



National Association of
State Energy Officials

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

RE: Comments for Docket No. FHWA-2020-0001, Notice of Proposed Amendment (NPA) on the Manual on Uniform Traffic Control Devices (MUTCD)

Dear Acting Administrator Pollack:

The National Association of State Energy Officials (NASEO) thanks you for the opportunity to submit comments to Docket No. FHWA-2020-0001: Notice of Proposed Amendment (NPA) on the Manual on Uniform Traffic Control Devices (MUTCD). NASEO is the only national non-profit association for the governor-designated energy officials from each of the 56 states, territories and District of Columbia.

FHWA’s proposed revisions to the MUTCD would limit the possibilities for signage of alternative fuel stations for electricity, natural gas, propane, and hydrogen, and would inhibit efforts to expand alternative fuels station awareness nationwide. Although our members work on the development and increased deployment of alternative fuels broadly, they collectively identified the deployment of electric vehicles and associated charging infrastructure as their number one priority. Many of the State Energy Offices have developed statewide electric vehicle charging infrastructure plans, are leading the installation of charging stations, and coordinate regionally to achieve their governors’ goals on energy efficiency, economic development, and environmental quality. Rules for highway signage are integral to our members’ efforts, and the proposed MUTCD revisions would hinder electric vehicle adoption by making it more difficult for electric vehicle drivers to locate stations. Additionally, the revisions would rapidly become antiquated as the automotive fleet transitions to electric vehicles – a transition that is happening quickly, as major automakers increasingly commit to eliminating gasoline-powered vehicles. Following are our specific concerns:

1. Electric vehicle chargers and other alternative fuel stations will be prohibited from using Specific Service signs unless they are co-located with a gasoline station. As such, the only transportation fueling station type that will be permitted to display their logo on a highway sign will be gasoline stations. The proposed changes curtail market access to

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drivers of electric and alternative fuel vehicles seeking charging and alternative fuel stations by providing gasoline fueling stations with more opportunities for advertising and station awareness than will be allowed for non-gasoline alternatives.

2. The current MUTCD rules only provide for “Electric Vehicle Charging General Service Signs” or “Alternative Fuel Corridor Signs,” neither of which provide sufficient information for drivers of electric vehicles to know where or what type of charging is available at a specific exit.
3. The proposed changes may pose safety risks to drivers of alternative fuel vehicles as these rules would in effect encourage them to operate cell phones while driving in order to locate appropriate vehicle charging stations.

Below is more detail on our concerns, as well as alternative approaches that aim to open market access, treat fuel types and providers equally, and provide safe and reliable directions to alternative fuel stations.

Problems with Proposed Revisions:

MUTCD proposed revisions prohibit electric vehicle charging stations from advertising on “Specific Service Sign Panels” and limit the option for “supplemental messages” identifying the location of electric vehicle charging. The proposed changes would only allow two options for electric vehicle-related highway signs: “Electric Vehicle Charging General Service Signs” and “Alternative Fuel Corridor Signs.” States should have the flexibility to use either General Service or Specific Service signs for alternative fuel stations. If a state desires to incorporate alternative fuel stations into their existing logo sign programs, that should not be prohibited by FHWA.

These revisions would limit market access for electric charging stations and curtail consumer choice by granting exclusive rights and opportunities for advertisement for gasoline and diesel fuel providers. Such action is out of step with the energy policies of most states and the nation’s automakers, and will contribute to the public misconception that electric vehicle charging is not widely available. Further, the impacts of the proposed action are counter to bipartisan state government and federal government policies and actions to open market access to additional fuel providers. As many governors and U.S. automakers make unprecedented commitments to, and investments in electric vehicle production and utilization, the proposed MUTCD rule change would impair electric vehicle adoption and ease-of-charging for years to come. The proposed action conflicts with mainstream transportation policy and should be modernized.

The rule change also poses safety risks. The proposed signage opportunities for electric vehicle charging do not provide enough information for drivers to determine if stations are appropriate for their vehicle, nor identify the charger’s location, potentially prompting electric vehicle drivers to operate phones on the highway or risk being stranded.

Alternative Revisions Proposed by NASEO:

The MUTCD proposed revisions would prohibit electric vehicle charging station and other alternative fuel station hosts from advertising under the “Gas” category on Specific Service Sign Panels, to avoid driver confusion. We recommend replacing the term “Gas” with “Fuel,” and

defining the term “Fuel” within the manual to include the alternative fuels referenced by Congress within the FHWA Alternative Fuel Corridor Program under 23 U.S.C. 151 (natural gas, propane, electricity, and hydrogen). This will avoid driver confusion and also ensure that all drivers are supported by road signs, not just drivers of gasoline- or diesel-powered vehicles. This model is successfully underway and in use on California highway signs.

Some have posited that alternative fuel vehicle drivers can use smart phone apps in lieu of highway signs. This statement is true for any type of fuel, not just alternative fuels. We advocate a fuel-neutral approach that does not provide unfair market advantages to specific fuel types. Encouraging the use of cell phones on high-speed interstates is counter to safety goals of every Department of Transportation around the country. No driver should need to sacrifice their safety in order to fuel or charge their vehicle.

In addition, we recommend allowing for supplemental messages for “Electric Vehicle Charging” to appear on signs for gas stations, hotels, restaurants, and tourist attractions, and allow for the existence of wayfinding signs to electric vehicle charging stations, as is allowable for fossil fuels. This information is more important to provide to electric vehicle drivers than traditionally fueled vehicles. While gasoline fueling is mostly done at national chains and dedicated gasoline stations, recognizable by most consumers, electric vehicle charging is often located at restaurants, hotels, tourist destinations, and other types of amenity-oriented establishments. Also, there is not a uniform charger type as found at gasoline stations. Thus, information on what type and speed of charging is available is vital information for drivers.

Finally, in December 2020, Congress directed FHWA “to allow the use of Specific Service Signs for electric vehicle charging stations” in the MUTCD. The proposed MUTCD changes are contrary to Congressional direction and reduce the opportunities to inform drivers about electric vehicle charging.

Thank you for the opportunity to provide comments on the Proposed Revisions to the MUTCD. Many of the transportation electrification programs administered by State and Territory Energy Offices aim to facilitate an easy user experience for electric vehicle drivers and support state goals to open markets. Unfortunately, the proposed revisions move in the opposite direction of most states’ goals and the clear trend and future of the auto market. Instead, the proposed approach appears to favor specific fuel types, and creates the strong potential for an unsafe driving experience for drivers of alternative fuel vehicles. We strongly encourage a fuel-neutral approach that ensures a seamless, predictable, and safe driving experience for drivers and others on the road.

Best regards,

A handwritten signature in blue ink, appearing to read "David Terry".

David Terry
Executive Director, NASEO