

## CHARGE UP DANE COUNTY

# Program Update

*EV Advisory Commission Meeting (April 13, 2026)*

This is a quick summary of the status of various aspects of Charge Up Dane County.

### **Host Site Selection & Planning**

FHWA-WI has approved the environmental paperwork (NEPA/CE documents) for about 30 of our sites. Additional NEPA/CE approvals are in process; OECC staff expect to have approval for all of the sites designed under the first two site host RFPs shortly. This is a big milestone; it means that we have met the requirements to access Phase 2 funding for final design and construction at those sites. As noted below, FHWA still has not issued a construction amendment to any CFI grantee under this administration; that issue is still in litigation. Nevertheless, it is significant that we have met the requirements to move into the construction phase.

The Round 3 RFP for more site hosts closed on April 2. We have 13 applicants and those are still under review as of this update. Following the initial application review the sites that meet our priorities will move through the same desktop review, site visit and initial design/cost estimate/NEPA paperwork as the first two sets of sites.

Amid all of that good progress, we do want to note that we have had a couple of site hosts notify us that they are no longer interested in participating in the program. At this point we are trying to persuade those sites to remain involved but it seems likely that we'll lose at least a couple of sites. These decisions reflect, at least in part, the risk associated with the delays and uncertainties regarding construction.

The hesitation from a few site hosts reinforces the importance of ongoing communication with all of the site hosts. Beginning in February OECC staff, KL and site hosts have done 1:1 meetings to review the initial design plans and respond to any questions. We anticipate that we will continue these 1:1 meetings through the next phase of the project.

### **Prepping for the Construction Phase**

OECC efforts with KL Engineering to prepare for the construction phase are ongoing. Now that we have NEPA/CE approval for some sites we want to be ready to negotiate the Phase 2 amendment for final design and construction as soon as FHWA-HQ makes an amendment form available to us. We will spend a fair amount of time at our April 13 meeting discussing the construction phase so please refer to the document on construction tasks and timelines for more details.

### **EV Charging Infrastructure Summit Update**

The Dane County Charge Up team was selected to do a talk at the national EV Charging Infrastructure Summit in March 2026. Attending and speaking were Kathy Kuntz from OECC, Michael Ostendorf from KL Engineering and Ryan Gram from Kimley Horn. The event was an opportunity to connect with other CFI grantees (including the Boulder County project, which is similar to ours) and to speak with a number of industry leaders. There was, for example, encouraging talk from both auto manufacturers and entities like Wal-Mart about their ongoing commitment to EV charging infrastructure. We were able to hear some of the national firms doing O&M for EV stations talk about

workforce development issues and about other emerging issues. Our presentation (which is attached here) highlighted the goals of Charge Up Dane County and some of our lessons learned to date.

## **CFI Legal Update**

There are some indications that the CFI lawsuit filed by state attorney generals could be resolved 'relatively quickly.' In early March the parties filed a stipulation for US DOT to file an administrative record and for the court to move to summary judgement. The US Department of Justice filed an administrative record on behalf of USDOT in mid-March so now we are awaiting summary judgement. There is no estimated timeline (legal experts told OECC that they expected an outcome 'relatively quickly' but declined to put a timeline on that phrase).

As further background and per our past discussions of this lawsuit, several CFI grantees in other states have met the NEPA/CE approval requirement but are still waiting to receive their budget amendment from FHWA-HQ. Withholding those funds is inconsistent with the CFI contract agreement and the will of the US Congress in creating the CFI program. Recognizing this, a coalition of state attorney generals, including Wisconsin Attorney General Josh Kaul, have filed suit against the Trump Administration. There is more on that lawsuit here: <https://www.msn.com/en-us/news/politics/donald-trump-hit-by-lawsuit-from-17-attorneys-general/ar-AA1Sxlha?ocid=winp2fptaskbarhover&cvid=6942bbf0e63c421893651d69539e8d96&ei=12>.

Note that this lawsuit is separate from the lawsuit that state attorney generals filed previously to force the Trump Administration to release to states the National Electric Vehicle Infrastructure (NEVI) Formula Program funding. States were successful in the earlier NEVI lawsuit, which restored funding to the Wisconsin WEVI program. The current CFI lawsuit was filed in the same district court that decided the NEVI lawsuit.

## **Buy America for CFI and NEVI**

In mid-February 2026 [FHWA announced a proposed change to the Buy America rules for EV charging infrastructure](#). Specifically, FHWA-HQ announced:

The Federal Highway Administration (FHWA) is seeking comments on its February 21, 2023 Waiver of Buy America Requirements for Electric Vehicle (EV) Chargers. FHWA is specifically seeking comment on whether it should modify the waiver to increase the cost threshold of components manufactured in the United States for EV Chargers used in Federal-aid highway projects from 55 percent to up to 100 percent of the cost of all components. Following review and consideration of comments, FHWA will determine whether it should continue the waiver, modify the waiver, or discontinue the waiver.

While the comment period was just 30 days, FHWA got 290 comments on the rule change. Most of the comments opposed the proposed change. There is no word yet from FHWA on the status of this proposed rule change.

In the rule FHWA proposes to make the change apply to all projects not obligated as of the date of the rule adoption. Under FHWA rules our sites are considered obligated once the Phase 2 amendment is finalized.