



ZERO EMISSION
TRANSPORTATION
ASSOCIATION

August 20, 2025

U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Docket No. DOT-OST-2025-0468
Advancing a Surface Transportation Proposal That Focuses on America's Most
Fundamental Infrastructure Needs

Submitted via Rulemaking Portal: <http://www.regulations.gov>.

The Zero Emission Transportation Association (ZETA) is an industry coalition representing approximately 50 companies spanning the electric vehicle (EV) supply chain end-to-end, including critical mineral and material producers, cell and battery manufacturers, vehicle manufacturers, charging companies, electric vehicle supply equipment (EVSE) providers, utility companies, and battery recyclers. EVs and associated infrastructure represent a growing sector of domestic manufacturing and technological innovation. Policies that advance these technologies are critical to ensuring competition abroad and opening export markets with allied trade partners for U.S. companies.

We would like to express our gratitude to the U.S. Department of Transportation (DOT) for inviting public input for the next surface transportation reauthorization bill and ensuring that the public's perspectives and ideas are considered. ZETA thanks the Department for the opportunity to submit our comments on this important reauthorization legislation.

ZETA and our member companies appreciate the opportunity to work with the Trump Administration to support DOT's mission to deliver the world's leading transportation system. The next surface transportation reauthorization bill is an important opportunity to address the nation's most essential infrastructure needs. We look forward to discussing these policies in future conversations with your staff. If you have any questions or concerns, please contact me at al@zeta.org.

Sincerely,

A handwritten signature in black ink, appearing to read "AG", written over a white background.

Albert Gore
Executive Director

ZETA Member Priorities for the 2026 Surface Transportation Reauthorization Legislation

I. Discretionary Authority to Grant Alternative Fuel Access to High-Occupancy Vehicle Lanes

ZETA supports the ability of states and local governments to use their discretion about whether to allow alternative fuel vehicles like EVs to use high-occupancy vehicle (HOV) lanes on federal highways. This ability has been Congressionally authorized for twenty years, and we ask the Department to coordinate with Congress on the reauthorization of this provision in the upcoming surface transportation reauthorization legislation.

In the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005, Congress first authorized state governments to permit “inherently low-emission” vehicles (pursuant to Title 40 CFR Sec. 88.311–93), such as electric and other alternative fuel vehicles, to use the HOV lanes on the federal interstate highway system without meeting the passenger occupancy requirements. This authority was reauthorized through fiscal year 2017 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) in 2012. Subsequently, Congress expanded this authority to include county and municipal governments in the Fixing America’s Surface Transportation (FAST) Act of 2015. The FAST Act also made all alternative fuel vehicles eligible for HOV access per state, local, and county governments’ discretion and reauthorized this authority through federal fiscal year 2025.

The discretionary authority for state, county, and local governments to permit alternative fuel vehicles to use HOV lanes currently expires on September 30, 2025. ZETA urges the Department to work with Congress on reauthorizing this authority in the upcoming surface transportation reauthorization bill, if not prior.

II. Clarify MUTCD Signage Eligibility for EV Charging Stations to Support Private Sector Investment

Highway signage is a critical tool for increasing visibility and consumer awareness of available EV charging infrastructure, particularly for drivers traveling long distances. As more consumers adopt EVs, it is essential that federal policy supports clear and consistent identification of charging locations along major roadways.

The 11th Edition of the *Manual on Uniform Traffic Control Devices* (MUTCD), which went into effect in January 2024, appropriately allows EV charging to be listed on specific service signs on highway signage. However, the MUTCD currently references eligibility criteria from 23 CFR 680.106, requirements originally developed for federally funded projects under the NEVI Program. These requirements include prescriptive standards on charging port minimums, connector types, payment options, and installation design — criteria that were not intended for privately funded infrastructure and are misaligned with the intent of MUTCD signage guidance.

While minimum standards play a role in ensuring consistency across federally funded projects, applying NEVI-specific requirements to privately developed charging stations undermines the role of the private sector in expanding charging access. The EV charging industry is evolving rapidly, and locking signage eligibility to fixed technical requirements, especially those tailored to one federal funding program, creates a risk of entrenching outdated standards and slowing innovation.

Moreover, the MUTCD is infrequently updated, with the last edition published in 2009 — a 14-year gap before the 2023 update. As a result, overly specific eligibility requirements will not keep pace with the speed of technological advancement, limiting flexibility for infrastructure operators and state departments of transportation seeking to improve wayfinding for EV drivers.

ZETA recommends the Department coordinate with Congress to clarify that highway signage eligibility under the MUTCD for EV charging stations should not be contingent upon compliance with 23 CFR 680.106. Instead, eligibility should be based on basic operational criteria, such as minimum availability and public accessibility, which can accommodate a wide variety of charging business models and technologies.

III. Low or No Emission Grant Program

The Low or No Emission Grant Program has provided billions of dollars in support for public transit buses and bus facilities since it was first established in the Moving Ahead for Progress in the 21st Century Act (MAP-21). This program offers grants to states and local governments for the purchase of buses or upgrades to facilities. Grantees are able to purchase buses with a diverse mix of eligible drivetrains, including zero-emission buses (electric and hydrogen), hybrids, compressed natural gas (CNG), and propane-fueled buses. The Low or No Emission Grant Program is competitive, providing continued flexibility to select awardees. In addition, the program requires the purchase of American-made buses with the use of funds, so it is a pivotal policy in supporting domestic manufacturing and ensuring the future growth of the North American commercial vehicle sector.

Today, the U.S. transit bus fleet totals around 70,000 units, serving Americans in all 50 states and territories across the country.¹ This program was reauthorized in the Infrastructure Investment and Jobs Act (IIJA), with the most recent round of grant funding last year providing nearly \$1.5 billion in funding to transit agencies across the country to purchase over 1,100 American-made buses.^{2,3}

For a decade, the Low or No Emission Grant Program has allowed states, local government agencies, and territories to apply for funding each fiscal year to update their transit bus fleets, while also supporting domestic bus and van manufacturing. ZETA asks the Department to coordinate with Congress to reauthorize and fund this program at the previously authorized level

¹ Transit Buses By Fuel Type. ([Alternative Fuels Data Center](#).)

² FTA July 2024 grant announcement. ([DOT](#))

³ Low or No Emission Grant Program - 5339(c). ([DOT](#))

to provide state and local governments with certainty as they continue to modernize their bus fleets.

IV. National Electric Vehicle Infrastructure (NEVI) Formula and Charging and Fueling Infrastructure (CFI) Grant Programs

ZETA views the surface transportation reauthorization process as an opportunity to work with the Trump administration to improve efficiency for the NEVI and CFI programs. ZETA was encouraged by Secretary Duffy’s testimony on April 2, 2025, before the Senate Environment and Public Works Committee at the hearing on “Constructing the Surface Transportation Reauthorization Bill: United States Secretary of Transportation’s Perspective.” In his testimony, U.S. Secretary of Transportation Duffy stated, “I think if you pass a bill saying we should build out American infrastructure with charging stations, we should build charging stations. We shouldn't pay people to not have charging stations—we have 66 of them. And so I look at the guidance, I’m going to make the guidance work...”⁴ ZETA also appreciates the recently released NEVI guidance from DOT that removes requirements to disburse funding for this important program. ZETA looks forward to effectuating the Secretary’s goal of making these charging programs work better for the American people.

A ubiquitous, reliable network of chargers along federal highways and in communities throughout America is necessary to support consumer adoption of this continually advancing technology. As the first federal initiatives to establish an interconnected EV charging network across every state, maintaining robust funding for the NEVI Formula Program and CFI Grant Program is critical to continue building out our charging networks across the country. The fast-expanding U.S. production capacity for EVs, batteries, and critical minerals and materials has been a major contributor to not just growth in the automotive sector, but also toward more secure domestic supply chains.

As of July 2025, there are nearly 80,000 public charging locations overall, representing over 245,000 public charging connectors.⁵ This is more than double the 95,000 public connectors in 2021, representing significant growth in public charging over just three-and-a-half years. This success is thanks in part to the hard work of both the public and private sectors.

According to the analysis group Paren, which tracks the U.S. charging infrastructure network, 2025 is expected to be a record year for EV supply equipment (EVSE) deployment, with an estimated growth rate for public charging of 20 percent year-on-year.⁶ However, charging rollout varies significantly depending on the state, with large differences between regions of high and low population density. Out of economic necessity, most private sector EVSE deployment occurs in places where the near-term cost of buildout will be absorbed by higher utilization. Paren’s report notes that, “The real issue is not just ‘more’ but siting stations to both fill charging deserts

⁴ Senate Committee on the Environment and Public Works Hearing. “Constructing the Surface Transportation Reauthorization Bill: United States Secretary of Transportation’s Perspective.” ([U.S. Senate](#))

⁵ Alternative Fuels Data Center. ([DOE](#))

⁶ US EV Fast Charging — Q2 2025 report. 7/28/2025 ([Paren](#)).

in rural areas and reduce congestion in the busiest urban markets. Private industry will solve the latter issue, but programs such as [NEVI] are key to building out charging stations in areas without chargers but may have very low utilization.” To fill in these gaps, federal programs like NEVI and CFI remain necessary to achieve full rollout of EV charging across the country.

While the NEVI program funds fueling infrastructure along federal highways or Alternative Fuel Corridors (AFC) through a formula-based program, CFI is a technology-neutral discretionary grant program. CFI allows entities to apply to deploy publicly accessible infrastructure to serve a variety of vehicle types, including electric, hydrogen, propane, and natural gas. CFI allows for public-private partnerships to build out infrastructure in strategic community areas, such as public roads, schools, parks, and public parking facilities. Despite its public-private partnership structure, private companies are not considered “eligible entities” under CFI’s current statute. Eligible entities, such as state or local governments, apply to the federal government for funding through the program. Private contractors, or subgrant recipients, must subsequently apply to the eligible entity through a request for proposal (RFP) competitive grant process in order to receive a CFI grant. This creates a “middle man” in award distribution, which significantly slows deployment, adds administrative burden, and increases project costs. ZETA recommends that DOT explore alterations to the structure of the CFI program to allow more direct partnership with the federal government, thus increasing the efficiency of the program and decreasing project timelines.

Overall, ZETA believes that federal funding for EV charging moving forward should be robust enough to account for any increase in inflation and possibly higher costs of energy usage due to artificial intelligence data centers and growing demand, in addition to meeting the need for public charging across the country. ZETA believes that federal charging programs should complement private sector investment and focus on filling gaps in charging coverage, such as lower population density areas that are less economically feasible for the private sector to develop. In addition, we recommend that the Department consider the issue of charging congestion in certain areas, as well as the unique challenges for medium- and heavy-duty EV charging, as DOT works with Congress on upcoming surface transportation legislation.

ZETA would welcome the opportunity to continue engagement with the Department to provide recommendations on how to increase transparency and efficacy throughout the program, which will best ensure federal funding is utilized in an efficient manner where the need is greatest.

V. Provide for Commercial Vehicle Axle Weight Distribution Flexibility

23 U.S.C. § 127(a) prescribes axle weight limits for commercial vehicles on the Interstate System to protect roads and bridges. Under this requirement, a single axle maximum weight is set at 20,000 pounds, a tandem axle limit set at 34,000 pounds, and a gross vehicle weight maximum of 80,000 pounds (or 82,000 pounds total for EVs and natural gas-powered vehicles, as amended by the Consolidated Appropriations Act of 2019).⁷ ZETA requests this language be amended to allow flexibility in how weight is distributed between single axles, while maintaining the current gross vehicle weight of 82,000 for EVs and natural gas vehicles, to reflect design

⁷ 23 U.S.C. § 127- Vehicle weight limitations—Interstate System. ([Cornell Law](#))

innovations in advanced technology buses. These same advanced technology buses have promising vehicle-to-grid capabilities with the potential to improve grid resiliency.