May 14, 2021

Stephanie Pollack, Acting Administrator
Federal Highway Administration
United States Department of Transportation
1200 New Jersey Ave S.E.
Washington, DC 20590

Attention: Docket No. FHWA 2020-001
RE: National Standards for Traffic Control Devices: Manual on Uniform Traffic Control Devices for Streets and Highways; Revision

Dear Acting Administrator Pollack:

The following comments are submitted by the Georgetown Climate Center (GCC), a non-partisan, non-profit research center based at Georgetown Law, in its role of supporting state leadership on climate change while informing the federal dialogue with lessons from states.

Georgetown Climate Center facilitated discussions among staff from state transportation, energy, and environment agencies—including a March 2021 webinar with over 100 state agency participants–on the U.S. Federal Highway Administration's (FHWA) proposed revision of the Manual on Uniform Traffic Control Devices (MUTCD). In these discussions, state agency officials discussed their concerns about proposed revisions to the MUTCD that would prohibit state transportation agencies from allowing businesses that offer electric vehicle (EV) charging to appear on Specific Service signs in most circumstances, along with other changes that would further limit the information about EV charging stations that can be placed on Specific Service signs.

The following proposed revisions to the MUTCD were identified by state agency officials as significantly limiting states' flexibility to provide safe and convenient directions to motorists:

<u>Proposed Prohibition of EV Charging Facilities from Specific Service Sign Panels</u>

FHWA's proposed revision would explicitly prohibit EV charging facilities that do not also sell gasoline from qualifying for placement on a Specific Service sign.[i] FHWA's stated reason for the change is to eliminate confusion by drivers who expect that businesses on the "GAS" sign sell gasoline.[ii]

FHWA proposes that states can use General Service signs for EV charging stations.[iii] However, the EV Charging General Service sign does not provide important information for EV drivers, such as the specific business or facility with the EV charging station or information about the type of charging available.

Proposed Limitation of "Supplemental Messages" Identifying Availability of EV Charging

FHWA's proposed revision would allow gas stations that also offer EV charging to notify drivers by adding "EV CHARGING" as a supplemental word message under their logo. However, facilities such as restaurants, stores, and hotels that offer EV charging and qualify for "FOOD", "LODGING", or other Specific Service sign categories would not be permitted to use the "EV CHARGING" supplemental word message.[iv]

Georgetown Climate Center offers the following for FHWA's consideration:

1. FHWA's proposal to prohibit most EV charging facilities from qualifying for placement on Specific Service signs would inconvenience a growing number of motorists and result in the unfair treatment of EV drivers.

- EVs are expected to make up a significant portion of vehicles on the road when the upcoming edition of the MUTCD will likely still be in effect. EV sales are increasing rapidly—a recent analysis by Deloitte projects that EVs will make up 27 percent of new vehicle sales in the United States by 2030.[v] We are approaching an inflection point for a rapid acceleration of EV sales due to the declining costs for EVs,[vi] major investments in EVs and planned gas vehicle phase-outs by automakers,[vii] and documented increases in consumer interest.[viii]
- As the EV market grows, the number of direct current (DC) fast charging stations along roadways will also increase dramatically, and motorists will want and need to locate them while en route. There are already more than 5,000 DC fast charging stations publicly available in the United States, and more are installed every month.
- Prohibiting Specific Service signs for EV charging facilities will result in the unfair treatment of the rapidly growing number of drivers who need to re-fuel their vehicles at charging stations instead of gasoline pumps. Drivers of both EVs and gasoline-powered cars need to be informed about the fueling services available to them near highway exits.

2. The growing number of EVs on roads across the United States calls for modernizing the categories for Specific Service signage in the MUTCD during this update.

- In the revised MUTCD, FHWA could follow the approach implemented by California and add a new category of Specific Service signs for "EV CHARGING." In 2018, the California Department of Transportation (CalTrans) revised the *California Manual on Uniform Traffic Control Devices* to add the category "EV CHARGING" to the types of traveler services that can be put on Specific Service signs.[ix] Since CalTrans' 2018 update of its state manual, other state transportation agencies have inquired with FHWA about making similar changes.
- The MUTCD could also be revised to change the category "GAS" to "FUEL." Specific Service "FUEL" signs could include business logos for gas stations as well as facilities offering alternative fuels, such as hydrogen stations or EV charging. In the 2018 update to the California MUTCD, CalTrans also changed the Specific Service sign category from "GAS" to "FUEL" and updated eligibility criteria to explicitly allow facilities that provide other alternative fuel types like hydrogen and propane[x] to reflect a growing diversity in vehicle types and fueling routines.

- FHWA could minimize the risk of driver confusion and improve consistency across states by including guidance for states about eligibility criteria for EV charging Specific Service and General Service signs. As an example, there could be criteria specifying that qualifying businesses provide DC fast charging, universal EV plug types, adequate lighting, and minimum hours of operation.

3. Prohibiting EV charging stations on Specific Service signs could create a safety risk and inconvenience motorists.

- While GPS-based mapping and routing apps are commonly used to find EV charging stations during trip planning, using an app while operating a vehicle creates a safety risk. Specific Service signs provide a safer alternative than app-based navigation and are critical in circumstances where app-based navigation is unavailable.
- Along rural roadways, Specific Service signs for EV charging will be particularly important because missing an EV charging station could result in the vehicle running out of charge and stranding its driver on the highway—a significant safety risk. Moreover, many rural locations have limited cellular service availability, which restricts the functionality of cellular service-based routing apps.
- Specific Service signs for gas stations provide identification and directional information that ensures driver convenience and safety. This kind of information is equally important for EV charging stations, and arguably even more important until there is redundancy in stations and better geographic coverage.

4. FHWA's proposal to only use General Service signs to guide EV drivers is not adequate for ensuring the safety and convenience of EV drivers.

- General Service signs use a generic symbol to direct drivers to EV charging stations and do not specify the name of the business with EV charging. Consequently, EV drivers will find it difficult and inconvenient to locate charging stations with General Service signs, especially when there are multiple businesses at an exit. Additionally, General Service signs do not communicate the type of facility offering EV charging, which could be a restaurant, retail store, gas station, or other type of facility. This is important information for EV drivers who may spend 30 minutes at a location while charging their vehicle.
- In addition, since General Service signs do not identify the charging station provider, they fail to convey important information to EV drivers, such as the compatibility of charging stations (e.g., Tesla charging stations are only compatible with Tesla vehicles) and whether stations are included in specific charging networks that offer favorable pricing to members.
- Without Specific Service signs providing information about the charging facility or charging provider, EV drivers may be forced to resort to using phone apps, introducing unnecessary risks of distracted driving and accidents.

5. FHWA's proposed revisions would limit the use of supplemental word messages about EV charging services to gas station businesses only. Such supplemental messages are needed on FOOD, LODGING, and ATTRACTION signs as well.

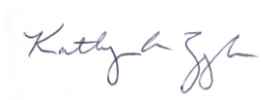
- EV charging stations are commonly installed at a wide variety of businesses that qualify for placement on Specific Service signs—for example, restaurants and hotels.
- Allowing supplemental messages about EV charging underneath the logo of any business on a highway Specific Service sign would help drivers find fueling services and plan highway stops that meet multiple service needs.
- Allowing gas stations to inform EV drivers of available charging services while prohibiting restaurants, hotels, attractions, and other businesses from doing the same is arbitrary and capricious and fundamentally unfair to EV drivers.

6. Congress has already directed FHWA to revise the MUTCD to provide Specific Service signs for EV drivers, and FHWA's current proposal is not aligned with this Congressional directive.

- In December 2020, Congress directed FHWA "to allow the use of Specific Service signs for electric vehicle charging stations" in the MUTCD, as part of a joint explanatory statement by the House and Senate Committees on Appropriations accompanying the FY21 Omnibus Spending Bill.[xi]

Given these considerations raised by state officials, Georgetown Climate Center respectfully requests that FHWA revise the MUTCD to create a safe and convenient driving experience for all motorists, including the growing share of drivers of electric vehicles. We look forward to working with you on this matter and others where we can be a resource, including by convening and facilitating conversations with state and local government officials, community groups, and other stakeholders. Please contact Matthew Goetz, Senior Associate, Georgetown Climate Center, goetz@georgetown.edu, with any questions.

Regards,



Kathryn Zyla
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[i] National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision, 85 Fed. Reg. at 80,935.
[ii] National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision, 85 Fed. Reg. at 80,935.
[iii] National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision, 85 Fed. Reg. at 80,935.
[iv] National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision, 85 Fed. Reg. at 80,935.
[v] Deloitte Insights, Electric vehicles, *Setting a course for 2030* (2020), https://www2.deloitte.com/us/en/insights/focus/future-of-mobility/electric-vehicle-trends-2030.html
[vi] The International Council on Clean Transportation, *Update on electric vehicle costs in the United States through 2030* (2019), https://theicct.org/publications/update-US-2030-electric-vehicle-cost
[vii] *See, e.g.*, General Motors, *General Motors, the Largest U.S. Automaker, Plans to be Carbon Neutral by 2040* (2021), https://media.gm.com/media/us/en/gm/home.detail.html/content/Pages/news/us/en/2021/jan/0128-carbon.html
[viii] Consumer Report, *New Consumer Reports survey finds majority of drivers are interested in electric vehicles* (2020), https://advocacy.consumerreports.org/press_r
[ix] California Manual on Uniform Traffic Control Devices, Revision 5, Section 2J, p. 584, https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev-5/camutcd2014-rev5-a11y.pdf
[x] California Manual on Uniform Traffic Control Devices, Revision 5, Section 2J, p. 583–84, 587.
[xi] Consolidated Appropriations Act, 2021, H.R. 133, 2020 Sess., Joint Explanatory Statement, https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-L.pdf.