



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Ave., SE
Washington, DC 20590

October 4, 2023

In Reply Refer To:
HEPN-30

Marie Therese Dominguez, Esq.
Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Subject: Approval of New York State Electric Vehicle Infrastructure Deployment Plan

Dear Commissioner Dominguez:

The Federal Highway Administration (FHWA) has completed the review of the New York State Electric Vehicle Infrastructure Deployment Plan required under the National Electric Vehicle Infrastructure (NEVI) Formula Program.¹ Based on the review and the recommendations provided by the Joint Office of Energy and Transportation (Joint Office), FHWA has determined that the New York State Electric Vehicle Infrastructure Deployment Plan is approved for implementation. With this approval, Fiscal Year 2024 funds are now available to New York State for obligation.

The FHWA acknowledges there continues to be confusion regarding equity considerations for State Plans, as well as the regulatory requirement for the Community Engagement Outcomes Report under 23 Code of Federal Regulations (CFR) 680.112(d), which must be incorporated into State Plans. To clarify, all State Plans must include a Community Engagement Outcomes Report that discusses their most recently approved State Plan and should include a forward-looking discussion on public engagement, the results of which will provide the basis for the Community Engagement Outcomes Report included in next year's State Plans. Your plan included both of these components. The FHWA and the Joint Office are committed to ensuring equitable benefits under the NEVI Formula Program and intend to provide additional outreach and training on these topics over the upcoming months, and well in advance of the development of next year's State Plans.

¹ The NEVI program is authorized under the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (IIJA), (Pub. L. 117-58)

The following table details exceptions that were requested in the New York State Plan and the approval determinations by FHWA.

Location	Type	Determination
I-84 Newburgh	1-mile proximity to corridor	Approved
I-87/I-287 Nanuet	1-mile proximity to corridor	Exception not needed
I-87 Saratoga Springs	1-mile proximity to corridor	Approved
I-86 Olean	1-mile proximity to corridor	Approved
I-86 Bath	1-mile proximity to corridor	Approved
I-90 Cheektowaga	1-mile proximity to corridor	Approved
SR-27 Bayshore	1-mile proximity to corridor	Exception not needed
I-490 Victor	1-mile proximity to corridor	Exception not needed
I-87 Rye	1-mile proximity to corridor	Exception not needed

The FHWA and the Joint Office will follow up with States on specific opportunities for improvement in future year plans and will continue to provide technical assistance and guidance as States continue implementation.

A publicly accessible version of the New York State Electric Vehicle Infrastructure Deployment Plan should be posted to the New York State Department of Transportation's website. This approval letter will be available on the FHWA website at https://www.fhwa.dot.gov/environment/nevi/ev_deployment_plans/ along with a link to the Plan on the State website.

Thank you for putting the United States on a path to a nationwide network of EV chargers that can ensure a convenient, affordable, reliable, and equitable charging experience for all users.

Sincerely,



Emily Biondi
Associate Administrator
Office of Planning, Environment and Realty

cc: FHWA: HOA, HCC, HPL, HCF, New York Division Office
Joint Office Director: Gabe Klein
Deputy Director: Rachael Nealer