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March 28, 2023

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy, and Environment Committee  
2 West, Miller Senate Office Building  
Annapolis MD 21401

***RE: Letter of Information – House Bill 834 – Electric Vehicle Charging Infrastructure – Requirements (Electric Vehicle Charging Reliability Act)***

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 834 but offers the following information for the Committee’s consideration.

House Bill 834 requires electric companies operating an Electric Vehicle (EV) charging network to ensure the EV charging stations capable of providing Level 2 Charging in that network have an average annual uptime of 97% or greater, as calculated with a methodology codified in the bill. Reporting requirements and other provisions of House Bill 834 apply to electric companies that install or maintain an EV charging station for public use whether they are participating in the EV Pilot Program established by the Public Service Commission (PSC) or utilizing federal funds.

House Bill 834 establishes a different reliability standard than the federal standards associated with federal funding for EV charger installations. On February 15, 2023, the Federal Highway Administration (FHWA) released National Electric Vehicle Infrastructure (NEVI) Standards and Requirements, which set minimum standards and requirements for any EV charging infrastructure project funded with federal funds. Almost \$60 million in NEVI funds will be invested in Maryland, as laid out in the State Plan for NEVI Formula Funding Deployment. An additional \$2.5 billion of discretionary grants will be available nation-wide through the federal Charging and Fueling Infrastructure Grant Programs (CFI), in which numerous Maryland communities have expressed interest. Diverging standards between federal and Utility-funded installations may inhibit efficient and effective deployment of a reliable EV charging network.

There are multiple differences between the requirements of House Bill 834 and federal standards. House Bill 834 defines uptime by charging “station”, measured as a percentage of both hours and days of a calendar year and calculated on a quarterly basis for the immediately preceding 12 months. The federal standard calculates uptime per charging “port”, in total minutes, and is calculated on a monthly basis for the previous 12 months. As amended, House Bill 834 would only apply to Level 2 charging stations operated by electric companies and not on DC Fast charging stations. The NEVI Standards and Requirements will apply to all DC Fast and Level 2 charging infrastructure funded with federal funds.

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Additionally, federal standards address features not addressed in House Bill 834, including the interoperability of EV charging infrastructure; traffic control devices or on-premise signage acquired, installed, or operated in concert with EV charging infrastructure; data format and schedule for submission; network connectivity of EV charging infrastructure; and information on locations, pricing, real-time availability, and accessibility through mapping applications. Lastly, House Bill 834, as amended, exempts vandalism and force majeure, as defined by the PSC, from the reliability calculation. The federal standard exempts additional events from the reliability calculation, including scheduled maintenance and failure to charge due to the fault of the vehicle.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 834.

Respectfully submitted,

Heather Murphy  
Director of Planning and Capital Programming  
Maryland Department of Transportation  
410-865-1275

Pilar Helm  
Director of Government Affairs  
Maryland Department of Transportation  
410-865-1090