state” for the light duty ZEV Action Plan and will engage in the MHD ZEV process and discussions as well.

D. Rodrigue – based on DOT studies (have been looking at CNG, EV and Hydrogen market for heavy fleet for many years) the concern when discussing MD & HD fleet is the rate at which you can transfer the energy that these large trucks need to do their jobs. You can transfer a lot of energy quickly using petroleum products, but that's more difficult with electricity. This equipment works 24/7 in rural areas and must use energy for heat as well as for operating. The transfer of energy and the rate at which you can do that is a significant issue.

A: Thank you for flagging that issue. One "relief valve" is that the 30% target is across all truck classes, but for each class in recognition that some vehicle classes (e.g. school buses, medium duty delivery vehicles, etc.) will be more suited for electrification sooner than others.

**Electrify America** – Becky Ohler, NHDES.

Electrify America (EA) is the wholly owned VW subsidiary tasked with investing approximately \$2 billion in EV supporting infrastructure across the country. They are doing this in four 30 month cycles and are currently accepting input for their Cycle 3 investments (January 2022-June 2024). EA is reaching out to states during planning period for input, basically offering states the opportunity to make the case as to why EA should invest in their state. Anyone can submit comments to EA on their website.

NESCAUM submitted comments that included a recommendation that EA focus investments in ZEV states. The job for NH is to sell ourselves and make the case why EA should also invest in NH. NHDES is crafting our comments to focus on the positive aspects for investing in NH, including the fact that we are surrounded by ZEV states and Quebec, all of whom are strongly promoting EV purchases. Many of them vacation in NH and having available infrastructure here will help with sales in those states as well as spur sales within the state.

NHDES reached out to various entities for input and got a lot of feedback about what NH hasn't done or what we're lacking. We feel that we will be more successful if we focus on what we are doing in support of EV. For example, we've been active in FHWA alternative fuel corridor designations and have 3 EV "signage ready" and 9 "pending" corridor designations. We have also created a list of willing site hosts that is publicly available, the Dept. of Business and Economic Affairs commissioned a study relative to EV infrastructure investment, our Granite State Clean Cities Coalition and other partners have been doing great work with events (e.g. Green Your Fleet!, Electric Vehicle Relay, Drive Change, Drive Electric, and many other events); HB 1444 adopting CALEV in NH passed the House, but was subsequently tabled due to COVID. We will also be providing updates to data such as traffic counts to help identify high utilization areas. We'll highlight several communities who have adopted ZEV friendly policies, and will include information regarding utility support such as NH Electric Coop's rebate programs, and will be reaching out to Unitil, Eversource and LU for language that we can include.

Senator Watters – how can we make the best case for NH for inclusion? It's hard to get over the hump of not being a ZEV state, but regardless, NH is committed to moving forward. He asked that Becky and Matt could draft a letter that he and Rep. Sykes could sign in support of the submission and in recognition of the good work being done in NH. People that are moving here to live are coming here from ZEV states with their EVs. He recommended also getting a letter from Governor Sununu saying that NH wants to move forward and requesting that we be included in this next round. Matt Mailloux said he would be happy to bring that up with the Governor.

**VW Funding Update** - Matt Mailloux – Approximately 42 percent of VW funds have been allocated or committed to date. The settlement has a 10-year window and we are only a couple of years into it, so we are doing well. There are three projects of note for the Commission:

- Green Street Lot request for proposals (RFP) for publicly accessible charging in downtown Concord closed on July 14<sup>th</sup>. We received 5 responses and will be reviewing and scoring those in the next couple of weeks.
- Statewide Direct Current Fast Charging RFP – despite COVID, OSI, DES and DOIT are reimagining what this model could look like, factoring in stakeholder feedback and learning from states that have had successful solicitations. We are working to release an RFP in the coming weeks, but recognize concern with federal tax credits (30CITC) that might be expiring at the end of the year. We are looking to Congress to extend the tax credits.
- Electric school buses – we are working to re-envision how that might be moved forward to procure those types of buses in the near future, but no definitive plans at the moment.

K. Miller – are you still planning to release the framework in the coming weeks or will you delay due to expiring tax credits?

A: OSI is not imposing any delay in regards to tax credits. The initial plan was that projects could be built and established to use those credits, but recognizing that at this point in the year, it may not be possible to complete in time. We are looking to the federal government to see if these credits may be extended, but we are not adjusting our timeline based upon what it does. We are hoping that expiration dates will be adjusted to reflect the impacts of COVID.

Senator Watters – when will it be out? Could it be out before deadline for Cycle 3 comments so that we can refer to it?

A: We are still working to finalize those last details – no specific timeline.

Senator Watters – with air quality issues, electric school buses are important now more than ever, especially in our inner city areas.

A: We understand from our first round that more outreach to school districts and collaboration with DOE may help it be more successful. We also need to look at time of year that it's released.

G. Lemay- Requested that OSI/DES provide detailed information on how VW funds have been spent to date.

### **Planning for November 2020 Commission Report**

Becky Ohler reminded the Commission that we will need to submit a report by November 1<sup>st</sup> and we should start to think about what we want to say in that report. The first report simply described the contents of our meetings to date, but as the final report of the Commission, wrapping up 2 years' worth of work, this report should provide some direction and recommendations.

Senator Watters noted that we did a lot of information gathering and accomplished a lot to inform policy issues. He had intended to put in legislation to extend the work of this commission but it did not make it into the omnibus bills that passed. It might be useful to have a commission that looks more broadly at transportation issues. This is an election year so the opportunity to think about bills is Nov/Dec/Jan

R. Bailey agreed with broadening the scope and topics of any future commission and that a more diverse commission could really help things get done. He noted that 3 committees exist, the autonomous vehicle committee, the traffic safety committee, and the transportation committee. The latter is fairly diverse, but related and 2/3 of people on this committee would be eligible to be on that committee.

Senator Watters noted that the focus of this commission on VW funding has been good and at this point perhaps the focus should be more on policy. If legislation is passed and signed, it drives budgets and implementation.

**Public Comment**

Jessica Wilcox – NHDES – GSCCC/DENH providing a webinar at the end of the month on electric school buses.

Representative Oxenham thanked commission for their work

Next meeting on August 28th at 11 AM

Senator Watters made a motion to adjourn. David Rodrigue seconded. The meeting was adjourned at 12:57 PM.