



**Sample Memorandum of Understanding
Between
State Energy Office and State Department of Transportation
Regarding the coordination of the
National Electric Vehicle Infrastructure (NEVI) Formula Program**

This Memorandum of Understanding (MOU), entered into _____ [INSERT DATE], is between the _____ [STATE AGENCY] and the _____ [STATE AGENCY]. In signing the MOU, the parties agree to follow the provisions described herein.

Background of the National Electric Vehicle Infrastructure Program

The Infrastructure Investment and Jobs Act (IIJA) provides \$5 billion through the National Electric Vehicle Infrastructure (NEVI) Formula Program to build a national network of electric vehicle (EV) charging infrastructure along highway corridors that is convenient, reliable, and equitable for all drivers. The national network will accelerate the adoption of EVs, reduce transportation-related emissions, and contribute to the economic development of _____ [STATE].

[History and role of each agency.]

_____ is the State Energy Office and the lead agency for statewide energy policy planning and program development. [ADDITIONAL INFORMATION]

_____ is the State Department of Transportation and the lead agency for NEVI. [ADDITIONAL INFORMATION]

Purpose

The purpose of this MOU is to provide a framework of collaboration among the State Energy Office, State Department of Transportation, and other state agencies on the planning and implementation of state investments in EV charging infrastructure. The MOU describes each agency’s scope of responsibility to ensure EV charging investments are strategic, coordinated, efficient, and equitable while adhering to all Title 23 and 2 CFR 200 requirements.

Mutual Responsibilities

[The following should detail the mutual responsibilities of each agency as it pertains to NEVI and other state EV charging investments. Suggested items to include:]

- Detail communication and collaboration procedure
 - For example, “Each Party will inform the others of proposed legislation, planning, policy formulation or regulatory action affecting the others in adequate time to allow advanced input from all Parties. Input should be solicited from the other Parties a minimum of five business days prior to when response is needed”
- Detail information gathering and sharing process
 - For example, “gather and share information requested by the Parties in a timely manner”
- Designate qualified and sufficient staff to complete roles and responsibilities
- Define the cadence of when Party or agency staff will meet to coordinate efforts relative to EV programs and funding
- Define the cadence of when Party or agency staff will meet for a strategic planning session to coordinate on existing and future programs that will support the state’s EV infrastructure projects
- Define mutual responsibilities to include identifying potential sources of federal, state, and private investment to provide opportunities for EV charging infrastructure, increase EV adoption, invests in workforce development, and job creation
- Specify which agency grants final approval on programs or policies and what the final review process must entail
- Determine which agency is responsible for developing and updating the annual NEVI plans for each Fiscal Year (FY2022-FY2026)
- Determine which agency will develop and lead procurement, contracting, and grant management
- Define point of contact for each agency
- Allow flexibility to incorporate other agencies input as needed

State Energy Office Roles and Responsibilities

The following is sample language to consider including for the roles and responsibilities of the State Energy Office

- Determine which agency will designate and plan Alternative Fuel Corridors
- Determine the State Energy Offices involvement in creating and managing the competitive process for NEVI projects using a public process
- Ensure Title 23, [23 CFR 680](#), and [2 CFR 200](#) requirements are included in all procurement solicitations and contract agreements
- Ensure projects are in compliance with the National Environmental Policy Act (NEPA)
- Detail the State Energy Office’s role in working with consumer- and investor-owned utilities, and other public and private-sector stakeholders to provide input and guidance on EV program design

- In conjunction with the State Department of Transportation and other state agencies, jointly coordinate, manage, and oversee the approval of EV-related planning efforts and funding opportunities
- In coordination with the State Department of Transportation, create, manage, and update competitive solicitation project criteria that aligns with NEVI or other EV-plan goals and objectives
- Determine the agency that will lead regularly scheduled meetings for the Parties to ensure NEVI efforts are both coordinated and ensure consistent communication with the Joint Office of Energy and Transportation and the Federal Highway Administration (FHWA)
- Determine the agency that will monitor, maintain, and execute all necessary rules, and guidelines provided by the State DOT and FHWA
- Coordinate and collaborate with the state’s Metropolitan Planning Organizations, Regional Transportation Organizations, and Regional Planning Organizations as applicable, to ensure corridor development and construction projects are included in Transportation Plans

State Department of Transportation Roles and Responsibilities

The following is suggested language to include for the roles and responsibilities of the State Department of Transportation

- In coordination with the State Energy Office, prepare and submit responses, reports, and other information to the Joint Office of Energy and Transportation and the FHWA
- Ensure all NEVI-related projects are included in the Statewide Transportation Infrastructure Plan or Transportation Infrastructure Plan
- Communicate directly with the Joint Office and FHWA (if NEVI lead)
- Provide transportation-related data and analysis such as EV registrations, traffic patterns, and other associated information
- Provide technical and program assistance for planning, procurement, mapping, and other functions to successfully execute a Title 21 program
- Review materials, practices, policies, awards, and expenditures related to the oversight of [23 CFR 680](#) and 2 CFR 200
- Create and maintain geospatial information services (GIS) maps that may include current EV corridor, future corridor, and site plans

Media, Outreach and Public Information Relations

[The following should detail the process, roles and responsibilities for items related to media and outreach. Suggested items to include:]

- Determine process for reviewing and releasing a statement that reflect NEVI or other state-led EV programs. Determine a timeline for reviewing statements prior to information being released to the public
- Determine individual from each Party who will make the media statement
- Determine any specific items that are confidential or must seek approval from all parties before releasing

Procedure for Consultants

- Determine how each project consultants will disseminate information between hired consultants and other Parties

Effective Date

Amendments

- Determine process for issuing amendments
 - Amendments to this MOU may be proposed in writing at any time by any Party and will become effective upon signature by all Parties to this MOU. Amendments must be made in writing and shall be attached to this MOU and made a part thereof

Signature

Date

Printed Name

Date

Notice

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