

117TH CONGRESS
1ST SESSION

S. 1866

To require the Secretary of Transportation to establish a grant program to increase the availability of electric vehicle charging infrastructure in environmental justice communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of Transportation to establish a grant program to increase the availability of electric vehicle charging infrastructure in environmental justice communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Vehicle
5 Charging Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the transportation sector is the highest
2 emitting sector of greenhouse gases in the United
3 States;

4 (2) transportation is a significant source of
5 toxic air pollutants;

6 (3) electrification is considered 1 of the most
7 feasible and affordable opportunities to decarbonize
8 transportation in the near-term, and thus reduce
9 pollutants harmful to public health;

10 (4) the adoption of electric vehicles is depend-
11 ent on adequate access to electric vehicle charging
12 infrastructure;

13 (5) publicly available electric vehicle charging
14 infrastructure has been distributed inequitably, and
15 not all people of the United States have the ability
16 to access electric vehicle charging infrastructure at
17 home or at work;

18 (6) range anxiety and a lack of access to elec-
19 tric vehicle charging infrastructure are significant
20 barriers to the widespread adoption of electric vehi-
21 cles;

22 (7) access to electric vehicle charging infra-
23 structure differs from proximity to electric vehicle
24 charging infrastructure;

1 (8) environmental justice communities face sev-
2 eral barriers to accessing electric vehicles, electric
3 vehicle charging infrastructure, and funding pro-
4 grams to install electric vehicle charging infrastruc-
5 ture, including—

6 (A) the high cost of, and a lack of knowl-
7 edge about, electric vehicles;

8 (B) the high cost of—

9 (i) level 2 electric vehicle charging in-
10 frastructure; and

11 (ii) fast charging electric vehicle
12 charging infrastructure;

13 (C) a lack of awareness of the availability
14 of—

15 (i) electric vehicle charging infrastruc-
16 ture; and

17 (ii) funding programs to install elec-
18 tric vehicle charging infrastructure;

19 (D) a lack of technical support and up-
20 front funding for the installation of electric ve-
21 hicle charging infrastructure;

22 (E) a low level of homeownership in envi-
23 ronmental justice communities;

1 (F) the high percentage of individuals and
2 families in environmental justice communities
3 who reside in multi-unit dwellings;

4 (G) linguistic isolation; and

5 (H) the short timelines for electric vehicle
6 charging infrastructure projects; and

7 (9) effective programs for environmental justice
8 communities to access electric vehicle charging infra-
9 structure and funding programs for the installation
10 of electric vehicle charging infrastructure need to be
11 targeted to overcome the barriers described in para-
12 graph (8).

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **COMMUNITY BENEFIT AGREEMENT.**—The
16 term “community benefit agreement” means a con-
17 tract between 1 or more community-based organiza-
18 tions representing residents of an environmental jus-
19 tice community and an eligible entity carrying out
20 an eligible project to ensure that the eligible project
21 creates—

22 (A) employment opportunities for local
23 workers in the environmental justice commu-
24 nity; and

1 (B) other opportunities or benefits for the
2 residents of the environmental justice commu-
3 nity.

4 (2) ELECTRIC VEHICLE.—The term “electric
5 vehicle” means a vehicle that is powered primarily
6 by an electric motor drawing current from recharge-
7 able batteries, including battery electric vehicles and
8 plug-in hybrid vehicles.

9 (3) ELECTRIC VEHICLE MAKE-READY INFRA-
10 STRUCTURE.—The term “electric vehicle make-ready
11 infrastructure” means the electrical infrastructure
12 needed to connect and serve electric vehicle charging
13 infrastructure, including—

14 (A) raceway or conduit;

15 (B) sufficient electrical panel service ca-
16 pacity;

17 (C) overcurrent protection;

18 (D) devices;

19 (E) wire; and

20 (F) suitable termination points, such as a
21 junction box with a service loop.

22 (4) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means each of the following:

24 (A) A community-based organization.

25 (B) A nonprofit organization.

1 (C) A local, regional, State, or Tribal gov-
 2 ernment.

3 (D) A metropolitan planning organization.

4 (E) Any other entity responsible for local
 5 transportation planning and transportation
 6 projects.

7 (5) ELIGIBLE PROJECT.—The term “eligible
 8 project” means a project described in section 4(d)
 9 that is carried out in, and addresses the electric ve-
 10 hicle charging infrastructure needs of, an environ-
 11 mental justice community.

12 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—
 13 The term “environmental justice community” means
 14 a community consisting primarily of minority, low-
 15 income, or Tribal populations that experience, or are
 16 at risk of experiencing, higher or more adverse
 17 human health or environmental effects as compared
 18 to other populations.

19 (7) SECRETARY.—The term “Secretary” means
 20 the Secretary of Transportation.

21 **SEC. 4. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE**
 22 **GRANT PROGRAM.**

23 (a) ESTABLISHMENT.—Not later than 1 year after
 24 the date of enactment of this Act, the Secretary shall es-
 25 tablish a grant program to provide grants to eligible enti-

1 ties for projects that address barriers to access to electric
2 vehicle charging infrastructure faced by environmental
3 justice communities.

4 (b) APPLICATIONS.—An eligible entity desiring a
5 grant under this section shall submit to the Secretary an
6 application at such time, in such manner, and containing
7 such information as the Secretary may require.

8 (c) REQUIREMENTS.—In carrying out the grant pro-
9 gram established under subsection (a), the Secretary
10 shall—

11 (1) use a public process to identify known bar-
12 riers to access to electric vehicle charging infrastruc-
13 ture faced by environmental justice communities, in-
14 cluding the barriers described in section 2(8);

15 (2)(A) perform meaningful stakeholder outreach
16 with community-based organizations, environmental
17 justice groups, or other community members—

18 (i) to identify or design eligible projects;

19 and

20 (ii) to identify eligible entities to carry out
21 those eligible projects through the use of a
22 grant under this section; and

23 (B) compensate the community-based organiza-
24 tions, environmental justice groups, and other com-
25 munity members that respond to that outreach and

1 assist or otherwise participate in an activity de-
 2 scribed in clause (i) or (ii) of subparagraph (A);

3 (3) provide to eligible entities in the application
 4 process and in project execution, including with re-
 5 spect to identifying private and utility partner-
 6 ships—

7 (A) resources to conduct community-needs
 8 assessments;

9 (B) resources for planning;

10 (C) technical support; and

11 (D) case management guidance;

12 (4) design project timelines that—

13 (A) take into account stakeholder input;
 14 and

15 (B) account for the additional time needed
 16 to complete eligible projects in environmental
 17 justice communities;

18 (5) adopt project criteria—

19 (A) to reduce the risk of gentrification of,
 20 and displacement of individuals in, environ-
 21 mental justice communities as a result of an eli-
 22 gible project carried out using a grant provided
 23 under this section;

24 (B) to increase community engagement
 25 throughout the duration of an eligible project;

1 (C) to increase the involvement of commu-
2 nity-based organizations and unionized labor,
3 where possible, in selecting, designing, and car-
4 rying out eligible projects;

5 (D) to prioritize investments directly into
6 environmental justice communities;

7 (E) to reduce air pollution and other im-
8 pacts from vehicles with internal combustion
9 engines in environmental justice communities;
10 and

11 (F) to encourage partnerships with utility
12 or private electric vehicle make-ready infra-
13 structure programs, as applicable;

14 (6) aim to increase wealth in environmental jus-
15 tice communities—

16 (A) through community or public owner-
17 ship of any assets of a completed eligible
18 project that are installed or developed in car-
19 rying out that eligible project;

20 (B) through the creation of employment
21 opportunities for local workers in environmental
22 justice communities;

23 (C) by encouraging eligible entities receiv-
24 ing a grant under this section to enter into
25 community benefit agreements; and

1 (D) by encouraging participation by local
 2 small businesses, particularly minority- and
 3 women-owned small businesses; and

4 (7) provide grant funds at the time of infra-
 5 structure purchase to each eligible entity that re-
 6 ceives a grant under this section.

7 (d) ELIGIBLE PROJECTS.—An eligible entity that re-
 8 ceives a grant under this section may use the grant funds
 9 for—

10 (1) projects that develop or implement a plan to
 11 install publicly available electric vehicle charging in-
 12 frastructure, including—

13 (A) projects for the planning for, or instal-
 14 lation of—

15 (i) electric vehicle charging infrastruc-
 16 ture at grocery stores, convenience stores,
 17 markets, other retail establishments, exist-
 18 ing fueling stations, local government fa-
 19 cilities, or office buildings or other work-
 20 places;

21 (ii) fast charging hubs;

22 (iii) on-street chargers;

23 (iv) electric vehicle charging infra-
 24 structure at community land trust loca-
 25 tions; and

1 (v) electric vehicle charging infra-
2 structure at public schools and parks;

3 (B) projects for the incorporation of elec-
4 tric vehicle charging infrastructure or electric
5 vehicle make-ready infrastructure into the con-
6 struction of new buildings or other infrastruc-
7 ture;

8 (C) projects to retrofit existing buildings,
9 especially multi-unit dwellings, with electric ve-
10 hicle charging infrastructure or electric vehicle
11 make-ready infrastructure;

12 (2) projects to support shared electric mobility
13 and micromobility options, such as electric car, bike,
14 and scooter share;

15 (3) projects or rebate programs to provide an
16 electric vehicle charger and funds for the installation
17 of, and technical assistance relating to, that charger
18 to any resident of an environmental justice commu-
19 nity who—

20 (A) purchases an electric vehicle; and

21 (B) has the ability to use residential elec-
22 tric vehicle charging infrastructure;

23 (4) projects to develop and implement education
24 programs that emphasize the economic, environ-

1 mental, and public health advantages of using an
2 electric vehicle, including—

3 (A) by providing information to residents
4 of an environmental justice community on the
5 usefulness of electric vehicles and electric car
6 share systems via ride and drive events;

7 (B) by developing electric vehicle dealer-
8 ship education programs;

9 (C) by developing an electric vehicle edu-
10 cational curriculum for schools; and

11 (D) by creating an electric vehicle informa-
12 tion website and printed materials for distribu-
13 tion to individuals who lack internet access that
14 may include—

15 (i) a guide to the makes and models
16 of electric vehicles in multiple languages;

17 (ii) information about the locations of
18 publicly available electric vehicle charging
19 infrastructure and directions to those loca-
20 tions; and

21 (iii) free consulting services for poten-
22 tial buyers of an electric vehicle;

23 (5) projects to transition existing vehicle fleets
24 of States and units of regional and local government

1 that are in use in environmental justice communities
2 to electric vehicles;

3 (6) projects to train the staff of municipalities
4 and other units of regional and local government, in-
5 cluding inspectors, on the use of electric vehicle
6 charging infrastructure; and

7 (7) any other project that, in the determination
8 of the Secretary—

9 (A) addresses known barriers to access to
10 electric vehicle charging infrastructure faced by
11 environmental justice communities, including
12 the barriers described in section 2(4); and

13 (B) satisfies any other applicable require-
14 ment that the Secretary determines to be ap-
15 propriate and consistent with the requirements
16 described in subsection (c).

17 (e) REPORT.—Not later than 1 year after the date
18 on which the grant program under subsection (a) is estab-
19 lished, and annually thereafter through fiscal year 2026,
20 the Secretary shall submit to the Committees on Com-
21 merce, Science, and Transportation and Environment and
22 Public Works of the Senate and the Committees on En-
23 ergy and Commerce and Transportation and Infrastruc-
24 ture of the House of Representatives, and make publicly
25 available on the website of the Department of Transpor-

1 tation, a report describing the eligible projects that re-
2 ceived funding under the grant program and the outcomes
3 of, and any issues encountered in carrying out, those eligi-
4 ble projects, including—

5 (1) the barriers identified pursuant to the pub-
6 lic process described in subsection (c)(1);

7 (2) the successes and failures of anti-displace-
8 ment measures in those eligible projects;

9 (3) the types of projects that achieved success
10 based on established grant program metrics;

11 (4) the types of projects that were most fre-
12 quently pursued by eligible entities;

13 (5) best practices and lessons learned from
14 serving an environmental justice community;

15 (6) a breakdown of grant funds used by—

16 (A) project type; and

17 (B) environmental justice community
18 served;

19 (7) the quantity of electric vehicle charging in-
20 frastructure installed in environmental justice com-
21 munities using funds made available under the grant
22 program;

23 (8) the frequency of use of publicly available
24 electric vehicle charging infrastructure installed

1 using funds made available under the grant pro-
2 gram;

3 (9) the number of electric vehicles purchased by
4 residents of environmental justice communities in
5 which electric vehicle charging infrastructure is in-
6 stalled using a grant provided under the grant pro-
7 gram;

8 (10) additional barriers to accessing electric ve-
9 hicle charging infrastructure for residents of envi-
10 ronmental justice communities;

11 (11) any needed adjustments to project
12 timelines to facilitate greater project success in envi-
13 ronmental justice communities;

14 (12) the number of jobs created and number of
15 community members employed by eligible projects;
16 and

17 (13) any local air quality changes over time in
18 communities where eligible projects are carried out.

19 (f) DATA COLLECTION.—

20 (1) IN GENERAL.—The Secretary shall work
21 with the Secretary of Energy and the Administrator
22 of the Energy Information Administration to collect
23 data on the access to electric vehicle charging infra-
24 structure in environmental justice communities, in-
25 cluding—

1 (A) the distance from an average house-
2 hold in an environmental justice community to
3 publicly available electric vehicle charging infra-
4 structure;

5 (B) the number and percentage of resi-
6 dents of each environmental justice community
7 in which an eligible project was carried out
8 using a grant provided under this section who
9 have access to, and use, electric vehicle charg-
10 ing infrastructure that was installed in that en-
11 vironmental justice community using funds pro-
12 vided under the grant program;

13 (C) to the maximum extent practicable, the
14 number and percentage of residents of each en-
15 vironmental justice community described in sub-
16 paragraph (B) who have access to, and use,
17 electric vehicle charging infrastructure that—

18 (i) is located in the environmental jus-
19 tice community but was not installed using
20 funds provided under the grant program;

21 or

22 (ii) is located in another community;
23 and

24 (D) to the maximum extent practicable,
25 the number and percentage of residents of all

1 environmental justice communities who have ac-
2 cess to, and use, electric vehicle charging infra-
3 structure that—

4 (i) is located in an environmental jus-
5 tice community and was installed using
6 funds provided under the grant program;

7 (ii) is located in an environmental jus-
8 tice community but was not installed using
9 funds provided under the grant program;

10 or

11 (iii) is located in another community.

12 (2) PUBLIC AVAILABILITY.—The data collected
13 under paragraph (1) shall be made publicly available
14 on the website of the Department of Transportation.

15 (3) REPORT.—Not later than 1 year after the
16 date on which the grant program under subsection
17 (a) is established, and annually thereafter, the Sec-
18 retary shall submit to the Committee on Environ-
19 ment and Public Works of the Senate and the Com-
20 mittee on Transportation and Infrastructure of the
21 House of Representatives a report describing the
22 data collection efforts under paragraph (1), the data
23 collected under that paragraph, and any patterns,
24 trends, or changes identified by the Secretary.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section, including for any administrative costs,
4 \$75,000,000 for each of fiscal years 2022 through 2026.

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