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**Subject:** Charge Up Dane County – Applicable Standards and Minimum Requirements Memo

# 1. Introduction

## 1.1 Objective

This memorandum reviews the National Electric Vehicle Infrastructure (NEVI) Standards and Requirements, codified in 23 CFR Part 680, which establishes minimum standards for projects funded under the NEVI Formula Program and other federally funded public charging infrastructure projects. While this project is a Charging and Fueling Infrastructure (CFI) project, it should be noted that CFI requirements are the same as those laid out by NEVI requirements. CFI requirements focus on the community charging portion of NEVI, more specifically around Level 2 charging. This memorandum serves as foundation for further discussion regarding potential additional requirements from Dane County.

NEVI requirements are continuously changing with updating information – please refer to the latest Federal Highway Administration (FHWA) requirements for any additional updates to the below information.

## 1.2 Organization of This Memorandum

The remainder of this document includes the following sections.

- **Section 2. NEVI Requirements** summarizes federal NEVI requirements for EV charging stations.
  - **Section 2.1 – Hardware**
  - **Section 2.2 – Software**
  - **Section 2.3 – Construction**
  - **Section 2.4 – Operations and Maintenance (O&M)**
  - **Section 2.5 – Other Requirements**

While the above items summarize federal requirements, additional sections for applicable State of Wisconsin and local Dane County requirements may be added at a later date at the discretion of the County.

## 2. NEVI Requirements

The aim of this memo is to summarize federal requirements associated with hardware, software, construction, operations and maintenance and other activities. The discussion and decisions column has been added throughout this section to explain the requirements and state who the responsible party will be for ensuring requirements are met for the specific section. Kimley-Horn recommends that this language regarding the responsible party is included in the RFP to ensure all vendors are compliant. Requirements are listed once but are not intended to be exclusive to each topic. For example, Americans with Disabilities Act (ADA) compliance is included in construction requirements but has implications for operations and maintenance.

In this summary, requirements around DC Fast Chargers (DCFC), or Level 3 chargers, and Alternative Fuel Corridors (AFC) have been included but grayed back in the table as they are not required for this project. The intention of the CFI requirements is to place chargers outside of the corridor, however, chargers can be used to fill the gaps along the AFC if desired.

### COST SHARE

NEVI requirements specify that federal funds can cover up to 80% of eligible electric vehicle charging project costs, requiring at least a 20% non-federal match (from state, local, or private sources). The CFI program follows the same cost-share structure, meaning recipients must secure a minimum 20% non-federal contribution. More, the CFI NOFO stated:

"Eligible entities that contract with a private entity as required for the Corridor Program or as permitted by the Community Program must include in those contracts a condition that the private entity shall be responsible for the share of the project cost carried out with CFI Program funds that is not paid by the Federal Government. Under the CFI Program, a “private entity” means a corporation, partnership, company, or nonprofit organization. (23 U.S.C. § 151(f)(1)). "

Dane County interprets this to mean that they must require the vendor they partner with on construction, hardware, software and O&M to provide the cost-share for their efforts. Private partners that install or operate charging stations are typically responsible for providing this match. If other federal funds are used for the project, the total federal share across all sources cannot exceed 80%.

## 2.1 Hardware

Hardware requirements govern the number of charging ports, connector types, connector counts (per port), power levels, and equipment certification.

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| Number of Charging Ports | *AFCs* | *On AFCs (Alternative Fuel Corridors) or serving AFC users: >4 network-connected DCFC ports capable of simultaneously charging at >4 EVs.* | *680.106(b)(1)* | *There must be at minimum 4 DCFC charging ports on site. Ports must be capable of charging all 4 vehicles if plugged in simultaneously and share a network connection.* |
| | Other Locations | ≥4 network-connected charging ports (DCFC, AC Level 2, or both) and be capable of simultaneously charging ≥4 EVs. | 680.106(b)(2) | Chargers serving other locations beyond AFCs must have a minimum of 4 ports, which may include a combination of Level 2 and DCFC charging.<br><br>KL Engineering to ensure that selected sites and final design meet this requirement. |
| Connector Type | *DCFC* | *All charging connectors must meet "applicable industry standards." For DCFC, this includes: SAE J1772 (AC portion); SAE J1772 Combo 1 (DC portion); UL 2202 (EVSE safety); IEC 62196-3 (vehicle connectors/inlets).* | *680.106(c)* | *All DCFC connectors provided must be compliant with J1772 Combo 1, UL 2202, and IEC 62196-3 standards. Note this is an industry standard that hardware venders will meet.* |
| | Level 2 | All charging connectors must meet "applicable industry standards." For Level 2, includes: Society of Automotive Engineers (SAE) J1772 (physical & electrical interface); Underwriters Laboratory (UL) 2231-1/-2 (personal protection); UL 2202 (EVSE safety); and IEC 62196-2 (vehicle connectors). | 680.106(c) | Level 2 connectors must meet SAE J1772, UL 2231-1/-2, UL 2202, and IEC 62196-2 standards. Note this is an industry standard that hardware venders will meet.<br><br>Selected vendor must comply with this requirement. |
| Connector Count (Per Port) | *DCFC* | *Each DCFC port must have >1 permanently attached Combined Charging System (CCS) Type 1 connector.* | *680.106(c)* | *All DCFC ports must have at least 1 CCS Type 1 connector.* |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | Level 2 | AC Level 2 ports must have a permanently attached J1772 connector. | 680.106(c) | Must provide a permanently attached J1772 connector.<br><br>Selected vendor must comply with this requirement. |
| Power Level | *DCFC* | *DCFC ports must support output voltages between 250 volts DC and 920 volts DC. If along AFC: continuous power delivery rating of >150 kW and supply power up to 150 kW.* | *680.106(d)(1)* | *DCFC ports output voltages must range between 250 VDC to 920 VDC.*<br><br>*If along AFC: Continuous power delivery rating over 150kW and supply power up to 150kW.* |
| | Level 2 | Each AC Level 2 charging port must have a continuous power delivery rating of at least 6 kW and the charging station must be capable of providing at least 6 kW per port simultaneously across all AC ports. AC Level 2 chargers may conduct power sharing and/or participate in smart charge management programs so long as each charging port continues to meet an EV's demand for power up to 6 kW, unless the EV charging customer consents to accepting a lower power level. | 680.106(d)(2) | Each Level 2 charging port must deliver a minimum of 6 kW per port across all AC ports.<br><br>Level 2 chargers may conduct power sharing and/or participate in smart charge programs.<br><br>Selected vendor must comply with this requirement. |
| Equipment Certification | Other | Must ensure chargers are certified by an Occupational Safety and Health Administration (OSHA) Nationally Recognized Testing Laboratory. AC Level 2 chargers must be ENERGY STAR certified. DCFC and AC Level 2 chargers should be certified to the appropriate UL standards for EV charging system equipment. | 680.106(g) | All chargers must be OSHA certified. Level 2 chargers must be ENERGY STAR certified and DCFC must be certified under UL standards.<br><br>Selected vendor must comply with this requirement. |
| Buy America/Build America | | The Build America, Buy America Act (BABA) requires that all iron, steel, manufactured products, and construction materials used in federally funded | 680.118 (a) | Every physical component of a project—such as charger housings, pedestals, conduit, wiring, and concrete pads—must meet domestic sourcing standards. Recipients must verify that suppliers |

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| | infrastructure projects be produced in the United States, unless a waiver applies. | | provide BABA-compliant certifications and maintain documentation for federal review. While limited waivers exist (e.g., for unavailable components), obtaining one requires FHWA approval and clear justification.<br><br>Selected vendor and installation contractor must comply with this requirement. |

## 2.2 Software

Software requirements address payment methods; customer data privacy; interoperability; network connectivity; pricing communication and display; and third-party data sharing.

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| Payment Methods | Unless charging is free, stations must:<br>(1) Provide for secure payment methods, accessible to persons with disabilities (at minimum, a contactless payment method that accepts major debit and credit cards, and either an automated toll-free phone number or a short message/messaging system [SMS] that provides the EV charging customer with the option to initiate a charging session and submit payment).<br>(2) Not require a membership for use.<br>(3) Not delay, limit, or curtail power flow to vehicles on the basis of payment method or membership.<br>(4) Provide access for users that are limited English proficient and accessibility for people with disabilities. Automated toll-free phone numbers and SMS payment options must clearly identify payment access for these populations. | 680.106(f) | For pay to charge charging stations, payment methods must meet Access Board Requirements for Accessibility. Minimum requirements are a contactless payment method that accepts major debit and credit cards, and either a phone number or text message that allows EV charger user to initiate charging session and submit payment.<br>Operator must not require a membership for use, constrain power flow to vehicles on the basis of payment, and must identify clear payment access for users who are not proficient in English. (Toll free number with translation service, text message)<br><br>KL Engineering to confirm site design meets requirements set forth by the Access Board. Dane County and selected vendor to coordinate and confirm operational requirements for access to the charger as set forth in this section. |
| Customer Data Privacy | Charging station operators must collect, process, and retain only personal information strictly necessary to provide the charging service. They should comply with Payment Card Industry Data Security Standards (PCI DSS) for the processing, transmission, and storage of cardholder data and take reasonable measures to safeguard consumer data. | 680.106(l) | Operators must take reasonable measures to safeguard consumer data. All consumer data required must be necessary to provide the charging service.<br><br>Selected vendor must comply with this requirement. |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| Interoperability | Charger-to-EV Communication | Chargers must conform to International Organization for Standardization (ISO) 15118-3 and have hardware capable of implementing both ISO 15118-2 and ISO 15118-20. By February 28, 2024, charger software must conform to ISO 15118-2 and be capable of Plug and Charge. Conformance testing for charger software and hardware should follow ISO 15118-4 and ISO 15118-5, respectively. | 680.108(a) | Selected vendor must comply with this requirement. Note that this is an industry standard. |
| | Charger-to-Charger-Network Communication | Chargers must conform to Open Charge Point Protocol (OCPP) 1.6J or higher. By February 28, 2024, chargers must conform to OCPP 2.0.1. | 680.108(b) | Chargers must conform to the OCPP, which is an industry standard for charger-to-network communication.<br><br>Selected vendor must comply with this requirement. |
| | Charging-Network-to-Charging-Network Communication | By February 28, 2024, charging networks must be capable of communicating with other charging networks in accordance with Open Charge Point Interface (OCPI) 2.2.1. | 680.108(c) | Charging networks must be capable of communicating with other networks in accordance with the OCPI, which allows for automated roaming between various EV charging networks.<br><br>Selected vendor must comply with this requirement. |
| | Network Switching Capability | Chargers must be designed to securely switch charging network providers without any changes to hardware. | 680.108(d) | Ensure the selected charger vendor has capabilities of switching charging network providers without any changes to hardware.<br><br>Selected vendor must comply with this requirement. |
| Network Connectivity | Charger-to-Charger- | Chargers must communicate with a charging network via a secure communication method. | 680.114(a)(1) | Charger communication with the charging network must be secure. |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | Network Communication | | | Selected vendor must comply with this requirement. |
| | Secure Remote Software Updates | Chargers must have the ability to receive and implement secure, remote software updates and conduct real-time protocol translation, encryption and decryption, authentication, and authorization in their communication with charging networks. | 680.114(a)(2) | The software must be able to implement software updates. Charger manufacturers typically implement this into the charger.<br><br>Selected vendor must comply with this requirement. |
| | Remote Monitoring and Diagnostics | Charging networks must perform and chargers must support remote charger monitoring, diagnostics, control, and smart charge management. | 680.114(a)(3) | Charger manufacturers provide this charger capability.<br><br>Selected vendor must comply with this requirement. |
| | Secure Measurement and Reporting | Chargers and charging networks must securely measure, communicate, store, and report energy and power dispensed, real-time charging-port status, real-time price to the customer, and historical charging-port uptime. | 680.114(a)(4) | Chargers and charging networks must have ability to measure energy and power dispensed real-time. (i.e. Have reports of real-time delivered kW)<br><br>Selected vendor must comply with this requirement. |
| | Interoperability | See § 680.108 for interoperability requirements. | 680.114(b) | Reference the Interoperability section above in this table. |
| | Charging-Network-to-Charging-Network Communication | A charging network must be capable of communicating with other charging networks to enable an EV driver to use a single method of identification to charge at Charging Stations that are a part of multiple charging networks. | 680.114(c) | This communication allows EV drivers to use multiple charging networks with a single account. Additionally, networks must communicate to manage demand and optimize power output at charging stations.<br><br>Selected vendor must comply with this requirement. |
| | Charging-Network-to-Grid Communication | Charging networks must be capable of secure communication with electric | 680.114(d) | Charger must have capability of communicating with the utility to reduce |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | | utilities, other energy providers, or local energy management systems. | | strain on the grid during peak hours and monitor energy flow.<br><br>Selected vendor must comply with this requirement. |
| | Disrupted Network Connectivity | Chargers must remain functional if communication with the charging network is temporarily disrupted, such that they initiate and complete charging sessions, providing the minimum required power level defined in 680.106(d). | 680.114(e) | Chargers must be functional if charger network communication is disrupted. There must be methods to accept payment, operate the charger, and provide real-time data if the charging network is disrupted.<br><br>Selected vendor must comply with this requirement. |
| Pricing Communication and Display | Communication of Price | The price for charging must be displayed prior to initiating a charging transaction and be based on the price for electricity to charge in $/kWh. If the price for charging is not currently based on the price for electricity to charge an Electric Vehicle in $/kWh, the requirements of this subparagraph must be satisfied within one year from February 28, 2023. | 680.116(a)(1) | Price of charging in terms of $/kWh must clearly be indicated at the charging station.<br><br>Dane County, site host, and charger vendor shall coordinate on final pricing. |
| | Real-Time Price Display | The price for charging displayed and communicated via the charging network must be the real-time price (i.e., price at that moment in time). The price at the start of the session cannot change during the session. | 680.116(a)(2) | The price shown should be based on current pricing and cannot be changed during the session.<br><br>Selected vendor must comply with this requirement. |
| | Price Structure Transparency | Price structure including any other fees in addition to the price for electricity to charge must be clearly displayed and explained. | 680.116(a)(3) | Pricing structure must be clearly displayed.<br><br>Selected vendor must comply with this requirement. |
| Third-party data sharing | Required data to be shared (at | 1. Unique charging station name or identifier | 680.116(c) | This is to allow consumers access to charger information in a consistent manner |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | no cost) via an API to third-party software developers | 2. Address (street, city, state, zip) of the charging station<br>3. Geographic coordinates (decimal degrees) of station location<br>4. Charging station operator name<br>5. Charging network provider name<br>6. Charging station status (operational, under construction, planned, or decommissioned)<br>7. Charging station access info:<br>(i) access type (public vs limited)<br>(ii) days/hours of operation<br>8. Charging port information:<br>(i) number of ports<br>(ii) unique port identifier<br>(iii) connector type(s) per port<br>(iv) charging level per port (DCFC, AC Level 2, etc.)<br>(v) power delivery rating (kW) per port<br>(vi) whether pull-through/tow capacity (accessibility by vehicle with trailer) by port (yes/no)<br>(vii) real-time status by port (per definitions in OCPI 2.2.1)<br>9. Pricing & payment info:<br>(i) pricing structure<br>(ii) real-time price to charge per port (per OCPI 2.2.1)<br>(iii) accepted payment methods | | for better visibility and user access of all nearby charging stations. Not all vendors will provide this – Dane County to ensure that selected vendor meets this requirement.<br><br>Selected vendor must comply with this requirement. |

## 2.3 Construction

Construction requirements relate to use of qualified technicians; security; traffic control devices; and on-premise signage.

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| Qualified Technician | Certification | All electricians installing, operating, or maintaining EVSE must have certification from the Electric Vehicle Infrastructure Training Program (EVITP) OR must have graduated from or have a continuing education certificate from a registered apprenticeship program for electricians that includes charger-specific training and is developed as part of a national guideline standard approved by the Department of Labor in consultation with the Department of Transportation. | 680.106(j) | All electricians must have certification from EVITP or have graduated or have a certificate from an apprenticeship program that includes charger-specific training.<br><br>Selected installation contractor must comply with this requirement. |
| | Team Requirements | For projects requiring more than one electrician, at least one must meet the certification or apprenticeship requirements, and at least one must be enrolled in an electrical registered apprenticeship program. | 680.106(j) | If there is more than one electrician installing EVSE, at least one must meet the certification requirements.<br><br>Selected installation contractor must comply with this requirement. |
| | Other Workers | All other onsite, non-electrical workers directly involved in the installation, operation, and maintenance of chargers must have graduated from a registered apprenticeship program or have appropriate licenses, certifications, and training as required by the State. | 680.106(j) | All other workers must have required licensure of the state or have graduated from a registered apprenticeship program.<br><br>Selected installation contractor must comply with this requirement. |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| Security | Physical Security | Implement physical and cybersecurity strategies consistent with their respective State EV Infrastructure Deployment Plans. Physical security strategies may include lighting; siting and station design to ensure visibility from onlookers; driver and vehicle safety; video surveillance; emergency call boxes; fire prevention; charger locks; and strategies to prevent tampering and illegal surveillance of payment devices. | 680.106(h) | Ensure that the physical security requirements associated with NEVI are met.<br><br>KL Engineering to ensure site design meets the required physical security measures. Selected installation contractor must comply with this requirement during construction. |
| | Cybersecurity | Implement physical and cybersecurity strategies consistent with their respective State EV Infrastructure Deployment Plans. Cybersecurity strategies may include user identity and access management, cryptographic agility, monitoring and detection, incident prevention and handling, configuration and vulnerability management, third-party cybersecurity testing and certification, and continuity of operation during communication disruptions. | 680.106(h) | There must be cybersecurity measures in place meeting the requirements associated with the Wisconsin NEVI Deployment Plan.<br><br>Selected vendor must comply with this requirement. |
| Traffic Control Devices | | All traffic control devices must comply with part 655 of Title 23. | 680.110(a) | If there are any traffic control devices required in construction, they must comply with part 655 of Title 23.<br><br>Selected installation contractor must comply with this requirement. |

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| On-Premise Signs | On-property or on-premise advertising signs must comply with part 750 of Title 23. | 680.110(b) | All signs on site must be legible, safe, and meet the aesthetic requirements defined in part 750 of Title 23 (Highway Beautification).<br><br>Dane County, site host, and installation contractor shall coordinate on any signage to ensure requirements set forth in this section are met. |
| Americans with Disabilities Act (ADA) compliance | EV charging stations must comply with ADA requirements and implementing regulations (49 CFR Part 37, and DOJ's 28 CFR Parts 35 & 36) to ensure non-discrimination and accessibility for persons with disabilities. | 680.118(c) | All charging stations must comply with the 2010 ADA Standards for Accessible Design as outlined by the US Access Board. Additional recommendations for accessibility regarding charging stations specifically are provided by the US Access Board Design Recommendations on EV parking stalls.<br><br>Note: ADA requirements apply to both the construction as well as operations and maintenance project phases.<br><br>Selected vendor must comply with this requirement; KL Engineering and installation contractor to ensure design and installation meets these requirements as well. |
| Federal-aid Highway & Wage Requirements (Davis-Bacon) | NEVI charger projects are treated as if located on a Federal-aid highway (per 23 U.S.C. 109(s)(2)). Accordingly, 23 U.S.C. 113 applies, meaning Davis-Bacon wage rate requirements (from Title 40, U.S.C. Chapter 31 Subchapter IV) must be paid for NEVI-funded installation projects. Federal Fair Labor Standards (per 29 U.S.C. 201 Chapter 8) also apply. | 680.118(b) | NEVI-funded installation projects are subjected to the rate requirements set forth in 23 U.S.C. 113.<br><br>Routine operations and maintenance activities are interpreted to be governed by the Service Control Act. |

## 2.4 Operations and Maintenance (O&M)

O&M requirements relate to long-term stewardship; customer service mechanisms; and data submittal requirements.

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| Long-Term Stewardship | | States or direct recipients must ensure that chargers are maintained in compliance with NEVI standards for a period of not less than five years from the initial date of operation. | 680.106(i) | Chargers must be operable and compliant with all NEVI standards for a minimum of five years.<br><br>Dane County and selected vendor must comply with this requirement. |
| Customer Service Mechanisms | | Ensure charging customers have mechanisms to report outages, malfunctions, and other issues with the chargers. Charging station operators must enable access to accessible platforms that provide multilingual services and comply with the Americans with Disabilities Act of 1990. | 680.106(k) | It is a requirement to have a platform where customers can report issues with chargers. This platform also must provide multilingual services and accessibility features. Many charger companies provide this platform.<br><br>Selected vendor must comply with this requirement. |
| Federal-aid Highway & Wage Requirements (Davis-Bacon) | | See Construction Table | See Construction Table | See Construction Table |
| Data Submittal Requirements | Quarterly | Ensure the following data are submitted on a quarterly basis in a manner prescribed by the FHWA: charging | 680.112(a) | The operator and/or grantee must submit the data outlined in this section on a quarterly basis. There are charger venders that comply with data reporting requirements for NEVI. |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | | station identifier, charging port identifier, charging session start time, end time, and any error codes associated with an unsuccessful charging session by port; energy (kWh) dispensed to EVs per charging session by port; peak session power (kW) by port; payment method associated with each charging session; charging station port uptime, T_outage, and T_excluded calculated in accordance with the equation in 680.116(b) for each of the previous 3 months; duration (minutes) of each outage. | | Selected vendor must comply with this requirement. |
| | Annual | Beginning in 2024, States and other direct recipients must ensure the following data are submitted on an annual basis, on or before March 1, in a manner prescribed by FHWA: maintenance and repair cost per charging station for the previous year; for private entities | 680.112(b) | Before March 1st of every year, the maintenance and repair cost per charging station for the previous year must be submitted to the FHWA. This may require a mechanism for private operators to provide this data to NEVI/CFI recipients.<br><br>Selected vendor must comply with this requirement. |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | | identified in paragraph (c)(1) of this section, identification of and participation in any State or local business opportunity certification programs including but not limited to minority-owned businesses, Veteran-owned businesses, woman-owned businesses, and businesses owned by economically disadvantaged individuals. | | |
| | *One-Time* | *This paragraph (c) applies only to both the NEVI Formula Program projects and grants awarded under 23 U.S.C. 151(f) for projects that are for EV charging stations located along and designed to serve the users of designated AFCs. Beginning in 2024, States and other direct recipients must ensure the following data are collected and submitted once for each charging station, on or before March 1 of each year, in a* | *680.112(c)* | *Entities involved in the operation and maintenance of the chargers, must report the energy resource capacity in kW or kWh.* |

| Requirement | | Summary | Section | Discussion/Decisions |
|---|---|---|---|---|
| | | *manner prescribed by the FHWA: the name and address of the private entity(ies) involved in the operation and maintenance of chargers; distributed energy resource installed capacity, in kW or kWh as appropriate, of asset by type (e.g., stationary battery, solar, etc.) per charging station; charging station real property acquisition cost, charging equipment acquisition and installation cost, and distributed energy resource acquisition and installation cost.* | | |

## 2.5 Other Requirements

Other requirements fall into five categories: procurement; site access; revenue; uptime; and other federal requirements.

### Procurement

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| Process Transparency | States or direct recipients must ensure public transparency in charging station procurement process, including summary of procurement process, number of bids received, identification of awardee, proposed contract, financial summary of contract payments, and information on how prices for EV charging are set. | 680.106(a)(1) | A transparent procurement process includes:<br>• A summary of the procurement process from planning to contracting,<br>• Quantity of bids received to show the level of interest in the project.<br>• Identification of awardee<br>• Contract outlining responsibilities of awardee<br>• Breakdown of financial costs including total costs, charger payment method, and fund allocation.<br>• Explanation of how prices are set.<br>• Dane County must comply with this requirement. |

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### Site Access

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| *AFCs* | *Charging stations must be available for use and sited at locations physically accessible to the public 24 hours per day, 7 days per week, year-round. Does not prohibit isolated or temporary interruptions in service or access because of maintenance or repairs or due to the exclusions outlined in 680.116(b)(3).* | *680.106(e)* | *Chargers must be available for use 24 hours a day, 7 days a week, 365 days a year.* |
| Other Locations | Charging stations must be available for use and accessible to the public at least as frequently as the business operating hours of the site host. This section does not prohibit isolated or temporary interruptions in service or access because of maintenance or repairs or due to the exclusions outlined in 680.116(b)(3). | 680.106(e) | Chargers must be available for use at a minimum during the site host's business operating hours.<br><br>Dane County, site host, and vendor to coordinate and comply with this requirement. |

### Revenue

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| From Real Property | Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be used for Title 23, United States Code, eligible projects. | 680.106(m)(1) | NEVI requires that any revenue from selling, using, or leasing property that was purchased for NEVI purposes, must be spent on projects that are allowed under Title 23. These projects typically involve improving transportation infrastructure. |

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|---|---|---|---|
| | | | Dane County and site host to coordinate and comply with this requirement. |
| From EV Chargers | Ensure that all revenues are used only for debt service, reasonable return on investment, improvement and proper operation and maintenance of the EV charging station, payments under public-private partnership agreements, and any other purpose for which Federal funds may be obligated under Title 23, United States Code. | 680.106(m)(2) | All revenue from EV chargers must be used for debt service, reasonable return on investment, payment to public-private partnership agreements, or to improve the operation and maintenance of the charging station.<br><br>Dane County, site host, and vendor to coordinate and comply with this requirement. |

**Uptime**

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| Minimum Uptime | Must ensure that each charging port has an average annual uptime of greater than 97%. | 680.116(b) | Each charging port must have an uptime of greater than 97%.<br><br>Selected vendor must comply with this requirement. |
| Definition of "Up" | A charging port is considered “up” when its hardware and software are both online and available for use, or in use, and the charging port successfully dispenses electricity in accordance with requirements for minimum power level (see 680.106(d)). | 680.116(b)(1) | The charger is “up” if hardware and software are both online and available and if the charging port successfully dispenses electricity.<br><br>Selected vendor must comply with this requirement. Note that this is an industry standard. |

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| Calculation Period | Charging port uptime must be calculated monthly for the previous twelve months. | 680.116(b)(2) | Uptime is calculated monthly from the previous 12 months of data.<br><br>Selected vendor must comply with this requirement. Note that this is an industry standard. |
| Formula for Calculating | Charging port uptime percentage must be calculated using the following equation: μ = ((525,600-(T_outage-T_excluded))/525,600) × 100 where: μ = port uptime percentage, T_outage = total minutes of outage in previous year, and T_excluded =total minutes of outage in previous year caused by the following reasons outside the charging station operator's control, provided that the charging station operator can demonstrate that the charging port would otherwise be operational: electric utility service interruptions, failure to charge or meet the EV charging customer's expectation for power delivery due to the fault of the vehicle, scheduled maintenance, vandalism, or natural disasters. Also excluded are hours outside of the identified hours of operation of the charging station. | 680.116(b)(3) | Charger manufacturer's will typically provide data on charger uptime.<br><br>Selected vendor must calculate charging port uptime per these requirements. |

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### Other Federal Requirements

Dane County to ensure that the Charge Up program complies with the following laws.

| Requirement | Summary | Section | Discussion/Decisions |
|---|---|---|---|
| Applicability of other statutes & regulations | All federal statutory and regulatory requirements applicable to Title 23 funds and 2 CFR Part 200 apply. This includes, e.g., Buy America / Build America, Buy America Act requirements under 23 U.S.C. 313. | 680.118(a) | The title 23 requirements ensure that funds are used properly and meet national standards.<br><br>2 CFR Part 200 outlines how federal funds should be managed, including report of costs and cost allocation.<br><br>Buy America/Build America requires that any infrastructure uses American-made materials and is manufactured domestically. |
| Title VI – Civil Rights Act of 1964 | Title VI and its implementing regulations apply. No person may, on the basis of race, color, or national origin, be excluded from participation or denied benefits under programs receiving federal financial assistance (such as NEVI). | 680.118(d) | Title VI ensures that the benefits of federally funded EV infrastructure are shared equitably, and that no community faces disproportionate burdens or exclusion from the clean transportation transition. For NEVI and CFI recipients, this means demonstrating inclusive engagement, equitable siting, and nondiscriminatory practices throughout project planning, implementation, and operations. |
| Fair Housing Act / Title VIII | Requirements under Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) apply to the NEVI program as appropriate. | 680.118(e) | Installations at multi-family housing sites are subject to Fair Housing Rights Act requirements prohibiting discrimination against individuals seeking services. These requirements apply to both dwelling units and shared amenities such as EV charging stations. |

| Requirement | Summary | Section | Discussion/Decisions |
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| | | | Selected site host and vendor must comply with this requirement. |
| DBE (Disadvantaged Business Enterprise) program exclusion | The DBE program does *not* apply to the NEVI Formula Funds. However, DBE requirements may apply to other Title 23 programs. | 680.118(f) | Not applicable. |
| Uniform Relocation & Real Property Acquisition Act | Projects involving acquisition of real property or relocation of persons must comply with the Uniform Relocation Assistance and Real Property Acquisition Act and its implementing rules. | 680.118(g) | Requirements only apply if right-of-way is acquired to build EV charging stations. |
| NEPA & Environmental review | The National Environmental Policy Act (NEPA), CEQ regulations, and agency-level NEPA procedures apply to NEVI projects, requiring environmental assessments, public input, and consideration of environmental impacts in decision-making. | 680.118(h) | A NEPA review is required to ensure that there are no environmental impacts due to installation of chargers. NEVI/federally-funded sites are typically approved as NEVI NEPA programmatic categorical exclusions.<br><br>It is understood that NEPA reviews are currently in process with KL Engineering and Dane County. |