

Improving Electric Vehicle Fast Charging Station Permitting

Strategies for State and Local Action

A Potential Bottleneck

In the absence of state and local action, local permitting and zoning processes could significantly delay the development of a robust national network of charging stations funded under the National Electric Vehicle Infrastructure (NEVI), Charging and Fueling Infrastructure (CFI), and other federal EV charging programs. Station developers report that current permitting timeframes for direct current fast charging (DCFC) stations are highly variable across local jurisdictions. In some jurisdictions they can secure a permit in a few weeks, while in others it can take many months or even more than a year to get a permit approved.

Requests for permit approvals are likely to increase dramatically in the next several years because of NEVI and other federal and state funding for DCFC stations. As a result, local governments with lengthy and complex processes could soon encounter a major backlog of projects seeking approval.

Some local governments have adopted best practices to streamline the permitting process for DCFC stations, and a few states have launched initiatives to educate local governments about such practices and to encourage or require their adoption. “States can provide guidance to local governments to help them address the core permitting challenges that EV charging station developers face when growing their charging network,” notes Rhia Davis, Government Affairs Director at Electrify America. This fact sheet highlights local and state actions to improve permitting and provides a list of resources to further explore solutions.

Factors that Drive Permitting Timeframes

Before construction can begin on an electric vehicle (EV) charging station, developers need to receive approval from the authority having jurisdiction (AHJ). While the approval process for DCFC varies based on the jurisdiction, it typically requires sign-off from the building, electrical, and planning departments. In many cases, a local zoning board also needs to review and approve the project plan. When these reviews are done sequentially, it can contribute to long timelines and delay project implementation.

In the absence of clear guidance from the AHJ, individual staff and zoning board members are responsible for interpreting local ordinances and determining whether applications meet the relevant approval criteria. This can lead to unclear and lengthy processes and create wide variability in local requirements.

Best Practices for Local Governments

There are several steps a local jurisdiction can take to improve the permitting and zoning process for DCFC stations.

Standardize the permit review and inspection process. Some AHJs find that amending their zoning ordinance to clarify that DCFC is an accessory use that does not require further zoning board approval, and to clearly identify any exceptions, can save time and resources for both zoning boards and applicants. AHJs can further streamline the review process by providing concurrent reviews for building, electric, and any other reviews necessary for permit approval. It is also important to standardize the building/electrical permit review and inspection

process and to make the grounds for rejecting a permit application clear up front.

Make the process for permitting DCFC stations clear and transparent. AHJs should clearly identify required application materials, where to find the permit application, permitting steps and associated timelines, any fees involved, and points-of-contact. Fact sheets are a convenient way to convey this information. Prominently featuring permits and fact sheets online makes it easy for station developers to locate this information.

Offer options to submit permit applications electronically. Providing permit application forms online, ideally in a fillable PDF application that accepts electronic signatures, and allowing permit applications to be submitted online or via email makes it easier for station developers to submit applications and for permitting staff to receive and process them.

Amend local ordinances to count EV charging spaces toward minimum parking requirements. Minimum parking requirements can be a barrier to siting charging stations when EV charging spaces are not explicitly counted as parking spaces. In such cases, station developers either cannot build a station in that location or need to apply for a zoning variance, which takes additional time and resources.

Develop expertise and share knowledge with station developers and other AHJs. Offering pre-permitting meetings during the siting phase for DCFC stations provides an opportunity for staff to become familiar with the proposed project and to identify potential issues for station developers to consider. In addition, larger jurisdictions may benefit from developing in-house expertise and designating a “DCFC Permitting Expert” as the point person on EV charging applications. It can also be useful for AHJ staff to coordinate with neighboring AHJs to share best practices.

State Action

There are several actions states can take to spur local governments to enact streamlined processes.

Develop resources in coordination with your state’s League of Cities and Towns. Guidance documents and model ordinances can be a valuable tool for local governments as they seek to streamline their permitting process for DCFC stations. Providing these resources also helps to create consistency across jurisdictions. Working with the state’s League of Cities and Towns or an equivalent organization can give legitimacy to the resources developed, enable materials to be publicized through their communication channels, and generate more local government buy-in.

Provide resources on your website and partner with planning organizations to amplify. Once resources are developed, post them in prominent locations on state websites. Presentations, social media, and working with regional planning agencies, metropolitan planning organizations, and associations of planners are effective ways to amplify the importance of action and the availability of resources.

Conduct individual outreach to high-priority jurisdictions. There may be key jurisdictions that warrant individual outreach. Such jurisdictions could include large municipalities, jurisdictions with a high number of planned DCFC installations, jurisdictions along alternative fueling corridors, and jurisdictions at the junction of major roadways, among others.

Consider passing state laws that require local jurisdictions to adopt a streamlined permitting process. A state-wide mandate can accelerate local adoption and improve consistency across jurisdictions. Consistency helps station developers address permit requirements more efficiently and accelerates the pace at which they can deploy DCFC stations. States that have passed legislation report that successful implementation of state-wide requirements requires significant outreach

along with deploying the other strategies identified in this fact sheet. Dedicating a staff person to oversee and support implementation can also help speed the process.

Both California and New Jersey have enacted legislation that requires local jurisdictions to adopt a streamlined permitting process for EV charging stations.

California

In 2015, California enacted a law (AB1236) that requires all cities and counties to develop an expedited, streamlined permitting process for EV charging stations, including the adoption of a streamlining ordinance and checklist. The law also limits project review to health and safety requirements. Building on this, California enacted a new law in 2021 (AB970) that sets binding timelines for review periods based on project size and clarifies that spots designated for EV charging count toward minimum parking requirements.

To assist local jurisdictions in complying with these laws, the Governor's Office of Business and Economic Development (GO-Biz) developed several resources and conducted extensive outreach to individual jurisdictions and through associations, such as the Rural County Representatives of California.

Achieving consistent compliance with the legislation is taking time. However, GO-Biz recently added a dedicated staff person to work collaboratively with local jurisdictions to address their concerns and troubleshoot problems. As a result, local efforts to streamline permitting have accelerated.

New Jersey

In 2021, New Jersey enacted a law (P.L. 2021, c. 171) requiring the development of a model statewide municipal EV ordinance. In response, the Department of Community Affairs (DCA) developed the model ordinance with support from the Department of Environmental Protection (DEP)

and the Board of Public Utilities (BPU). Once adopted by DCA, the ordinance automatically went into effect in all New Jersey municipalities. To reduce confusion, DCA encouraged all municipalities to formally adopt the ordinance in their local code.

The model ordinance includes mandatory sections that define all EV charging stations as a permitted accessory use and stipulates that each EV space counts toward minimum parking requirements. It also includes an optional section, which municipalities can modify, that provides reasonable standards on signage, safety, setback requirements, and parking enforcement of EV charging stations. Aesthetic decisions, such as lighting, are still determined by the local jurisdiction. Local jurisdictions can also pass their own alternative ordinance if it meets the minimum requirements outlined in the state law.

To raise awareness of the ordinance, senior staff from DCA, DEP, and BPU engaged in an extensive public outreach campaign that included a press release, social media communications, and numerous speaking engagements.

Conclusion

While permitting DCFC stations is the responsibility of local governments, states can take proactive steps, such as providing education and technical assistance and enacting legislative requirements, to ensure that local processes do not slow the build out of a robust and convenient national charging network. Taking these steps now is critical for preventing future project bottlenecks. The strategies suggested in this fact sheet are not exhaustive but are intended to serve as a starting point for exploring potential solutions. **Additional resources listed below can also be found online in the library on the EV States Clearinghouse website (search for "permitting" documents).**

GO-Biz. Electric Vehicle Charging Station Permitting Guidebook. July 2019. <https://www.veloz.org/wp-content/uploads/2019/08/GoBIZ-EVCharging-Guidebook.pdf>

This document provides detailed information on how local jurisdictions can streamline the local permitting process for EV charging stations to comply with AB1236 in California.

NESCAUM. Preparing Our Communities For Electric Vehicles: Facilitating Deployment of DC Fast Chargers. May 2019. <https://www.nescaum.org/documents/dcfc-permit-streamlining-whitepaper-final-5-14-19.pdf>

This document is a primer for local jurisdictions on EVs, charging stations, and streamlining the permitting process.

New Jersey Department of Community Affairs. DCA Model Statewide Municipal EV Ordinance. September 2021. nj.gov/dca/dlps/home/modelEVordinance.shtml

This website provides information about New Jersey's model ordinance, including a link to the ordinance.

NYSERDA. DC Fast Charger Streamlined Permitting Guidebook for Local Governments. February 2020. <https://www.nyscrda.ny.gov/-/media/Project/Nyscrda/Files/Programs/Clean-Energy-Siting/DC-Fast-Charger-Guidebook.pdf>

This document presents best practices for a streamlined process and includes model permitting ordinances and a sample EV charging station permit application.

Sustainable Energy Action Committee with RMI and the Interstate Renewable Energy Council. Planning and Zoning Guidance for Electric Vehicle Charger Deployment. July 2023. <https://sustainableenergyaction.org/resources/planning-and-zoning-guidance-for-electric-vehicle-charger-deployment/>

This document, developed through a year-long multistakeholder process, provides detailed guidance on best practices for local governments to streamline the permitting and zoning process for EV charging stations.

The Northeast States for Coordinated Air Use Management (NESCAUM) developed this fact sheet for participants at the July 2023 Electric Vehicle Charging Infrastructure National Conference hosted by the National Association of State Energy Officials (NASEO) and the American Association of State Highway and Transportation Officials (AASHTO). For more information, contact Jesse Way at NESCAUM (jway@nescaum.org).